

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 Stephen Hart
Cr Stuart Hart
Cr Geoff Higgins
Cr Lyn Russell
Cr Chris Smith*

*Rob Small, Chief Executive Officer
Colin Hayman, General Manager, Corporate and Community Services
Jack Green, General Manager, Sustainable Planning and Development
Neil Allen, General Manager, Infrastructure and Services
Doug McNeill, Manager Planning and Building
Anne Sorensen, Statutory Planning Co-Ordinator
Maree Redmond, Executive Assistant*

3. APOLOGIES

Cr Frank Buchanan

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. 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 show respect to each other and respect for the office of an elected representative.

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.

5. DECLARATION OF INTEREST

Nil

6. VERBAL SUBMISSIONS FROM APPLICANTS/OBJECTORS

PC091208-3 USE AND DEVELOPMENT OF THE LAND AT 3620 GREAT OCEAN ROAD, GLENAIRE FOR A DWELLING AND GARAGE/SHED

Designer: John Riches

PC091208-4 USE & DEVELOPMENT OF LAND FOR A TRADE SUPPLY AND ANCILLARY TIMBER YARD, SIGNAGE; AND WAIVERING OF CARPARKING AT 130-138 BROMFIELD STREET AND 73 QUEEN STREET, COLAC

Objector Wilma Cielez

Applicant Steven Rippon

PC091208-5 MULTI STOREY, MIXED USE DEVELOPMENT COMPRISING TWO SHOPS, ACCOMMODATION COMPRISING OF TEN RESIDENTIAL APARTMENTS AND WAIVING OF CAR PARKING AT 161 GREAT OCEAN ROAD, APOLLO BAY

Objector: John Curry

Objector Tony Grech

Applicant/Architect : Donald Walker

7. CONFIRMATION OF MINUTES

- **Planning Committee held on the 08/07/09.**

Resolution

MOVED Cr Lyn Russell seconded Cr Stuart Hart that Council confirm the above minutes.

CARRIED 6 : 0

OFFICERS' REPORTS

Sustainable Planning and Development

- PC091208-1 MONTHLY PLANNING & BUILDING STATISTICAL REPORT FOR THE MONTH OF JUNE 2009
- PC091208-2 WAIVING OF CAR PARKING FOR THE PURPOSE OF ACCOMMODATION – 9A DIANA STREET, APOLLO BAY
- PC091208-3 USE AND DEVELOPMENT OF THE LAND AT 3620 GREAT OCEAN ROAD, GLENAIRE FOR A DWELLING AND GARAGE/SHED
- PC091208-4 USE & DEVELOPMENT OF LAND FOR A TRADE SUPPLY AND ANCILLARY TIMBER YARD, SIGNAGE; AND WAIVERING OF CARPARKING AT 130-138 BROMFIELD STREET AND 73 QUEEN STREET, COLAC
- PC091208-5 MULTI STOREY, MIXED USE DEVELOPMENT COMPRISING TWO SHOPS, ACCOMMODATION COMPRISING OF TEN RESIDENTIAL APARTMENTS AND WAIVING OF CAR PARKING AT 161 GREAT OCEAN ROAD, APOLLO BAY

Rob Small
Chief Executive Officer

**PC091208-1 MONTHLY PLANNING & BUILDING STATISTICAL REPORT
FOR THE MONTH OF JUNE 2009**

AUTHOR:	Janole Cass	ENDORSED:	Jack Green
DEPARTMENT:	Sustainable Planning & Development	FILE REF:	GEN00450

Recommendation(s)

That Council Planning Committee note the June 2009 Planning and Building statistical report.

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**Resolution**

***MOVED Cr Stephen Hart seconded Cr Geoff Higgins that Council Planning Committee note the June 2009 Planning and Building statistical report.***

***CARRIED 6 : 0***

**PC091208-2      *WAIVING OF CAR PARKING FOR THE PURPOSE OF  
ACCOMMODATION – 9A DIANA STREET, APOLLO BAY***

|             |                                          |           |            |
|-------------|------------------------------------------|-----------|------------|
| AUTHOR:     | Ros Snaauw                               | ENDORSED: | Jack Green |
| DEPARTMENT: | Sustainable<br>Planning &<br>Development | FILE REF: | PP432/08   |

**Recommendation(s)**

***That Council's Planning Committee resolve to issue a Notice of Decision to Grant a Planning Permit for Planning Permit Application PP432/08 for Waiving of Car Parking for the Purpose of Accommodation subject to the following conditions:***

- 1. The layout of the site and the size of the proposed carspaces as shown on the endorsed plans must not be altered or modified without the written consent of the Responsible Authority.***
- 2. This permit will expire if the following circumstance applies: The use is not started within two years of the date of this permit. The Responsible Authority may extend the period 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 use of the dwelling as short term accommodation.***

**Resolution**

***MOVED Cr Geoff Higgins seconded Cr Lyn Russell that Council's Planning Committee resolve to issue a Notice of Decision to Grant a Planning Permit for Planning Permit Application PP432/08 for Waiving of Car Parking for the Purpose of Accommodation subject to the following conditions:***

- 1. The layout of the site and the size of the proposed carspaces as shown on the endorsed plans must not be altered or modified without the written consent of the Responsible Authority.***
- 2. This permit will expire if the following circumstance applies: The use is not started within two years of the date of this permit. The Responsible Authority may extend the period 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 use of the dwelling as short term accommodation.***

**CARRIED 6 : 0**

**PC091208-3      USE AND DEVELOPMENT OF THE LAND AT 3620 GREAT OCEAN ROAD, GLENAIRE FOR A DWELLING AND GARAGE/SHED**

|             |                                    |           |            |
|-------------|------------------------------------|-----------|------------|
| AUTHOR:     | Ros Snaauw                         | ENDORSED: | Jack Green |
| DEPARTMENT: | Sustainable Planning & Development | FILE REF: | PP435-08   |

**Recommendation(s)**

***That Council's Planning Committee resolve to issue a Planning Permit for use and development of 3620 Great Ocean Road, Glenaire for a dwelling and garage 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 development starts, a landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The plan must show a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, sizes at maturity, and quantities of each plant that will surround the dwelling. All species selected must be to the satisfaction of the Responsible Authority, with a preference for species indigenous to the area (EVC 16 – Lowland Forest).***
- 3. The roof and external walls of the dwelling and the outbuildings shall be constructed of a non-reflective material which will effectively blend the development in with the natural colours of the surrounding landscape (ie. Not white, off white, beige, cream, fawn, light yellow or similar colour, galvanised or zinalume).***
- 4. The development must not breach Covenant No. AB585343W 26/09/2002.***
- 5. The proponent must follow the recommendations contained in the Geotechnical Assessment undertaken by 2020 Engineering Solutions report number ES08217 dated 1 December 2008.***
- 6. All environmental weeds as outlined in "Environmental Weeds of the Colac Otway Shire" brochure must be controlled on the property at all times and prevented from spreading to neighbouring land to the satisfaction of the Responsible Authority.***
- 7. No environmental weeds as referred to in "Environmental Weeds of the Colac Otway Shire" brochure shall be planted on or allowed to invade the site.***

8. ***An all waste septic tank disposal system is to be constructed concurrently with the new dwelling, such that all liquid waste must be, at all times, contained within the curtilage of the title. Such system must be designed and installed to the satisfaction of the Responsible Authority.***
9. ***The proposed septic tank system must not be located within 60 metres of the bank of any surface waters, unless the liquid waste is treated to the satisfaction of the Responsible Authority. Any such reduction in distance to the surface waters will be at the discretion of the Responsible Authority.***
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.***
11. ***Access from the Great Ocean Road must be of all weather construction and easy to see from the road.***
12. ***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.***

#### ***Conditions Required by Country Fire Authority***

13. ***Water Supply Requirements***
- 13.1 ***A static water supply, such as a tank, must be provided.***
- 13.2 ***A static water supply such as a tank must be provided and must meet the following requirements:***
  - 13.2.1 ***A minimum of 10,000 litres on-site static storage must be provided on the lot and be maintained solely for fire fighting.***
  - 13.2.2 ***The water supply must be located within 60 metres of the dwelling.***
  - 13.2.3 ***Fire brigade vehicles must be able to get to within four metres of the water supply outlet as indicated on the wildfire development plan.***
  - 13.2.4 ***The water supply must be readily identifiable from the building or appropriate signage (see Appendix A: Figure 1) must point to water supply. All below-ground water pipelines must be installed to the following depths:***
    - ***subject to vehicle traffic – 300mm***
    - ***under houses or concrete slabs – 75mm***
    - ***all other locations – 225mm***
    - ***all fixed above-ground water pipelines and fittings, including water supply, must be constructed of non-corrosive and non-combustible materials or protected from the effects of radiant heat and flame.***

**13.3** *If the static water supply is above ground the following additional standards apply:*

**13.3.1** *All above-ground static water supply must provide at least one 64mm. 3 thread/25mm x 50mm nominal bore British Standard Pipe (BSP), round male coupling (see Appendix A: Figure 2).*

**13.3.2** *All pipe work and valving between the water supply and the outlet must be no less than 50mm nominal bore.*

**13.3.3** *If less than 20 metres from the building, each outlet must face away from the building to allow access during emergencies.*

**14.** *Access Requirements*

**14.1** *Access to the dwelling must be designed to allow emergency vehicles access. The minimum design requirements are as follows:*

**14.1.1** *curves in driveway must have a minimum inner radius of ten metres;*

**14.1.2** *the average grade must be no more than 1 in 7 (14.4%)(8.1<sup>0</sup>) with a maximum of no more than 1 in 5 (20%)(11.3<sup>0</sup>) for no more than 50 metres;*

**14.1.3** *dips must have no more than a 1 in 8 (12.5%)(7.1<sup>0</sup>) entry and exit angle.*

**14.2** *If the driveway from the road to the dwelling and water supply, including gates, bridges and culverts, is greater than 30m long, the driveway:*

**14.2.1** *must be designed, constructed and maintained for a load limit of at least 15 tonnes, and*

**14.2.2** *be all weather construction; and*

**14.2.3** *must provide a minimum trafficable width of 3.5 metres, and*

**14.2.4** *be clear of encroachments four metres vertically (see Appendix A: Figure 3).*

**14.3** *If the driveway is longer than 100 metres, a turning area for fire fighting vehicles close to the dwelling must be provided by either:*

**14.3.1** *a turning circle with a minimum radius of 8 metres; or*

**14.3.2** *by the driveway encircling the dwelling; or*

**14.3.3** *a "T" head or "Y" head with a minimum formed surface of each leg being eight metres in length measured from the centre point of the head, and*

**14.3.4** *four metres trafficable width (see Appendix A: Figure 4)*

**15.** *Vegetation Management Requirements*

**Inner Zone**

*A distance of 10 metres around the proposed dwelling 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 Inner Zone. On the remaining 50% the inner zone, elevated fuel must be at most, sparse, with very little dead material.*
- Dry shrubs must be isolated in small clumps more than 10m away from the dwelling.*
- Trees must not overhang the roofline of the dwelling.*



**Outer Zone**

***A distance of 80 metres around the proposed dwelling or to the property boundary (whichever is the lesser) must be maintained to the following requirement 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 20mm deep.***
- ***There must be no elevated fuel on at least 50% of the outer zone area.***
- ***Clumps of dry native shrubs must be isolated from one another by at least ten metres.***

***Note: Non-flammable features such as tennis courts, swimming pools, dams, 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 the high flammability such as coir doormats, firewood stacks should to be located near the dwelling during the fire danger period. Clumps of hedges of shrubs with low flammability and/or high moisture content may be retained to act as a barrier to embers and radiant heat.***

***Note for Category of Bushfire Attack***

***CFA is unable to provide a note regarding the site assessment for AS 3959-2009. The Relevant Building Surveyor will need to provide this determination prior to issuing a Building Permit.***

***CFA Recommendations***

***CFA recommends that consideration be given to the installation of fire fighting equipment as listed below;***

- ***At least a 5hp petrol or diesel pump, which can be either, be fixed or transportable.***
- ***Fire fighting hoses which can, as a minimum reach all parts of the house including the roof and roof space and has attached a controllable branch.***
- ***Fixed fire fighting pumps be protected with a non combustibile cover or pump house.***

**Note**

1. ***Building approval is required prior to commencement of construction.***
2. ***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 Stephen Hart seconded Cr Stuart Hart that Council's Planning Committee resolve to issue a Planning Permit for use and development of 3620 Great Ocean Road, Glenaire for a dwelling and garage 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 development starts, a landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The plan must show a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, sizes at maturity, and quantities of each plant that will surround the dwelling. All species selected must be to the satisfaction of the Responsible Authority, with a preference for species indigenous to the area (EVC 16 – Lowland Forest).**
- 3. The roof and external walls of the dwelling and the outbuildings shall be constructed of a non-reflective material which will effectively blend the development in with the natural colours of the surrounding landscape (ie. Not white, off white, beige, cream, fawn, light yellow or similar colour, galvanised or zincalume).**
- 4. The development must not breach Covenant No. AB585343W 26/09/2002.**
- 5. The proponent must follow the recommendations contained in the Geotechnical Assessment undertaken by 2020 Engineering Solutions report number ES08217 dated 1 December 2008.**
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- 8. An all waste septic tank disposal system is to be constructed concurrently with the new dwelling, such that all liquid waste must be, at all times, contained within the curtilage of the title. Such system must be designed and installed to the satisfaction of the Responsible Authority.**

9. ***The proposed septic tank system must not be located within 60 metres of the bank of any surface waters, unless the liquid waste is treated to the satisfaction of the Responsible Authority. Any such reduction in distance to the surface waters will be at the discretion of the Responsible Authority.***
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.***
11. ***Access from the Great Ocean Road must be of all weather construction and easy to see from the road.***
12. ***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.***

#### ***Conditions Required by Country Fire Authority***

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    - ***subject to vehicle traffic – 300mm***
    - ***under houses or concrete slabs – 75mm***
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- 14.1.3 *dips must have no more than a 1 in 8 (12.5%)(7.1<sup>o</sup>) entry and exit angle.*
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- 14.3.1 *a turning circle with a minimum radius of 8 metres; or*
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- 14.3.3 *a “T” head or “Y” head with a minimum formed surface of each leg being eight metres in length measured from the centre point of the head, and*
- 14.3.4 *four metres trafficable width (see Appendix A: Figure 4)*

#### **15. Vegetation Management Requirements**

##### **Inner Zone**

*A distance of 10 metres around the proposed dwelling 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.*
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##### **Outer Zone**

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- Grass must be no more than 100mm in height.*
- Leaf litter must be less than 20mm deep.*

- *There must be no elevated fuel on at least 50% of the outer zone area.*
- *Clumps of dry native shrubs must be isolated from one another by at least ten metres.*

*Note: Non-flammable features such as tennis courts, swimming pools, dams, 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 the high flammability such as coir doormats, firewood stacks should be located near the dwelling during the fire danger period. Clumps of hedges of shrubs with low flammability and/or high moisture content may be retained to act as a barrier to embers and radiant heat.*

**Note for Category of Bushfire Attack**

*CFA is unable to provide a note regarding the site assessment for AS 3959-2009. The Relevant Building Surveyor will need to provide this determination prior to issuing a Building Permit.*

**CFA Recommendations**

*CFA recommends that consideration be given to the installation of fire fighting equipment as listed below;*

- *At least a 5hp petrol or diesel pump, which can be either, be fixed or transportable.*
- *Fire fighting hoses which can, as a minimum reach all parts of the house including the roof and roof space and has attached a controllable branch.*
- *Fixed fire fighting pumps be protected with a non combustible cover or pump house.*

**Note**

1. *Building approval is required prior to commencement of construction.*
2. *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.*

**CARRIED 6 : 0**

**PC091208-4 USE & DEVELOPMENT OF LAND FOR A TRADE SUPPLY AND ANCILLARY TIMBER YARD, SIGNAGE; AND WAIVERING OF CARPARKING AT 130-138 BROMFIELD STREET AND 73 QUEEN STREET, COLAC**

|             |                                    |           |            |
|-------------|------------------------------------|-----------|------------|
| AUTHOR:     | Anne Sorensen                      | ENDORSED: | Jack Green |
| DEPARTMENT: | Sustainable Planning & Development | FILE REF: | PP415/08   |

**Recommendation(s)**

***That the Planning Committee issue a Notice of Decision to Grant a Permit for the use and development of 130-138 Bromfield Street and 73 Queen Street, Colac (Lot1, TP592083, Lot 1, TP344613, Lots 1 & 2, TP347333, Lot 1, TP675384 and Lot 2, LP13603, Parish of Colac) for Trade Supplies and ancillary Timber Yard, waivering of car parking and advertising, subject to the following conditions:***

- 1. Before the use and development commences, 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) The wall along the eastern property boundary adjacent to 75 Queen Street to be reduced in length by a minimum of 5 metres;***
  - (b) Provision of a direct pedestrian link from Bromfield Street to the main entry of the building;***
  - (c) Directional signage for the movement of all vehicles, within, to and from the site;***
  - (d) Entry/exit signs on Rae Street;***
  - (e) A left turn only sign at the entry point of Bromfield Street;***
  - (f) A 2.4 metre high gate and a 'no entry' sign on the property boundary butting 73 Queen Street;***
  - (g) Signs identifying a maximum speed limit of 15 kilometres per hour for the internal access roads and car parking areas within the development.***
  - (h) For the bulk storage area on 73 Queen Street, the driveway including entry/exit points to be located towards the northern property boundary of this site;***
  - (i) Details of all security lighting proposed for the site including the bulk storage area;***

- (j) Provision of an acoustic fence of 2.4 metres in height to be provided along the entire southern property boundary of 73 Queen Street and for a minimum of 5 metres along the north section of the eastern property boundary of 73 Queen Street. The design of the fence must be prepared in consultation with a suitably qualified acoustic engineer. The details of the design and acoustic qualities of the fence must be to the satisfaction of the responsible authority;*
  - (k) Identification of the loading bay area for the bulk storage facility and general goods delivery;*
  - (l) Layout of the bulk storage area including the height of timber and mesh racks;*
  - (m) Existing crossovers to be reinstated, existing crossovers to be used and upgraded;*
  - (n) Additional on street car spaces created by the reinstatement of crossovers;*
  - (o) Removal of any on street car spaces required for new crossovers;*
  - (p) Bollards or fence structure between the Colac Gateway Centre car park and the car park on subject site.*
- 2. The use and development as shown on the endorsed plans must not be altered or modified without the written consent of the Responsible Authority.**
- 3. Before the development starts, a landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. This plan must be prepared by a qualified Landscape Architect who is a member of the Australian Institute of Landscape Architects, or a person with a suitable background in horticultural science or an allied field to the satisfaction of the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The landscaping plan must be generally in accordance with the landscape plan submitted with the application, but modified to include:**
  - a) details of surface finishes of pathways and driveways;*
  - b) a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sized at maturity, and quantities of each plant. Landscaping must include a mix of canopy trees with a minimum of 2 metres in height when planted and shrubs;*
  - c) landscaping and planting within all open areas of the site.*

**All species selected must be to the satisfaction of the Responsible Authority.**
- 4. Before the use starts, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.**
- 5. 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.**

6. ***Prior to the commencement of the use, all titles as described in the preamble of this permit must be consolidated. Written evidence of the consolidation of titles must be provided to the responsible authority.***
7. ***Prior to commencement of any construction on this site, a detailed Construction Management Plan must be submitted to and approved by the Responsible Authority. This plan must detail the following:***
  - a) ***A staging plan for all construction phases including indicative dates for commencement and completion;***
  - b) ***Intended access for construction vehicles;***
  - c) ***Engineering assessment of assets that will be impacted on by construction and recommended techniques to minimise any adverse impact;***
  - d) ***Details of actions to be implemented in the event of damage to abutting assets;***
  - e) ***Details of where construction personnel will park;***
  - f) ***Hours/days of construction;***
  - g) ***Phone numbers of on-site personnel or other supervisory staff to be contactable in the event of issues arising on site;***
  - h) ***Details of site cleanliness and clean up regimes;***
  - i) ***Material storage;***
  - j) ***Dust suppression.***

***When approved this Construction Management Plan shall form part of this permit as it relates to the development.***

8. ***All development and works must be carried out in accordance with the Construction Management Plan required by the above condition and endorsed under this permit, to the satisfaction of the Responsible Authority.***
9. ***During the construction phase of the development, the following conditions must be met:***
  - a) ***Only clean rainwater shall be discharged to the stormwater drainage system;***
  - b) ***Stormwater drainage system protection measures shall be installed as required to ensure that no solid waste, sediment, sand, soil, clay or stones from the premises enters the stormwater drainage system;***
  - c) ***Vehicle borne material from the premises shall not accumulate on the roads abutting the site;***
  - d) ***All machinery and equipment must be cleaned (if required) on site and not on adjacent footpaths or roads;***
  - e) ***Fencing is to be fitted and installed so as to ensure safe access for pedestrians;***
  - f) ***All litter (including items such as cement bags, food packaging and plastic strapping) must be contained on site.***

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

10. ***Before the use commences, the areas set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:***
  - a) ***In compliance with Austroads Part Eleven (11): Parking;***
  - b) ***constructed;***



- c) *properly formed to such levels that they can be used in accordance with the plans;*
- d) *surfaced with asphalt;*
- e) *drained and maintained;*
- f) *line marked to indicate each car space and all access lanes;*
- g) *clearly marked to show the direction of traffic along access lanes and driveways;*
- h) *entry/exit signs provided;*
- i) *'no entry' sign provided at 73 Queen Street;*
- j) *15 km speed sign.*

*to the satisfaction of the Responsible Authority.*

*Car spaces, access lanes and driveways must be kept available for these purposes at all times.*

11. *Vehicular crossing(s) must be constructed to the road to suit the proposed driveway(s) to the satisfaction of the Responsible Authority and any existing crossing or crossing opening must be removed and replaced with footpath, nature strip, and kerb and channel to the satisfaction of the Responsible Authority.*
12. *Prior to the commencement of the development, a stormwater detention system must be designed by a qualified engineer and lodged with the Responsible Authority verifying that post development stormwater discharge volume from the land does not exceed pre-development stormwater discharge volume and a maximum discharge rate of 30 litres per second per hectare is not exceeded, to the satisfaction of the Responsible Authority. Once approved such design must be endorsed and must form part of the permit. On site stormwater treatment is to comply with the Environment Protection Authority requirements and include water sensitive urban design techniques.*
13. *The site must be drained to the satisfaction of the Responsible Authority and no storm water, sullage, sewerage or polluted drainage may drain or discharge from the land to adjoining properties.*
14. *The use may only operate within the hours of:*
  - *Monday-Friday 7.30am-6.00pm;*
  - *Saturday and Sunday 8.00am-4.00pm.**unless with the written consent of the responsible authority.*
15. *Deliveries to the bulk storage facility must be restricted to the following hours:*
  - *Monday to Friday 8.00am-5.30pm.*
16. *The bulk storage facility must only be accessible by staff between the hours of Monday-Friday 8.00am-5.30pm, Saturday and Sunday 9.00am-4.00pm. General customer access to the bulk storage facility is not permitted.*
17. *Materials or goods must not be stacked in the bulk storage area higher than the 2.4 metre fence on either side property boundary of 73 Queen Street.*

18. ***The gate provided at the entrance of 73 Queen Street must be kept closed at all times with the exception of allowing delivery vehicles to exit the site onto Queen Street. Entry from Queen Street into the bulk storage area must not be provided to any vehicles.***
19. ***Outdoor lighting must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land or road reserve.***
20. ***The loading and unloading of goods from vehicles must only be carried out on the land within the designated loading bay[s] and must not disrupt the circulation and parking of vehicles on the land.***
21. ***All waste material not required for further on-site processing must be regularly removed from the site to the satisfaction of the Responsible Authority.***
22. ***Prior to the commencement of the development, an acoustic report must be prepared by a suitably qualified Acoustic Engineer for the activities proposed on 73 Queen Street, Colac, at the cost of the permit holder, to the satisfaction of the responsible authority. Recommendations contained within the acoustic report must be implemented as part of the development and prior to the commencement of the use.***
23. ***The acoustic fencing required along the southern boundary of 73 Queen Street, Colac and western boundary of 75 Queens Street, Colac must be constructed in accordance with the recommendations of an acoustic engineer (at the developers cost) and prior to the commencement of use of the bulk storage area to the satisfaction of the Responsible Authority.***
24. ***The amenity of the area must not be unduly 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.***
25. ***The location and details of the signage as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.***
26. ***All signs must be constructed and maintained to the satisfaction of the Responsible Authority.***
27. ***The signs must not be illuminated by external or internal light except with the written consent of the responsible authority.***

28. ***Advertising signage approval will expire in 15 years from the date of issue of this permit.***
29. ***The access driveway to Queen Street (Colac-Forest Road) shall be designed and constructed to the satisfaction of VicRoads and the Responsible Authority. The driveway shall be designed to cater for the path of turning trucks.***
30. ***All work must be carried out to VicRoads' satisfaction and Vic Roads' approval must be obtained prior to carrying out any work within the Queen Street (Colac-Forest Road) reserve. Appropriate traffic management measures must be in place when the driveway is being constructed.***
31. ***This permit will expire if one of the following circumstances applies:***
  - a) ***The development is not commenced within two years of the date of this permit;***
  - b) ***The development is not completed within four years of the date of this permit;***
  - c) ***The use is not commenced 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 Stephen Hart seconded Cr Stuart Hart that Council defer this application for further investigation.***

***Lost: 4 : 2***

### **Resolution**

***MOVED Cr Geoff Higgins seconded Cr Lyn Russell that the Planning Committee issue a Notice of Decision to Grant a Permit for the use and development of 130-138 Bromfield Street and 73 Queen Street, Colac (Lot1, TP592083, Lot 1, TP344613, Lots 1 & 2, TP347333, Lot 1, TP675384 and Lot 2, LP13603, Parish of Colac) for Trade Supplies and ancillary Timber Yard, wavering of car parking and advertising, subject to the following conditions:***

1. ***Before the use and development commences, 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) ***The wall along the eastern property boundary adjacent to 75 Queen Street to be reduced in length by a minimum of 5 metres;***

- (b) Provision of a direct pedestrian link from Bromfield Street to the main entry of the building;*
  - (c) Directional signage for the movement of all vehicles, within, to and from the site;*
  - (d) Entry/exit signs on Rae Street;*
  - (e) A left turn only sign at the entry point of Bromfield Street;*
  - (f) A 2.4 metre high gate and a 'no entry' sign on the property boundary butting 73 Queen Street;*
  - (g) Signs identifying a maximum speed limit of 15 kilometres per hour for the internal access roads and car parking areas within the development.*
  - (h) For the bulk storage area on 73 Queen Street, the driveway including entry/exit points to be located towards the northern property boundary of this site;*
  - (i) Details of all security lighting proposed for the site including the bulk storage area;*
  - (j) Provision of an acoustic fence of 2.4 metres in height to be provided along the entire southern property boundary of 73 Queen Street and for a minimum of 5 metres along the north section of the eastern property boundary of 73 Queen Street. The design of the fence must be prepared in consultation with a suitably qualified acoustic engineer. The details of the design and acoustic qualities of the fence must be to the satisfaction of the responsible authority;*
  - (k) Identification of the loading bay area for the bulk storage facility and general goods delivery;*
  - (l) Layout of the bulk storage area including the height of timber and mesh racks;*
  - (m) Existing crossovers to be reinstated, existing crossovers to be used and upgraded;*
  - (n) Additional on street car spaces created by the reinstatement of crossovers;*
  - (o) Removal of any on street car spaces required for new crossovers;*
  - (p) Bollards or fence structure between the Colac Gateway Centre car park and the car park on subject site.*
- 2. The use and development as shown on the endorsed plans must not be altered or modified without the written consent of the Responsible Authority.**
- 3. Before the development starts, a landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. This plan must be prepared by a qualified Landscape Architect who is a member of the Australian Institute of Landscape Architects, or a person with a suitable background in horticultural science or an allied field to the satisfaction of the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The landscaping plan must be generally in accordance with the landscape plan submitted with the application, but modified to include:**

- a) *details of surface finishes of pathways and driveways;*
- b) *a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sized at maturity, and quantities of each plant. Landscaping must include a mix of canopy trees with a minimum of 2 metres in height when planted and shrubs;*
- c) *landscaping and planting within all open areas of the site.*

*All species selected must be to the satisfaction of the Responsible Authority.*

4. *Before the use starts, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.*
5. *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.*
6. *Prior to the commencement of the use, all titles as described in the preamble of this permit must be consolidated. Written evidence of the consolidation of titles must be provided to the responsible authority.*
7. *Prior to commencement of any construction on this site, a detailed Construction Management Plan must be submitted to and approved by the Responsible Authority. This plan must detail the following:*
  - a) *A staging plan for all construction phases including indicative dates for commencement and completion;*
  - b) *Intended access for construction vehicles;*
  - c) *Engineering assessment of assets that will be impacted on by construction and recommended techniques to minimise any adverse impact;*
  - d) *Details of actions to be implemented in the event of damage to abutting assets;*
  - e) *Details of where construction personnel will park;*
  - f) *Hours/days of construction;*
  - g) *Phone numbers of on-site personnel or other supervisory staff to be contactable in the event of issues arising on site;*
  - h) *Details of site cleanliness and clean up regimes;*
  - i) *Material storage;*
  - j) *Dust suppression.*

*When approved this Construction Management Plan shall form part of this permit as it relates to the development.*

8. *All development and works must be carried out in accordance with the Construction Management Plan required by the above condition and endorsed under this permit, to the satisfaction of the Responsible Authority.*

9. ***During the construction phase of the development, the following conditions must be met:***
- (a) ***Only clean rainwater shall be discharged to the stormwater drainage system;***
  - (b) ***Stormwater drainage system protection measures shall be installed as required to ensure that no solid waste, sediment, sand, soil, clay or stones from the premises enters the stormwater drainage system;***
  - (c) ***Vehicle borne material from the premises shall not accumulate on the roads abutting the site;***
  - (d) ***All machinery and equipment must be cleaned (if required) on site and not on adjacent footpaths or roads;***
  - (e) ***Fencing is to be fitted and installed so as to ensure safe access for pedestrians;***
  - (f) ***All litter (including items such as cement bags, food packaging and plastic strapping) must be contained on site.***

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

10. ***Before the use commences, the areas set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:***
- a) ***In compliance with Austroads Part Eleven (11): Parking;***
  - b) ***constructed;***
  - c) ***properly formed to such levels that they can be used in accordance with the plans;***
  - d) ***surfaced with asphalt;***
  - e) ***drained and maintained;***
  - f) ***line marked to indicate each car space and all access lanes;***
  - g) ***clearly marked to show the direction of traffic along access lanes and driveways;***
  - h) ***entry/exit signs provided;***
  - i) ***'no entry' sign provided at 73 Queen Street;***
  - j) ***15 km speed sign.***

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

***Car spaces, access lanes and driveways must be kept available for these purposes at all times.***

11. ***Vehicular crossing(s) must be constructed to the road to suit the proposed driveway(s) to the satisfaction of the Responsible Authority and any existing crossing or crossing opening must be removed and replaced with footpath, nature strip, and kerb and channel to the satisfaction of the Responsible Authority.***

12. ***Prior to the commencement of the development, a stormwater detention system must be designed by a qualified engineer and lodged with the Responsible Authority verifying that post development stormwater discharge volume from the land does not exceed pre-development stormwater discharge volume and a maximum discharge rate of 30 litres per second per hectare is not exceeded, to the satisfaction of the Responsible Authority. Once approved such design must be endorsed and must form part of the permit. On site stormwater treatment is to comply with the Environment Protection Authority requirements and include water sensitive urban design techniques.***
13. ***The site must be drained to the satisfaction of the Responsible Authority and no storm water, sullage, sewerage or polluted drainage may drain or discharge from the land to adjoining properties.***
14. ***The use may only be open to the public within the hours of:***
  - ***Monday-Friday 7.30am-6.00pm;***
  - ***Saturday and Sunday 8.00am-4.00pm.***

***unless with the written consent of the responsible authority.***
15. ***Deliveries to the bulk storage facility must be restricted to the following hours:***
  - ***Monday to Friday 8.00am-5.30pm.***
16. ***The bulk storage facility must only be accessible by staff between the hours of Monday-Friday 8.00am-5.30pm, Saturday and Sunday 9.00am-4.00pm. General customer access to the bulk storage facility is not permitted.***
17. ***Materials or goods must not be stacked in the bulk storage area higher than the 2.4 metre fence on either side property boundary of 73 Queen Street.***
18. ***The gate provided at the entrance of 73 Queen Street must be kept closed at all times with the exception of allowing delivery vehicles to exit the site onto Queen Street. Entry from Queen Street into the bulk storage area must not be provided to any vehicles.***
19. ***Outdoor lighting must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land or road reserve.***
20. ***The loading and unloading of goods from vehicles must only be carried out on the land within the designated loading bay[s] and must not disrupt the circulation and parking of vehicles on the land.***
21. ***All waste material not required for further on-site processing must be regularly removed from the site to the satisfaction of the Responsible Authority.***

22. ***Prior to the commencement of the development, an acoustic report must be prepared by a suitably qualified Acoustic Engineer for the activities proposed on 73 Queen Street, Colac, at the cost of the permit holder, to the satisfaction of the responsible authority. Recommendations contained within the acoustic report must be implemented as part of the development and prior to the commencement of the use.***
23. ***The acoustic fencing required along the southern boundary of 73 Queen Street, Colac and western boundary of 75 Queens Street, Colac must be constructed in accordance with the recommendations of an acoustic engineer (at the developers cost) and prior to the commencement of use of the bulk storage area to the satisfaction of the Responsible Authority.***
24. ***The amenity of the area must not be unduly 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.***
25. ***The location and details of the signage as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.***
26. ***All signs must be constructed and maintained to the satisfaction of the Responsible Authority.***
27. ***The signs must not be illuminated by external or internal light except with the written consent of the responsible authority.***
28. ***Advertising signage approval will expire in 15 years from the date of issue of this permit.***
29. ***The access driveway to Queen Street (Colac-Forest Road) shall be designed and constructed to the satisfaction of VicRoads and the Responsible Authority. The driveway shall be designed to cater for the path of turning trucks.***
30. ***All work must be carried out to VicRoads' satisfaction and Vic Roads' approval must be obtained prior to carrying out any work within the Queen Street (Colac-Forest Road) reserve. Appropriate traffic management measures must be in place when the driveway is being constructed.***
31. ***This permit will expire if one of the following circumstances applies:***
  - a) ***The development is not commenced within two years of the date of this permit;***



- b) The development is not completed within four years of the date of this permit;*
- c) The use is not commenced 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.*

*Division called by Cr Stephen Hart*

*For the Motion: Cr Higgins, Cr Smith, Cr Russell, Cr Crook*

*Against the Motion: Cr Stuart Hart, Cr Stephen Hart*

**CARRIED 4 : 2**

### **Additional Resolution**

***MOVED Cr Russell seconded Cr Stephen Hart that Council Officers arrange a meeting with the owners of 130-138 Bromfield Street and the adjoining Colac Gateway Centre and Aldi Development with the view to achieving a through access between the car parks on the two properties by agreement.***

**CARRIED: 5 : 1**

**PC091208-5      *MULTI STOREY, MIXED USE DEVELOPMENT COMPRISING TWO SHOPS, ACCOMMODATION COMPRISING OF TEN RESIDENTIAL APARTMENTS AND WAIVING OF CAR PARKING AT 161 GREAT OCEAN ROAD, APOLLO BAY***

|             |                                    |           |            |
|-------------|------------------------------------|-----------|------------|
| AUTHOR:     | Anne Sorensen                      | ENDORSED: | Jack Green |
| DEPARTMENT: | Sustainable Planning & Development | FILE REF: | PP149/08   |

**Recommendation(s)**

***That Council's Planning Committee resolve to issue a Notice of Decision to Grant a Planning Permit for a multi storey, mixed use development comprising two shops, ten residential apartments and waiving of car parking at 161 Great Ocean Road, Apollo Bay, subject to the following conditions:***

1. ***Before the development start(s), 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) ***Survey of the topography of the land;***
  - b) ***Maximum building height, including the lift roof, must not exceed 10.5 metres from the existing ground level;***
  - c) ***The first floor setback must be increased to 3.0 metres;***
  - d) ***Measures to ensure no overlooking of adjoining properties to the north or west;***
  - e) ***Designation of car spaces in the basement car park with two spaces allocated to each shop and the balance of car spaces specifically allocated to each dwelling;***
  - f) ***The internal access way to be a minimum of 5 metres in width;***
  - g) ***Provision of a loading bay within the basement car park;***
  - h) ***Siting of all plant and equipment for minimal impact of adjoining properties. Full details of acoustic screening to all plant and equipment to meet the Australian Standard for Sound Emissions.***
  - i) ***Colours and materials, including non-reflective roofing;***
  - j) ***A contiguous verandah along the street frontage to provide weather protection for pedestrians;***
  - k) ***All external lighting.***

2. ***The use and development as shown on the endorsed plans must not be altered or modified without the written consent of the Responsible Authority.***
3. ***Before the development starts, a landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. This plan must be prepared by a qualified Landscape Architect who is a member of the Australian Institute of Landscape Architects, or a person with a suitable background in horticultural science or an allied field to the satisfaction of the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The landscaping plan must be generally in accordance with the landscape plan submitted with the application, but modified to include:***
  - a) ***details of surface finishes of pathways and driveways;***
  - b) ***a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sized at maturity, and quantities of each plant. Landscaping must include a mix of canopy trees with a minimum of 2 metres in height when planted and shrubs;***
  - c) ***landscaping and planting within all open areas of the site.***

***All species selected must be to the satisfaction of the Responsible Authority.***

4. ***Before the use starts, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.***
5. ***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.***
6. ***Prior to the issue of a Building Permit or commencement of any works, the permit holder must have the written consent of the responsible authority to remove or build over the drainage easement located on the northern property boundary.***
7. ***Prior to commencement of any construction on this site, a detailed Construction Management Plan must be submitted to and approved by the Responsible Authority. This plan must detail the following:***
  - a) ***A staging plan for all construction phases including indicative dates for commencement and completion;***
  - b) ***Intended access for construction vehicles;***
  - c) ***Engineering assessment of assets that will be impacted on by construction and recommended techniques to minimise any adverse impact;***
  - d) ***Details of actions to be implemented in the event of damage to abutting assets;***
  - e) ***Details of where construction personnel will park;***
  - f) ***Hours/days of construction;***

- g) Phone numbers of on-site personnel or other supervisory staff to be contactable in the event of issues arising on site;*
- h) Details of site cleanliness and clean up regimes;*
- i) Material storage;*
- j) Dust suppression.*

*When approved this Construction Management Plan shall form part of this permit as it relates to the development.*

- 8. All development and works must be carried out in accordance with the Construction Management Plan required by the above condition and endorsed under this permit, to the satisfaction of the Responsible Authority.*
- 9. During the construction phase of the development, the following conditions must be met:*
  - a) Only clean rainwater shall be discharged to the stormwater drainage system;*
  - b) Stormwater drainage system protection measures shall be installed as required to ensure that no solid waste, sediment, sand, soil, clay or stones from the premises enters the stormwater drainage system;*
  - c) Vehicle borne material from the premises shall not accumulate on the roads abutting the site;*
  - d) All machinery and equipment must be cleaned (if required) on site and not on adjacent footpaths or roads;*
  - e) Fencing is to be fitted and installed so as to ensure safe access for pedestrians;*
  - f) All litter (including items such as cement bags, food packaging and plastic strapping) must be contained on site.*

*to the satisfaction of the Responsible Authority.*

- 10. Before the use commences, the areas set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:*
  - a) in compliance with Austroads Part Eleven (11): Parking;*
  - b) constructed;*
  - c) properly formed to such levels that they can be used in accordance with the plans;*
  - d) surfaced with concrete or asphalt;*
  - e) drained and maintained;*
  - f) line marked to indicate each car space and all access lanes;*
  - g) clearly marked to show the direction of traffic along access lanes and driveways;*
  - h) amended to show a designated loading bay;*
  - i) amended to show entry/exit signs;*

*to the satisfaction of the Responsible Authority.*

*Car spaces, access lanes and driveways must be kept available for these purposes at all times.*

11. ***Vehicular crossing(s) must be constructed to the road to suit the proposed driveway(s) to the satisfaction of the Responsible Authority and any existing crossing or crossing opening must be removed and replaced with footpath, nature strip, and kerb and channel to the satisfaction of the Responsible Authority.***
  12. ***The driveway to the property from the Great Ocean Road, should be shaped to allow two way traffic movement at the entrance of the site, to the satisfaction of VicRoads and the responsible authority. The internal access way should be a minimum of 5 metres in width to allow for the movement of two way traffic within the basement area of the site to the satisfaction of the responsible authority.***
  13. ***Prior to the commencement of the development, a stormwater detention system must be designed by a qualified engineer and lodged with the Responsible Authority verifying that post development stormwater discharge volume from the land does not exceed pre-development stormwater discharge volume and a maximum discharge rate of 30 litres per second per hectare is not exceeded, to the satisfaction of the Responsible Authority. Once approved such design must be endorsed and must form part of the permit. On site stormwater treatment is to comply with the Environment Protection Authority requirements and include water sensitive urban design techniques.***
  14. ***The site must be drained to the satisfaction of the Responsible Authority and no storm water, sullage, sewerage or polluted drainage may drain or discharge from the land to adjoining properties.***
  15. ***Outdoor lighting must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining properties.***
  16. ***The loading and unloading of goods from vehicles must only be carried out on the land within the designated loading bay[s] and must not disrupt the circulation and parking of vehicles on the land.***
  17. ***All waste material not required for further on-site processing must be regularly removed from the site to the satisfaction of the Responsible Authority.***
  18. ***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.***

19. ***All run off from stormwater must be taken to a legal point of discharge to the satisfaction of the Responsible Authority, and the hard stand areas of the development must be designed to incorporate water sensitive urban design principles to the satisfaction of the responsible authority. Drainage plans must be submitted to the responsible authority for approval prior to commencement of the development.***
20. ***Provision must be made for waste receptacles for each of the occupancies within the common property area, specifically allocated to each lot, to the satisfaction of the responsible authority.***
21. ***A private contractor must be engaged to collect all rubbish from bins within the car park. No rubbish bins are to be placed on the footpath or out the front of the site for collection. All rubbish collection must be carried out from within the site.***
22. ***This permit will expire if one of the following circumstances applies:***
  - ***The development is not commenced within two years of the date of this permit;***
  - ***The development is not completed within four years of the date of this permit;***
  - ***The use is not commenced 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 Stephen Hart seconded Cr Lyn Russell that Council resolves to issue a Notice of Refusal on the following grounds;***

1. ***inadequate car parking,***
2. ***overdevelopment of the site,***
3. ***excessive height of the development unreasonably affecting the neighbourhood character and presentation of the entrance to Apollo Bay.***
4. ***use of a car stacker is unlikely to be sufficient to overcome the problems caused by inadequate on site car parking.***

***CARRIED 5 : 1***