

MINUTES of the *PLANNING COMMITTEE MEETING OF THE COLAC-OTWAY SHIRE COUNCIL* held at COPACC Meeting Rooms on 14 October 2009 at 10:30 am.

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*

*Jack Green, Acting Chief Executive Officer
Colin Hayman, General Manager, Corporate and Community Services
Neil Allen, General Manager, Infrastructure and Services
Doug McNeill, Acting General Manager, Sustainable Planning and Development
Anne Sorensen, Statutory Planning Coordinator
Maree Redmond, Executive Assistant*

3. APOLOGIES

Rob Small, Chief Executive Officer

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

Cr Stephen Hart declared a conflict of interest : Item PC091410-1 -
PLANNING & BUILDING STATISTICAL REPORT.
Nature of conflict of interest : Joint Applicant for PP124/2009-1

6. VERBAL SUBMISSIONS FROM APPLICANTS/OBJECTORS

PC091410-2 BUILDINGS AND WORKS, ADVERTISING SIGNAGE,
A LIQUOR LICENSE AND WAIVING OF CAR PARKING
IN ASSOCIATION WITH THE USE OF THE LAND FOR
A RESTAURANT AT 4A HARDY STREET, APOLLO
BAY.

Daniel Felici - Applicant

7. CONFIRMATION OF MINUTES

- Planning Committee held on the 09/09/09.

Resolution

MOVED Cr Lyn Russell seconded Cr Frank Buchanan that Council confirm the above minutes.

CARRIED 7 : 0

OFFICERS' REPORTS

Sustainable Planning and Development

- PC091410-1 PLANNING & BUILDING STATISTICAL REPORT
- PC091410-2 BUILDINGS AND WORKS, ADVERTISING SIGNAGE, A LIQUOR
LICENSE AND WAIVING OF CAR PARKING IN ASSOCIATION
WITH THE USE OF THE LAND FOR A RESTAURANT AT 4A
HARDY STREET, APOLLO BAY.
- PC091410-3 INSTALLATION OF A COMMUNICATION MAST FOR
BROADCASTING

Rob Small
Chief Executive Officer

PC091410-1 *PLANNING & BUILDING STATISTICAL REPORT*

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

Having declared a conflict of interest, Cr Stephen Hart left Council Chambers at 10:35 am.

Cr Stephen Hart:	PC091410-1 PLANNING & BUILDING STATISTICAL REPORT
Nature of Disclosure:	Direct interest
Nature of Interest:	Joint Applicant for PP124/2009-1

Recommendation(s)

That Council’s Planning Committee note the statistical report.

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**Resolution**

***MOVED Cr Frank Buchanan seconded Cr Lyn Russell that Council’s Planning Committee note the statistical report.***

***CARRIED 6 : 0***

Cr Stephen Hart returned to Council Chambers at 10:37 am

**PC091410-2** *BUILDINGS AND WORKS, ADVERTISING SIGNAGE, A LIQUOR LICENSE AND WAIVING OF CAR PARKING IN ASSOCIATION WITH THE USE OF THE LAND FOR A RESTAURANT AT 4A HARDY STREET, APOLLO BAY.*

|             |                                    |           |            |
|-------------|------------------------------------|-----------|------------|
| AUTHOR:     | Anne Sorensen                      | ENDORSED: | Jack Green |
| DEPARTMENT: | Sustainable Planning & Development | FILE REF: | PP125/09   |

### **Recommendation(s)**

***That Council's Planning Committee resolve to issue a Notice of Decision to Grant a Planning Permit for buildings and works, advertising signage, a general liquor licence and waiving of car parking associated with a restaurant at 4A Hardy Street, Apollo Bay, 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 dated 19 August 2009, submitted with the application but modified to show:***
  - a) ***The deck and verandah wholly contained within the property boundaries.***
  - b) ***The area between the property boundary and the existing footpath in a concrete surface or other hard surface approved by 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.***
3. ***The various activities forming parts of the use as shown on the endorsed plan must not be altered without the written consent of the Responsible Authority.***
4. ***Liquor can only be consumed and sold on the premises between the hours of 11.00am and 10.00 pm.***
5. ***The licensing of this premise is only permitted in conjunction with the use of the premise for a restaurant. Alcohol is not permitted to be served should the restaurant use cease.***
6. ***Before the use starts, a noise and amenity plan/patron management plan to the satisfaction of the responsible authority must be submitted to and approved by the authority. When approved, the plan will be endorsed and will then form part of the permit. All activities forming part of the use must comply with the endorsed plan. The plan must include:***

- a) *staffing and other measures which are designed to ensure the orderly arrival and departure of patrons*
  - b) *signage to be used to encourage responsible off-site patron behaviour*
  - c) *the training of staff in the management of patron behaviour*
  - d) *staff communication arrangements*
  - e) *measures to control noise emissions from the premises.*
7. *The use may only operate between the hours of 7.30 am – 11.00 pm.*
  8. *No more than 16 seats may be made available inside and 12 seats on the outdoor area may be available at any one time to patrons on the premises, without the written consent of the responsible authority.*
  9. *A permit must be obtained to enable part of the road reservation to be used for seating of patrons in accordance with Council's Local Law prior to the commencement of the use of the land for a restaurant.*
  10. *All run off from stormwater must be taken to a legal point of discharge to the satisfaction of the Responsible Authority.*
  11. *All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.*
  12. *The location and details of the signs and its structure as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.*
  13. *All signs must be constructed and maintained to the satisfaction of the Responsible Authority.*
  14. *The signs must not contain any flashing light except with the written consent of the Responsible Authority.*
  15. *External sign lighting must be designed baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land or adjacent roads / streets.*
  16. *The signs may only be illuminated between the hours of 11:00am and 10:00pm.*
  17. *This permit expires fifteen years after the date it is issued for the signage.*
  18. *Outdoor lighting must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining properties.*
  19. *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.*

20. *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 Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires, or within three months afterwards.*

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Resolution

MOVED Cr Frank Buchanan seconded Cr Lyn Russell that Council’s Planning Committee resolve to issue a Notice of Decision to Grant a Planning Permit for buildings and works, advertising signage, a general liquor licence and waiving of car parking associated with a restaurant at 4A Hardy Street, Apollo Bay, 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 dated 19 August 2009, submitted with the application but modified to show:*
 - a) *The deck and verandah wholly contained within the property boundaries.*
 - b) *The area between the property boundary and the existing footpath in a concrete surface or other hard surface approved by 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.*
3. *The various activities forming parts of the use as shown on the endorsed plan must not be altered without the written consent of the Responsible Authority.*
4. *Liquor can only be consumed and sold on the premises between the hours of 11.00am and 10.00 pm.*

5. ***The licensing of this premise is only permitted in conjunction with the use of the premise for a restaurant. Alcohol is not permitted to be served should the restaurant use cease.***
6. ***Before the use starts, a noise and amenity plan/patron management plan to the satisfaction of the responsible authority must be submitted to and approved by the authority. When approved, the plan will be endorsed and will then form part of the permit. All activities forming part of the use must comply with the endorsed plan. The plan must include:***
 - a) ***staffing and other measures which are designed to ensure the orderly arrival and departure of patrons***
 - b) ***signage to be used to encourage responsible off-site patron behaviour***
 - c) ***the training of staff in the management of patron behaviour***
 - d) ***staff communication arrangements***
 - e) ***measures to control noise emissions from the premises.***
7. ***The use may only operate between the hours of 7.30 am – 11.00 pm.***
8. ***No more than 16 seats may be made available inside and 12 seats on the outdoor area may be available at any one time to patrons on the premises, without the written consent of the responsible authority.***
9. ***A permit must be obtained to enable part of the road reservation to be used for seating of patrons in accordance with Council's Local Law prior to the commencement of the use of the land for a restaurant.***
10. ***All run off from stormwater must be taken to a legal point of discharge to the satisfaction of the Responsible Authority.***
11. ***All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.***
12. ***The location and details of the signs and its structure as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.***
13. ***All signs must be constructed and maintained to the satisfaction of the Responsible Authority.***
14. ***The signs must not contain any flashing light except with the written consent of the Responsible Authority.***
15. ***External sign lighting must be designed baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land or adjacent roads / streets.***

- 16. ***The signs may only be illuminated between the hours of 11:00am and 10:00pm.***
- 17. ***This permit expires fifteen years after the date it is issued for the signage.***
- 18. ***Outdoor lighting must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining properties.***
- 19. ***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.
- 20. ***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 Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires, or within three months afterwards.

CARRIED 4 : 3

PC091410-3 *INSTALLATION OF A COMMUNICATION MAST FOR BROADCASTING*

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|--------------------|------------------------------------|------------------|------------|
| AUTHOR: | Ros Snaauw | ENDORSED: | Jack Green |
| DEPARTMENT: | Sustainable Planning & Development | FILE REF: | PP264/2009 |

Recommendation(s)

That Council’s Planning Committee resolve to issue a Planning Permit for the installation of a communications mast for broadcasting at 152 Corangamite Lake Road, Colac West (Lot 1, TP333615, Parrish of Nalangil), subject to the following conditions:

1. ***The layout of the site and works proposed as shown on the endorsed plans must not be altered or modified without the written consent of the Responsible Authority.***
2. ***The amenity of the area must not be detrimentally affected by the use of the site for a communications mast.***
3. ***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 Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires, or within three months afterwards.

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### **Resolution**

***MOVED Cr Geoff Higgins seconded Cr Stuart Hart that Council's Planning Committee resolve to issue a Planning Permit for the installation of a communications mast for broadcasting at 152 Corangamite Lake Road, Colac West (Lot 1, TP333615, Parrish of Nalangil), subject to the following conditions:***

1. ***The layout of the site and works proposed as shown on the endorsed plans must not be altered or modified without the written consent of the Responsible Authority.***
2. ***The amenity of the area must not be detrimentally affected by the use of the site for a communications mast.***
3. ***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 Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires, or within three months afterwards.***

**CARRIED 7 : 0**

***MATTER OF URGENCY - MOVED Cr Stephen Hart seconded Cr Stuart Hart that the commencement time for the November Planning Committee Meeting be altered to 1:00 pm to accommodate those wishing to attend the Remembrance Day service.***

***CARRIED 7: 0***

*The Meeting Was Declared Closed at 10:53 am*