



**Colac Otway
SHIRE**

AGENDA

**PLANNING COMMITTEE MEETING
OF THE
COLAC OTWAY SHIRE
COUNCIL**

10 MARCH 2010

at 10:30 AM

COPACC

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.

COLAC-OTWAY SHIRE PLANNING COMMITTEE MEETING

10 MARCH 2010

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NOTICE is hereby given that the next **PLANNING COMMITTEE MEETING OF THE COLAC-OTWAY SHIRE COUNCIL** will be held in COPACC on 10 March 2010 at 10.30 am.

AGENDA

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

3. APOLOGIES

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

6. VERBAL SUBMISSIONS FROM APPLICANTS/OBJECTORS

The Mayor is to read out the names of those applicants and objectors who have confirmed in writing that they wish to make a verbal submission. These verbal submissions will be made in relation to each respective agenda item and must be directly relevant to the respective agenda item. A time limit of 5 minutes will apply.

7. CONFIRMATION OF MINUTES

- Planning Committee held on the 10/02/10.

Recommendation

That Council confirm the above minutes.

OFFICERS' REPORTS

Sustainable Planning and Development

PC101003-1	PLANNING & BUILDING STATISTICAL REPORT
PC101003-2	BUSINESS IDENTIFICATION SIGNAGE & WAIVING OF FOUR (4) CAR PARKING SPACES AT 265-281 MURRAY STREET, COLAC.
PC101003-3	REMOVAL OF NATIVE VEGETATION (TIMBER HARVESTING) AT 35 UPPER GELLIBRAND ROAD, BARRAMUNGA
PC101003-4	REMOVAL OF NATIVE VEGETATION (TIMBER HARVESTING) AT 255 UPPER GELLIBRAND ROAD, BARRAMUNGA

Rob Small
Chief Executive Officer

PC101003-1**PLANNING & BUILDING STATISTICAL REPORT**

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

Summary

This report provides statistics relating to the months of:

- November 2009
- December 2009
- January 2010
- February 2010

The Statistics for November 2009 – January 2010 have not previously been formally reported to Council as no meetings were held in December, January or February.

Councillors have previously been supplied with this information at the end of each month.

Planning Statistics – November 2009

29 Planning Permit applications were received for the period 1 November to 30 November 2009.

37 Planning Permit applications were determined for the period 1 November to 30 November 2009.

Planning Statistics – December 2009

38 Planning Permit applications were received for the period 1 December to 31 December 2009.

71 Planning Permit applications were determined for the period 1 December to 31 December 2009.

Planning Statistics – January 2010

24 Planning Permit Applications were received for the period of 1 January 2010 to 31 January 2010.

16 Planning Permit Applications were determined for the period of 1 January 2010 to 31 January 2010.

Planning Statistics – February 2010

23 Planning Permit Applications were received for the period of 1 February 2010 to 28 February 2010.

24 Planning Permit Applications were determined for the period of 1 February 2010 to 28 February 2010.

Building Statistics

Please note that the Building Commission Website has been updated to December 2009.

Attachments

1. Planning Statistical Report November 2009
2. Planning Statistical Report December 2009
3. Planning Statistical Report January 2010
4. Planning Statistical Report February 2010

Recommendation(s)

That Council's Planning Committee note the statistical reports.

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## Planning Statistical Report November 2009

| APPLIC NO  | DATE RECEIVED | LOCATION                           | Proposal                                                                                                                                                                                      | DATE ISSUED | ACTUAL TIME | Authority        | Decision           |
|------------|---------------|------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|-------------|------------------|--------------------|
| 310/2006-1 | 6-OCT-06      | 455 GREAT OCEAN ROAD, APOLLO BAY   | USE AND DEVELOPMENT OF THE LAND FOR GROUP ACCOMMODATION (FIVE UNITS), MANAGER'S RESIDENCE, RECEPTION OFFICE/UTILITIES BUILDING, AND ASSOCIATED WORKS INCLUDING SHEDDING, CAR PARKING AND DAMS | 30-NOV-09   | 22          | UNDER DELEGATION | REFUSAL TO GRANT   |
| 334/2007-2 | 14-JUL-09     | 189-242 POUND ROAD, COLAC          | WORKS ASSOCIATED WITH CONSTRUCTION OF A CARPARK – AMENDMENT                                                                                                                                   | 16-NOV-09   | 125         | UNDER DELEGATION | PERMIT ISSUED      |
| 351/2008-1 | 15-OCT-09     | 35 OLD COACH ROAD, SKENES CREEK    | CONSTRUCTION OF A DWELLING & ASSOCIATED WORKS, VARIATION TO THE BUILDING ENVELOPE AND REMOVAL OF ONE (1) TREE.                                                                                | 2-NOV-09    | 112         | UNDER DELEGATION | PERMIT ISSUED      |
| 352/2009-1 | 15-OCT-08     | 35 OLD COACH ROAD, SKENES CREEK    | CONSTRUCTION OF A DWELLING, ASSOCIATED WORKS & REMOVAL OF ONE (1) TREE                                                                                                                        | 2-NOV-09    | 112         | UNDER DELEGATION | PERMIT ISSUED      |
| 32/2009-1  | 5-FEB-09      | 34 CAWOOD STREET, APOLLO BAY       | TWO (2) LOT SUBDIVISION – RE-APPLICATION                                                                                                                                                      | 11-NOV-09   | 44          | UNDER DELEGATION | REFUSAL TO GRANT   |
| 52/2009-1  | 11-MAR-09     | 40 ALICE COURT, APOLLO BAY         | USE & DEVELOPMENT OF THE LAND FOR A DWELLING & ASSOCIATED WORKS                                                                                                                               | 6-NOV-09    | 58          | UNDER DELEGATION | PERMIT ISSUED      |
| 65/2009-1  | 19-MAR-09     | 2/18 MOORE STREET, APOLLO BAY      | CONSTRUCTION OF A TWO (2) METRE HIGH BRICK FRONT FENCE                                                                                                                                        | 13-NOV-09   | 17          | UNDER DELEGATION | REFUSAL TO GRANT   |
| 89/2009-1  | 8-APR-09      | 382 PRINCES HIGHWAY, COLAC WEST    | USE & DEVELOPMENT OF SHED FOR MANUFACTURING CONCRETE PRODUCTS                                                                                                                                 | 11-NOV-09   | 98          | UNDER DELEGATION | PERMIT ISSUED      |
| 103/2009-1 | 27-APR-09     | 350 COLAC BALLARAT ROAD, IRREWARRA | EARTHWORKS ASSOCIATED WITH A MOTOR RACING TRACK ANCILLARY TO A DWELLING(PRIVATE USE)                                                                                                          | 17-NOV-09   | 58          | UNDER DELEGATION | NOTICE OF DECISION |
| 110/2009-1 | 30-APR-09     | 150 AIRE SETTLEMENT ROAD, JOHANNA  | USE & DEVELOPMENT OF A DWELLING & SHED                                                                                                                                                        | 12-NOV-09   | 103         | UNDER DELEGATION | REFUSAL TO GRANT   |
| 146/2009-1 | 1-JUN-09      | 19 MCLACHLAN STREET, APOLLO BAY    | TWO (2) LOT SUBDIVISION                                                                                                                                                                       | 19-NOV-09   | 96          | UNDER DELEGATION | NOTICE OF DECISION |
| 178/2009-1 | 1-JUN-09      | 310 BAYNES ROAD, ALVIE             | CONSOLIDATION & RE-SUBDIVISION INTO TWO (2) LOTS                                                                                                                                              | 2-NOV-09    | 120         | UNDER DELEGATION | PERMIT ISSUED      |
| 203/2009-1 | 27-JUN-09     | 310 SOUTH DREEITE ROAD, ALVIE      | CONSTRUCTION OF A CAR GARAGE                                                                                                                                                                  | 9-NOV-09    | 129         | UNDER DELEGATION | PERMIT ISSUED      |
| 209/2009-1 | 1-JUL-09      | 3440 GREAT OCEAN ROAD, GLENAIRE    | CONSTRUCTION OF A DAM (RETROSPECTIVE), REMOVAL OF GRAVEL TO USE ONSITE FOR THE PROVISION OF VEHICLE ACCESS                                                                                    | 27-NOV-09   | 142         | UNDER DELEGATION | PERMIT ISSUED      |
| 219/2009-1 | 22-JUL-09     | 27A OLD COACH ROAD, SKENES CREEK   | CONSTRUCTION OF A DWELLING                                                                                                                                                                    | 2-NOV-09    | 39          | UNDER DELEGATION | PERMIT ISSUED      |
| 220/2009-1 | 22-JUL-09     | 1/27 SKENE STREET, COLAC           | ALTERATIONS TO CARPARK & RELOCATION                                                                                                                                                           | 30-NOV-09   | 40          | UNDER DELEGATION | PERMIT ISSUED      |

| APPLIC NO  | DATE RECEIVED | LOCATION                                | Proposal                                                           | DATE ISSUED | ACTUAL TIME | Authority        | Decision         |
|------------|---------------|-----------------------------------------|--------------------------------------------------------------------|-------------|-------------|------------------|------------------|
| 222/2009-1 | 23-JUL-09     | 12 HENNIGAN CRESCENT,<br>FORREST        | CONSTRUCTION OF A GARAGE                                           | 9-NOV-09    | 35          | UNDER DELEGATION | PERMIT ISSUED    |
| 227/2009-1 | 5-AUG-09      | 107 HARRIS ROAD,<br>ELLIMINYT           | TWO (2) LOT SUBDIVISION                                            | 2-NOV-09    | 68          | UNDER DELEGATION | PERMIT ISSUED    |
| 230/2009-1 | 31-JUL-09     | 553 CORANGAMITE LAKE<br>ROAD, COROROOKE | DEVELOPMENT OF LAND FOR A DWELLING AND SHED                        | 13-NOV-09   | 73          | UNDER DELEGATION | PERMIT ISSUED    |
| 235/2009-1 | 3-AUG-09      | 11 NEWCOMBE STREET,<br>MARENGO          | CONSTRUCTION OF A SINGLE DWELLING AND NATIVE<br>VEGETATION REMOVAL | 19-NOV-09   | 84          | UNDER DELEGATION | PERMIT ISSUED    |
| 236/2009-1 | 3-AUG-09      | 45 ROSSMOYNE ROAD,<br>COLAC WEST        | CONSTRUCTION OF A VEHICLE STORAGE BUILDING                         | 27-NOV-09   | 116         | UNDER DELEGATION | PERMIT ISSUED    |
| 241/2009-1 | 5-AUG-09      | 2/62 NOEL STREET,<br>APOLLO BAY         | ADDITIONS TO AN EXISTING DWELLING                                  | 4-NOV-09    | 62          | UNDER DELEGATION | PERMIT ISSUED    |
| 244/2009-1 | 12-AUG-09     | 26 THE BOULEVARDE,<br>WYE RIVER         | DEVELOPMENT OF A VERANDAH AND EXTERNAL STAIRCASE                   | 30-NOV-09   | 34          | UNDER DELEGATION | REFUSAL TO GRANT |
| 247/2009-1 | 18-AUG-09     | 770 GREAT OCEAN ROAD,<br>APOLLO BAY     | CONSTRUCTION OF A SHED                                             | 12-NOV-09   | 37          | UNDER DELEGATION | PERMIT ISSUED    |
| 250/2009-1 | 27-AUG-09     | 6 BLUNDY STREET,<br>FORREST             | INSTALLATION OF A TELECOMMUNICATION TOWER AND<br>EQUIPMENT SHELTER | 11-NOV-09   | 17          | COUNCIL          | PERMIT ISSUED    |
| 253/2009-1 | 24-AUG-09     | 88 FOREST STREET,<br>COLAC EAST         | CONSTRUCTION OF A STORAGE SHED                                     | 2-NOV-09    | 10          | UNDER DELEGATION | PERMIT ISSUED    |
| 260/2009-1 | 18-SEP-09     | 119 MAIN STREET, BEEAC                  | CONSTRUCTION OF A SHED                                             | 13-NOV-09   | 30          | UNDER DELEGATION | PERMIT ISSUED    |
| 269/2009-1 | 14-SEP-09     | 52 BALLAGH STREET,<br>ELLIMINYT         | TWO (2) LOT SUBDIVISION                                            | 9-NOV-09    | 42          | UNDER DELEGATION | PERMIT ISSUED    |
| 270/2009-1 | 9-SEP-09      | 7 PANORAMA CRESCENT,<br>MARENGO         | EXTENSION TO EXISTING DWELLING                                     | 12-NOV-09   | 20          | UNDER DELEGATION | PERMIT ISSUED    |
| 274/2009-1 | 14-SEP-09     | 31-35 CONNOR STREET,<br>COLAC           | EXTENSION TO MEDICAL CLINIC                                        | 30-NOV-09   | 27          | UNDER DELEGATION | PERMIT ISSUED    |
| 275/2009-1 | 11-SEP-09     | 10-48 MARRINER STREET,<br>COLAC EAST    | TWO (2) LOT SUBDIVISION                                            | 13-NOV-09   | 23          | UNDER DELEGATION | PERMIT ISSUED    |
| 280/2009-1 | 22-SEP-09     | 7 SLATER STREET,<br>ELLIMINYT           | CONSTRUCTION OF A STORAGE SHED AND CARPORT                         | 2-NOV-09    | 40          | UNDER DELEGATION | PERMIT ISSUED    |
| 281/2009-1 | 23-SEP-09     | 87-95 BROMFIELD<br>STREET, COLAC        | NEW CANOPY, ENTRY DOOR & AMENITIES TO EXISTING<br>BUILDING.        | 9-NOV-09    | 47          | UNDER DELEGATION | PERMIT ISSUED    |
| 288/2009-1 | 30-SEP-09     | 37 THOMSON STREET,<br>APOLLO BAY        | TWO ( 2) LOT SUBDIVISION                                           | 20-NOV-09   | 30          | UNDER DELEGATION | PERMIT ISSUED    |
| 292/2009-1 | 7-OCT-09      | 27 CHURCHILL SQUARE,<br>COLAC           | DEVELOPMENT OF THE LAND FOR A TEMPORARY DEPENDENT<br>PERSONS UNIT  | 12-NOV-09   | 36          | UNDER DELEGATION | PERMIT ISSUED    |
| 293/2009-1 | 14-OCT-09     | 283 FOREST STREET,<br>ELLIMINYT         | CONSTRUCTION OF AN OUTBUILDING                                     | 30-NOV-09   | 25          | UNDER DELEGATION | PERMIT ISSUED    |

| APPLIC NO  | DATE RECEIVED | LOCATION              | Proposal                                             | DATE ISSUED | ACTUAL TIME | Authority        | Decision      |
|------------|---------------|-----------------------|------------------------------------------------------|-------------|-------------|------------------|---------------|
| 310/2009-1 | 3-NOV-09      | 1 QUEEN STREET, COLAC | CONSTRUCTION OF A SWIMMING POOL SAFETY FENCE         | 13-NOV-09   | 10          | UNDER DELEGATION | PERMIT ISSUED |
|            |               |                       |                                                      |             |             |                  |               |
|            |               |                       | <b>Average Days to Process Planning Applications</b> |             | <b>59</b>   |                  |               |

## Planning Statistical Report December 2009

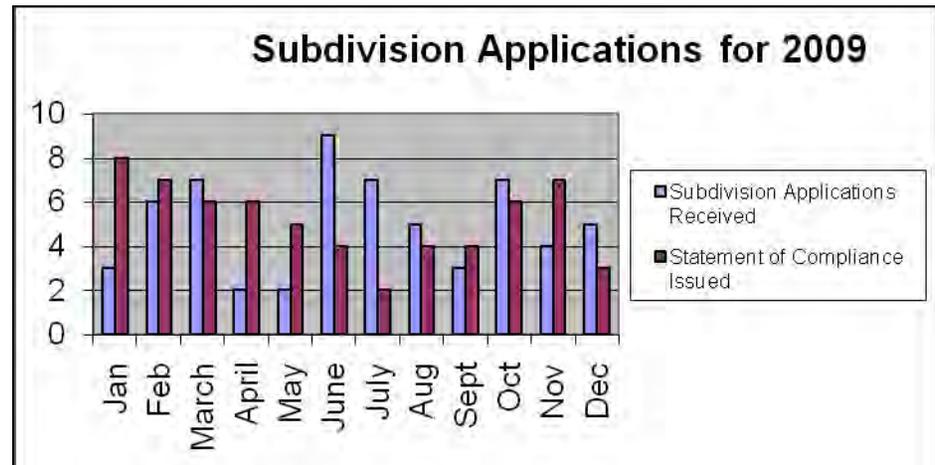
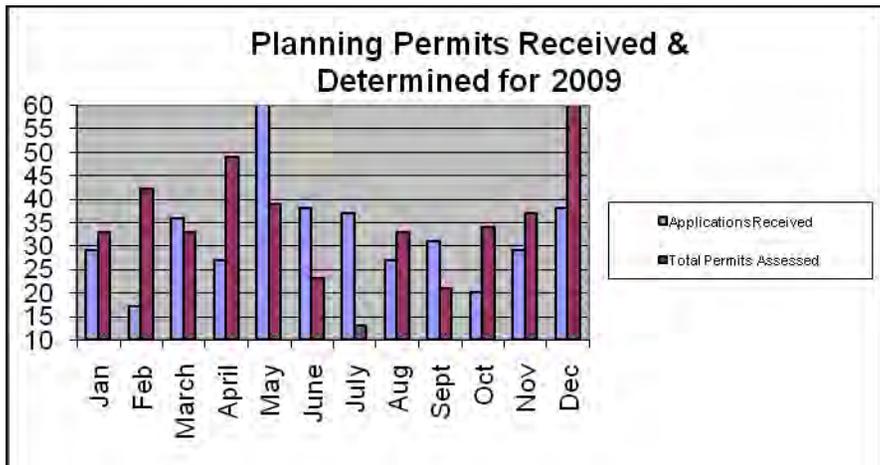
| APPLIC NO  | DATE RECEIVED | LOCATION                                    | Proposal                                                                                                     | DATE ISSUED | ACTUAL TIME | Authority           | Decision            |
|------------|---------------|---------------------------------------------|--------------------------------------------------------------------------------------------------------------|-------------|-------------|---------------------|---------------------|
| 180/2004-2 | 12-NOV-09     | 5975 PRINCES HIGHWAY,<br>IRREWARRA          | CONSTRUCTION OF A DWELLING & SHED – AMENDMENT<br>SITING AND FLOOR PLAN                                       | 16-DEC-09   | 15          | UNDER<br>DELEGATION | PERMIT<br>ISSUED    |
| 108/2008-2 | 8-DEC-09      | 16 PASCOE STREET,<br>APOLLO BAY             | CONSTRUCTION OF TWO SHOPS, TWO DWELLINGS, WAIVING<br>OF CAR PARKING & RESUBDIVISION - AMENDMENT              | 8-DEC-09    | 1           | UNDER<br>DELEGATION | PERMIT<br>ISSUED    |
| 155/2008-2 | 8-SEP-09      | 14 FORBES STREET,<br>COLAC                  | CONSTRUCTION OF FIVE (5) SINGLE STOREY DWELLINGS –<br>AMENDMENT                                              | 14-DEC-09   | 18          | UNDER<br>DELEGATION | PERMIT<br>ISSUED    |
| 283/2008-1 | 26-AUG-08     | 290 UPPER GELLIBRAND<br>ROAD, BARRAMUNGA    | REMOVAL OF NATIVE VEGETATION                                                                                 | 11-DEC-09   | 35          | UNDER<br>DELEGATION | REFUSAL TO<br>GRANT |
| 314/2008-2 | 2-SEP-09      | 529 CORANGAMITE LAKE<br>ROAD, COROROOKE     | DEVELOPMENT OF LAND FOR TWO DWELLINGS & AN<br>OUTBUILDING - AMENDMENT                                        | 15-DEC-09   | 67          | UNDER<br>DELEGATION | PERMIT<br>ISSUED    |
| 414/2008-1 | 25-NOV-08     | 30 SOUTHOHN STREET,<br>BEECH FOREST         | WORKS ASSOCIATED WITH CONVERTING AN EXISTING SHED<br>INTO A DWELLING                                         | 15-DEC-09   | 123         | UNDER<br>DELEGATION | PERMIT<br>ISSUED    |
| 75/2009-1  | 14-APR-09     | 165 BUSHBYS ROAD,<br>BARONGAROOK            | REMOVAL OF A TREE                                                                                            | 15-DEC-09   | 29          | UNDER<br>DELEGATION | PERMIT<br>ISSUED    |
| 85/2009-1  | 6-APR-09      | 5145 COLAC LAVERS HILL<br>ROAD, LAVERS HILL | USE & DEVELOPMENT OF A TWO (2) STOREY                                                                        | 7-DEC-09    | 73          | UNDER<br>DELEGATION | REFUSAL TO<br>GRANT |
| 130/2009-1 | 21-MAY-09     | 123 MAIN STREET, BEEAC                      | USE AND DEVELOPMENT OF A TRADE SUPPLY BUSINESS &<br>VEHICLE STORE & REMOVAL OF VEGETATION<br>(RETROSPECTIVE) | 10-DEC-09   | 103         | UNDER<br>DELEGATION | PERMIT<br>ISSUED    |
| 135/2009-1 | 29-MAY-09     | VARIOUS ROADSIDES                           | REMOVAL & TRIMMING OF VEGETATION FROM ROADSIDE                                                               | 3-DEC-09    | 60          | UNDER<br>DELEGATION | WITHDRAWN           |
| 136/2009-1 | 29-MAY-09     | VARIOUS ROADSIDES                           | REMOVAL & TRIMMING OF VEGETATION FROM ROADSIDE                                                               | 3-DEC-09    | 60          | UNDER<br>DELEGATION | WITHDRAWN           |
| 139/2009-1 | 29-MAY-09     | VARIOUS ROADSIDES                           | REMOVAL & TRIMMING OF VEGETATION FROM ROADSIDE                                                               | 3-DEC-09    | 60          | UNDER<br>DELEGATION | WITHDRAWN           |
| 140/2009-1 | 29-MAY-09     | VARIOUS ROADSIDES                           | REMOVAL & TRIMMING OF VEGETATION FROM ROADSIDE                                                               | 3-DEC-09    | 60          | UNDER<br>DELEGATION | WITHDRAWN           |
| 142/2009-1 | 29-MAY-09     | VARIOUS ROADSIDES                           | REMOVAL & TRIMMING OF VEGETATION FROM ROADSIDE                                                               | 3-DEC-09    | 60          | UNDER<br>DELEGATION | WITHDRAWN           |
| 143/2009   | 29-MAY-09     | VARIOUS ROADSIDES                           | REMOVAL & TRIMMING OF VEGETATION FROM ROADSIDE                                                               | 3-DEC-09    | 60          | UNDER<br>DELEGATION | WITHDRAWN           |
| 147/2009-1 | 29-MAY-09     | VARIOUS ROADSIDES                           | REMOVAL & TRIMMING OF VEGETATION FROM ROADSIDE                                                               | 3-DEC-09    | 60          | UNDER<br>DELEGATION | WITHDRAWN           |

| APPLIC NO  | DATE RECEIVED | LOCATION                             | Proposal                                       | DATE ISSUED | ACTUAL TIME | Authority        | Decision      |
|------------|---------------|--------------------------------------|------------------------------------------------|-------------|-------------|------------------|---------------|
| 152/2009-1 | 29-MAY-09     | VARIOUS ROADSIDES                    | REMOVAL & TRIMMING OF VEGETATION FROM ROADSIDE | 3-DEC-09    | 60          | UNDER DELEGATION | WITHDRAWN     |
| 153/2009-1 | 29-MAY-09     | VARIOUS ROADSIDES                    | REMOVAL & TRIMMING OF VEGETATION FROM ROADSIDE | 3-DEC-09    | 60          | UNDER DELEGATION | WITHDRAWN     |
| 154/2009-1 | 29-MAY-09     | VARIOUS ROADSIDES                    | REMOVAL & TRIMMING OF VEGETATION FROM ROADSIDE | 3-DEC-09    | 60          | UNDER DELEGATION | WITHDRAWN     |
| 155/2009-1 | 29-MAY-09     | VARIOUS ROADSIDES                    | REMOVAL & TRIMMING OF VEGETATION FROM ROADSIDE | 3-DEC-09    | 60          | UNDER DELEGATION | WITHDRAWN     |
| 157/2009-1 | 29-MAY-09     | VARIOUS ROADSIDES                    | REMOVAL & TRIMMING OF VEGETATION FROM ROADSIDE | 3-DEC-09    | 60          | UNDER DELEGATION | WITHDRAWN     |
| 158/2009-1 | 29-MAY-09     | VARIOUS ROADSIDES                    | REMOVAL & TRIMMING OF VEGETATION FROM ROADSIDE | 3-DEC-09    | 60          | UNDER DELEGATION | WITHDRAWN     |
| 159/2009-1 | 29-MAY-09     | VARIOUS ROADSIDES                    | REMOVAL & TRIMMING OF VEGETATION FROM ROADSIDE | 3-DEC-09    | 60          | UNDER DELEGATION | WITHDRAWN     |
| 160/2009-1 | 29-MAY-09     | VARIOUS ROADSIDES                    | REMOVAL & TRIMMING OF VEGETATION FROM ROADSIDE | 3-DEC-09    | 60          | UNDER DELEGATION | WITHDRAWN     |
| 161/2009-1 | 29-MAY-09     | VARIOUS ROADSIDES                    | REMOVAL & TRIMMING OF VEGETATION FROM ROADSIDE | 3-DEC-09    | 60          | UNDER DELEGATION | WITHDRAWN     |
| 162/2009-1 | 29-MAY-09     | VARIOUS ROADSIDES                    | REMOVAL & TRIMMING OF VEGETATION FROM ROADSIDE | 3-DEC-09    | 60          | UNDER DELEGATION | WITHDRAWN     |
| 163/2009-1 | 29-MAY-09     | VARIOUS ROADSIDES                    | REMOVAL & TRIMMING OF VEGETATION FROM ROADSIDE | 3-DEC-09    | 60          | UNDER DELEGATION | WITHDRAWN     |
| 165/2009-1 | 29-MAY-09     | VARIOUS ROADSIDES                    | REMOVAL & TRIMMING OF VEGETATION FROM ROADSIDE | 3-DEC-09    | 60          | UNDER DELEGATION | WITHDRAWN     |
| 166/2009-1 | 29-MAY-09     | VARIOUS ROADSIDES                    | REMOVAL & TRIMMING OF VEGETATION FROM ROADSIDE | 3-DEC-09    | 60          | UNDER DELEGATION | WITHDRAWN     |
| 168/2009-1 | 29-MAY-09     | VARIOUS ROADSIDES                    | REMOVAL & TRIMMING OF VEGETATION FROM ROADSIDE | 3-DEC-09    | 60          | UNDER DELEGATION | WITHDRAWN     |
| 169/2009-1 | 29-MAY-09     | VARIOUS ROADSIDES                    | REMOVAL & TRIMMING OF VEGETATION FROM ROADSIDE | 3-DEC-09    | 60          | UNDER DELEGATION | WITHDRAWN     |
| 170/2009-1 | 29-MAY-09     | VARIOUS ROADSIDES                    | REMOVAL & TRIMMING OF VEGETATION FROM ROADSIDE | 3-DEC-09    | 60          | UNDER DELEGATION | WITHDRAWN     |
| 172/2009-1 | 29-MAY-09     | VARIOUS ROADSIDES                    | REMOVAL & TRIMMING OF VEGETATION FROM ROADSIDE | 3-DEC-09    | 60          | UNDER DELEGATION | WITHDRAWN     |
| 232/2009-1 | 27-JUL-09     | 285 DEWINGS BRIDGE ROAD, GERANGAMETE | DEVELOPMENT OF A DWELLING                      | 15-DEC-09   | 57          | UNDER DELEGATION | PERMIT ISSUED |
| 243/2009-1 | 6-AUG-09      | 44 WALLACES ROAD, BARWON DOWNS       | VEGETATION REMOVAL                             | 1-DEC-09    | 75          | UNDER DELEGATION | PERMIT ISSUED |

| APPLIC NO  | DATE RECEIVED | LOCATION                                     | Proposal                                                                                                         | DATE ISSUED | ACTUAL TIME | Authority        | Decision         |
|------------|---------------|----------------------------------------------|------------------------------------------------------------------------------------------------------------------|-------------|-------------|------------------|------------------|
| 252/2009-1 | 21-AUG-09     | 300 WAIT A WHILE ROAD, WYELANGTA             | DEVELOPMENT OF AN AGRICULTURAL SHED                                                                              | 10-DEC-09   | 48          | UNDER DELEGATION | PERMIT ISSUED    |
| 289/2009-1 | 5-OCT-09      | 5 NEWCOMBE STREET, MARENGO                   | ALTERATIONS & ADDITIONS TO EXISTING CARPORT                                                                      | 15-DEC-09   | 41          | UNDER DELEGATION | PERMIT ISSUED    |
| 290/2009-1 | 9-OCT-09      | 500 COLAC LAVERS HILL ROAD, BARONGAROOK WEST | ENLARGEMENT OF AN EXISTING DAM                                                                                   | 15-DEC-09   | 41          | UNDER DELEGATION | PERMIT ISSUED    |
| 296/2009-1 | 20-OCT-09     | 2/17-19 NELSON STREET, APOLLO BAY            | RE-SUBDIVISION                                                                                                   | 15-DEC-09   | 57          | UNDER DELEGATION | PERMIT ISSUED    |
| 300/2009-1 | 23-OCT-09     | 605 WILD DOG ROAD, APOLLO BAY                | EXTENSION OF A DECK                                                                                              | 15-DEC-09   | 26          | UNDER DELEGATION | PERMIT ISSUED    |
| 322/2009-1 | 18-NOV-09     | 130-170 SINCLAIR STREET SOUTH, COLAC         | USE & DEVELOPMENT OF LAND FOR A DWELLING & SHED                                                                  | 8-DEC-09    | 20          | UNDER DELEGATION | PERMIT ISSUED    |
| 323/2009-1 | 19-NOV-09     | 26 HESSE STREET, COLAC                       | EXTENSION TO DWELLING                                                                                            | 15-DEC-09   | 26          | UNDER DELEGATION | PERMIT ISSUED    |
| 112/2009-1 | 30-APR-09     | 26 NELSON STREET, APOLLO BAY                 | USE & DEVELOPMENT OF FIVE (5) DWELLINGS & A FIVE (5) LOT SUBDIVISION                                             | 21-DEC-09   | 144         | UNDER DELEGATION | REFUSAL TO GRANT |
| 141/2009-1 | 29-MAY-09     | VARIOUS ROADSIDES                            | REMOVAL & TRIMMING OF VEGETATION FROM ROADSIDE                                                                   | 3-DEC-09    | 60          | UNDER DELEGATION | WITHDRAWN        |
| 148/2009-1 | 29-MAY-09     | VARIOUS ROADSIDES                            | REMOVAL & TRIMMING OF VEGETATION FROM ROADSIDE                                                                   | 3-DEC-09    | 60          | UNDER DELEGATION | WITHDRAWN        |
| 164/2009-1 | 29-MAY-09     | VARIOUS ROADSIDES                            | REMOVAL & TRIMMING OF VEGETATION FROM ROADSIDE                                                                   | 3-DEC-09    | 60          | UNDER DELEGATION | WITHDRAWN        |
| 171/2009-1 | 29-MAY-09     | VARIOUS ROADSIDES                            | REMOVAL & TRIMMING OF VEGETATION FROM ROADSIDE                                                                   | 3-DEC-09    | 60          | UNDER DELEGATION | WITHDRAWN        |
| 245/2009-1 | 5-AUG-09      | 1425 BIRREGURRA FORREST ROAD, BARWON DOWNS   | REINSTATEMENT OF WEIR, CONSTRUCTION OF FISH LADDER, EROSION PROTECTION WORKS & TOPPING UP OF EXISTING EMBANKMENT | 21-DEC-09   | 66          | UNDER DELEGATION | PERMIT ISSUED    |
| 312/2009-1 | 21-NOV-09     | 10 COLLEGE DRIVE, LAVERS HILL                | VEGETATION REMOVAL                                                                                               | 18-DEC-09   | 4           | UNDER DELEGATION | PERMIT ISSUED    |
| 319/2009-1 | 13-NOV-09     | 1 JENNER STREET, BIRREGURRA                  | REPLACEMENT DWELLING                                                                                             | 21-DEC-09   | 38          | UNDER DELEGATION | PERMIT ISSUED    |
| 42/2009-1  | 17-FEB-09     | 2690 COLAC LAVERS HILL RD, GELLIBRAND        | CONSTRUCTION OF A DWELLING                                                                                       | 22-DEC-09   | 10          | UNDER DELEGATION | PERMIT ISSUED    |
| 44/2009-1  | 27-FEB-09     | 62-66 MURRAY STREET EAST, COLAC              | ADVERTISING SIGN                                                                                                 | 22-DEC-09   | 61          | UNDER DELEGATION | PERMIT ISSUED    |

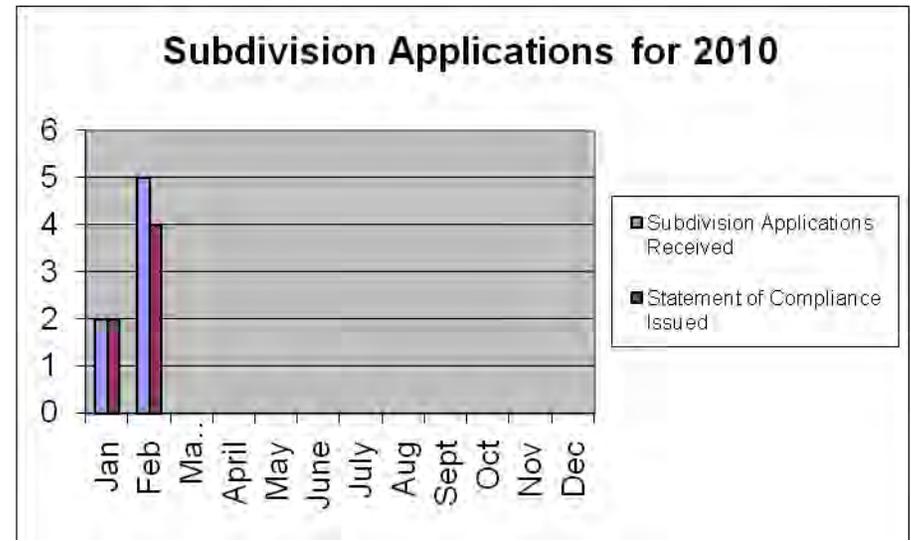
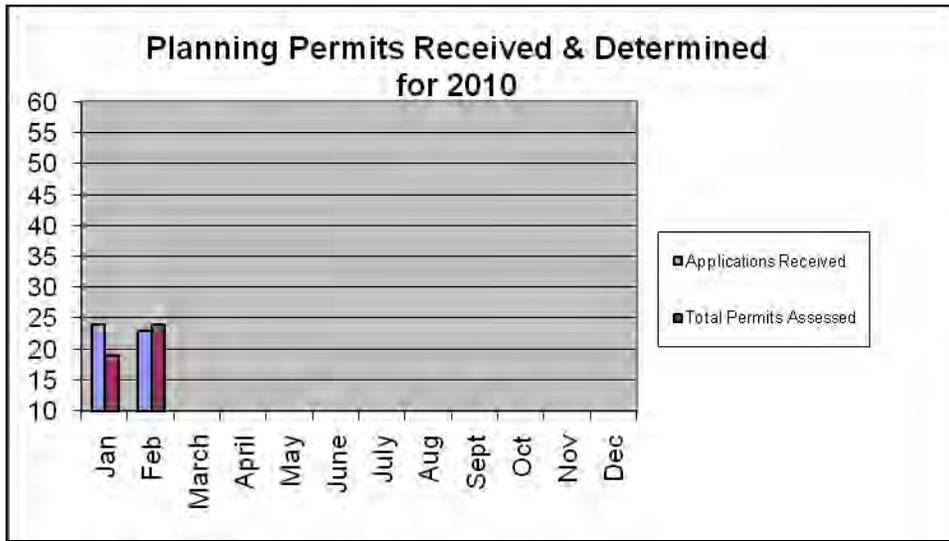
| APPLIC NO  | DATE RECEIVED | LOCATION                                 | Proposal                                                                         | DATE ISSUED | ACTUAL TIME | Authority        | Decision         |
|------------|---------------|------------------------------------------|----------------------------------------------------------------------------------|-------------|-------------|------------------|------------------|
| 61/2009-1  | 17-MAR-09     | 195 McCALLS ROAD, YEODENE                | DEVELOPMENT OF A DWELLING & ASSOCIATED WORKS & REMOVAL OF VEGETATION             | 23-DEC-09   | 95          | UNDER DELEGATION | PERMIT ISSUED    |
| 70/2009-1  | 25-MAR-09     | 1 IMPERIAL DRIVE, COLAC                  | INSTALLATION OF SATELLITE DISH                                                   | 23-DEC-09   | 70          | UNDER DELEGATION | REFUSAL TO GRANT |
| 115/2009-1 | 5-MAY-09      | 40 RYANS RD, PIRRON YALLOCK              | DEVELOPMENT OF A DAM                                                             | 22-DEC-09   | 60          | UNDER DELEGATION | PERMIT ISSUED    |
| 132/2009-1 | 4-JUN-09      | 529 CORANGAMITE LAKE ROAD, COROROOKE     | TWO (2) LOT SUBDIVISION                                                          | 23-DEC-09   | 88          | UNDER DELEGATION | PERMIT ISSUED    |
| 177/2009-1 | 3-JUN-09      | 85 GRAVESEND STREET, COLAC               | DEVELOPMENT OF FIVE (5) DWELLINGS & FIVE (5) LOT SUBDIVISION                     | 23-DEC-09   | 93          | UNDER DELEGATION | PERMIT ISSUED    |
| 221/2009-1 | 24-JUL-09     | 73 HART STREET, COLAC                    | TWO (2) LOT SUBDIVISION                                                          | 23-DEC-09   | 86          | UNDER DELEGATION | PERMIT ISSUED    |
| 231/2009-1 | 20-AUG-09     | 15 SANSFIELD STREET, SEPARATION CREEK    | DEVELOPMENT OF A TWO (2) STOREY DWELLING                                         | 23-DEC-09   | 57          | UNDER DELEGATION | PERMIT ISSUED    |
| 254/2009-1 | 26-AUG-09     | 69 MURRAY STREET EAST, COLAC             | DEVELOPMENT OF LAND FOR THREE (3) SINGLE DWELLINGS & A THREE (3) LOT SUBDIVISION | 23-DEC-09   | 54          | UNDER DELEGATION | PERMIT ISSUED    |
| 282/2009-1 | 25-SEP-09     | 35 GELLIBRAND RIVER ROAD, CARLISLE RIVER | INSTALLATION OF WATER TANK                                                       | 23-DEC-09   | 49          | UNDER DELEGATION | PERMIT ISSUED    |
| 284/2009-1 | 28-SEP-09     | 20 IRREWARRA SCHOOL ROAD, IRREWARRA      | ADDITIONS TO EXISTING DWELLING                                                   | 23-DEC-09   | 56          | UNDER DELEGATION | PERMIT ISSUED    |
| 295/2009-1 | 20-OCT-09     | 81-85 WALLACE STREET, COLAC              | DEMOLITION OF EXISTING GARAGE & CONSTRUCTION OF A NEW GARAGE                     | 22-DEC-09   | 63          | UNDER DELEGATION | PERMIT ISSUED    |
| 297/2009-1 | 20-OCT-09     | 565 COLAC LAVERS HILL ROAD, BARONGAROOK  | CONSTRUCTION OF A SHED                                                           | 22-DEC-09   | 52          | UNDER DELEGATION | PERMIT ISSUED    |
| 303/2009-1 | 27-OCT-09     | 360 AIREYS STREET, ELLIMINYT             | EARTHWORKS ASSOCIATED WITH LANDFILL                                              | 23-DEC-09   | 44          | UNDER DELEGATION | REFUSAL TO GRANT |
| 304/2009-1 | 28-OCT-09     | 130 STONES ROAD, IRREWILLIPE             | ADDITIONS TO EXISTING DAIRY                                                      | 23-DEC-09   | 37          | UNDER DELEGATION | PERMIT ISSUED    |
| 313/2009-1 | 9-NOV-09      | 385 BLUE JOHANNA ROAD, JOHANNA           | DEVELOPMENT OF A SHED                                                            | 22-DEC-09   | 26          | UNDER DELEGATION | PERMIT ISSUED    |
| 316/2009-1 | 11-NOV-09     | 154 POUND ROAD, ELLIMINYT                | EXTENSION TO EXISTING INDUSTRIAL SHED                                            | 22-DEC-09   | 21          | UNDER DELEGATION | PERMIT ISSUED    |
| 327/2009-1 | 1-DEC-09      | 131 GREAT OCEAN ROAD, APOLLO BAY         | CONSTRUCTION OF A SHOP FRONT VERANDAH                                            | 23-DEC-09   | 22          | UNDER DELEGATION | PERMIT ISSUED    |

| APPLIC NO                                            | DATE RECEIVED | LOCATION                      | Proposal                                     | DATE ISSUED | ACTUAL TIME | Authority        | Decision      |
|------------------------------------------------------|---------------|-------------------------------|----------------------------------------------|-------------|-------------|------------------|---------------|
| 349/2009-1                                           | 17-DEC-09     | 71-75 MAIN STREET, BIRREGURRA | PROPOSED CONVENIENCE SHOP & BUSINESS SIGNAGE | 22-DEC-09   | 5           | UNDER DELEGATION | PERMIT ISSUED |
| 354/2009-1                                           | 18-DEC-09     | 15 SELLS ROAD, BARONGAROOK    | EXTENSION TO EXISING DWELLING                | 23-DEC-09   | 5           | UNDER DELEGATION | PERMIT ISSUED |
| <b>Average Days to Process Planning Applications</b> |               |                               |                                              |             | <b>53</b>   |                  |               |



## Planning Statistical Report January 2010

| APPLIC NO                                            | DATE RECEIVED | LOCATION                                | Proposal                                                                                      | DATE ISSUED | ACTUAL TIME | Authority           | Decision               |
|------------------------------------------------------|---------------|-----------------------------------------|-----------------------------------------------------------------------------------------------|-------------|-------------|---------------------|------------------------|
| 242/2001-2                                           | 14-MAY-09     | 14 CASSIDY DRIVE,<br>KENNETT RIVER      | THE USE & DEVELOPMENT OF THE LAND FOR A DWELLING<br>– AMENDMENT                               | 4-JAN-10    | 5           | UNDER<br>DELEGATION | WITHDRAWN              |
| 377/2005-2                                           | 11-MAY-09     | 80 OLD HORDERN VALE<br>ROAD, APOLLO BAY | AMENDMENT – CONSTRUCTION OF A SINGLE STOREY<br>DWELLING & REMOVAL NATIVE VEGETATION & CARPORT | 14-Jan-10   | 86          | UNDER<br>DELEGATION | PERMIT<br>ISSUED       |
| 194/2008-1                                           | 27-MAY-08     | 18 MCCRAE ROAD, WYE<br>RIVER            | CONSTRUCTION OF A DWELLING AND ASSOCIATED<br>WORKS INCLUDING REMOVAL OF VEGETATION            | 27-JAN-10   | 18          | UNDER<br>DELEGATION | PERMIT<br>ISSUED       |
| 234/2008-1                                           | 14-JUL-08     | 3 GREAT OCEAN ROAD,<br>WYE RIVER        | TWO (2) LOT SUBDIVISION                                                                       | 15-JAN-10   | 243         | UNDER<br>DELEGATION | PERMIT<br>REFUSED      |
| 123/2009-1                                           | 12-MAY-09     | 45 BEATTIE LANE<br>WONGARRA             | USE & DEVELOPMENT OF A DWELLING AND ASSOCIATED<br>WORKS                                       | 20-JAN-10   | 72          | UNDER<br>DELEGATION | PERMIT<br>ISSUED       |
| 181/2009-1                                           | 11-JUN-09     | 1A FYANS STREET<br>COLAC                | BUILDING AND WORKS TO ENCLOSE PART OF EXISTING<br>EXTERNAL DECK AREA                          | 25-JAN-10   | 73          | UNDER<br>DELEGATION | PERMIT<br>REFUSED      |
| 212/2009-1                                           | 15-JUL-09     | 135 FRY'S ROAD<br>KAWARREN              | CONSTRUCTION OF A DAM, REMOVAL OF NATIVE<br>VEGETATION & TWO (2) LOT SUBDIVISION              | 13-JAN-10   | 0           | UNDER<br>DELEGATION | WITHDRAWN              |
| 242/2009-1                                           | 6-AUG-09      | 48A CHURCH STREET<br>COLAC              | DEVELOPMENT OF LAND FOR AN OUTBUILDING (SHED)                                                 | 18-JAN-10   | 55          | UNDER<br>DELEGATION | PERMIT<br>ISSUED       |
| 283/2009-1                                           | 25-sep-09     | 35 BEEAC CEMETERY<br>ROAD, BEEAC        | CONSTRUCTION OF A WORKSHOP & STABLE                                                           | 25-JAN-10   | 69          | UNDER<br>DELEGATION | PERMIT<br>ISSUED       |
| 332/2009-1                                           | 2-DEC-09      | 175 CORAGULAC BEEAC<br>ROAD CORAGULAC   | CONSTRUCTION OF A FARM SHED                                                                   | 6-JAN-10    | 34          | UNDER<br>DELEGATION | PERMIT NOT<br>REQUIRED |
| 333/2009-1                                           | 2-DEC-09      | 22-24 HESSE STREET,<br>COLAC            | EXTENSION TO EXISTING DWELLING                                                                | 15-JAN-10   | 43          | UNDER<br>DELEGATION | PERMIT<br>ISSUED       |
| 339/2009-1                                           | 8-DEC-09      | 15 MAGGIOS ROAD,<br>BARONGAROOK         | EXTENSION TO EXISTING DWELLING & CONSTRUCTION OF<br>CAR GARAGE/STORAGE SHED                   | 18-JAN-10   | 40          | UNDER<br>DELEGATION | PERMIT<br>ISSUED       |
| 340/2009-1                                           | 9-DEC-09      | 845 BARHAM RIVER<br>ROAD, APOLLO BAY    | CONSTRUCTION OF FARM EQUIPMENT & STORAGE SHED                                                 | 18-JAN-10   | 39          | UNDER<br>DELEGATION | PERMIT<br>ISSUED       |
| 357/2009-1                                           | 22-DEC-09     | 220 AIRE SETTLEMENT<br>ROAD JOHANNA     | CONSTRUCTION OF A MACHINERY SHED                                                              | 18-JAN-10   | 26          | UNDER<br>DELEGATION | PERMIT<br>ISSUED       |
| 359/2009-1                                           | 22-DEC-09     | 500 GREAT OCEAN ROAD<br>APOLLO BAY      | EXTENSION TO EXISTING SHED                                                                    | 18-JAN-10   | 28          | UNDER<br>DELEGATION | PERMIT<br>ISSUED       |
| 363/2009-1                                           | 23-DEC-09     | 65 POLLEYS ROAD<br>BARONGAROOK WEST     | LANDFILL                                                                                      | 7-JAN-10    | 15          | UNDER<br>DELEGATION | PERMIT NOT<br>REQUIRED |
| <b>Average days to process planning applications</b> |               |                                         |                                                                                               |             | <b>53</b>   |                     |                        |



## Building Statistics November 2009

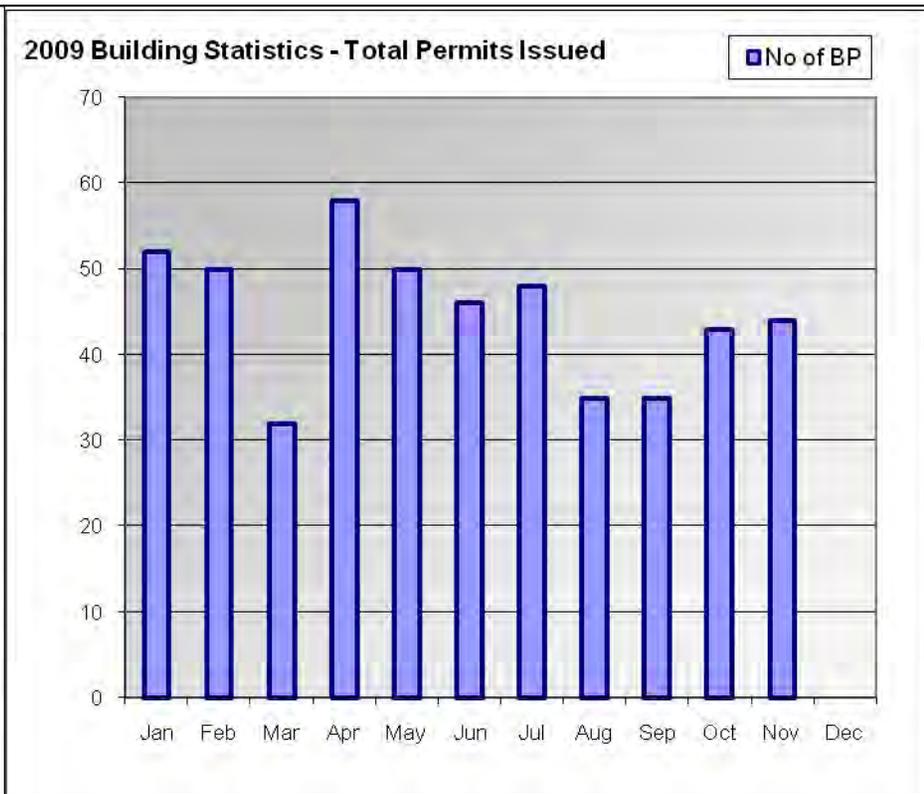
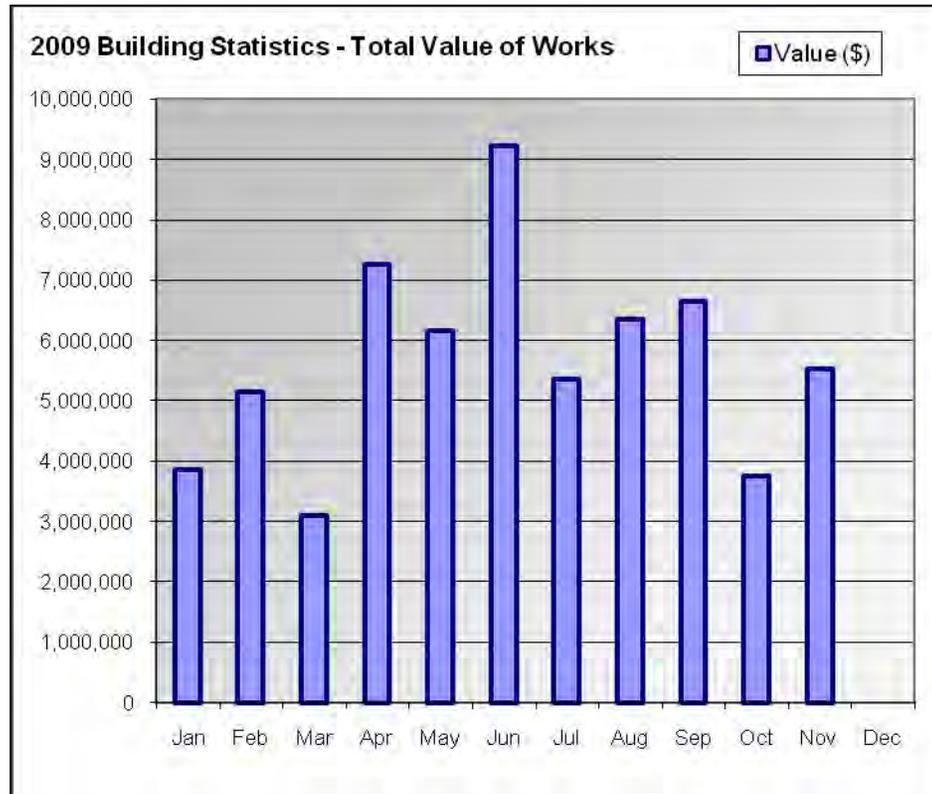
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|               | Domestic   |                   | Residential* |                  | Commercial |                  | Retail    |                | Industrial |                  | Hospital/HealthCare |               | Public Buildings |                   | Municipal Totals |                   |
|---------------|------------|-------------------|--------------|------------------|------------|------------------|-----------|----------------|------------|------------------|---------------------|---------------|------------------|-------------------|------------------|-------------------|
|               | No of BP   | Value (\$)        | No of BP     | Value (\$)       | No of BP   | Value (\$)       | No of BP  | Value (\$)     | No of BP   | Value (\$)       | No of BP            | Value (\$)    | No of BP         | Value (\$)        | No of BP         | Value (\$)        |
| Jan           | 43         | 3,586,040         | 1            | 105,000          | 6          | 165,090          | 1         | 10,000         | 0          | 0                | 0                   | 0             | 1                | 0                 | 52               | 3,866,130         |
| Feb           | 42         | 4,777,075         | 0            | 0                | 4          | 163,950          | 0         | 0              | 0          | 0                | 1                   | 28138         | 3                | 181,906           | 50               | 5,151,069         |
| Mar           | 26         | 2,908,966         | 0            | 0                | 6          | 185,733          | 0         | 0              | 0          | 0                | 0                   | 0             | 0                | 0                 | 32               | 3,094,699         |
| Apr           | 46         | 6,484,011         | 0            | 0                | 6          | 157,287          | 1         | 1,950          | 2          | 55,000           | 0                   | 0             | 3                | 565,000           | 58               | 7,263,248         |
| May           | 38         | 4,839,980         | 2            | 126,675          | 7          | 539,459          | 1         | 150,000        | 1          | 350,000          | 0                   | 0             | 1                | 157,099           | 50               | 6,163,213         |
| Jun           | 38         | 4,583,339         | 0            | 0                | 3          | 147,500          | 1         | 115,500        | 0          | 0                | 0                   | 0             | 4                | 4,364,000         | 46               | 9,210,339         |
| Jul           | 40         | 4,223,689         | 1            | 150,000          | 2          | 14,900           | 3         | 150,000        | 0          | 0                | 0                   | 0             | 2                | 827,525           | 48               | 5,366,114         |
| Aug           | 24         | 1,727,755         | 1            | 100,000          | 3          | 64,376           | 2         | 53,200         | 2          | 341,900          | 0                   | 0             | 3                | 4,055,888         | 35               | 6,343,119         |
| Sep           | 26         | 2,052,159         | 3            | 621,175          | 2          | 953,852          | 2         | 400,000        | 1          | 2,400,000        | 0                   | 0             | 1                | 225,000           | 35               | 6,652,186         |
| Oct           | 39         | 2,910,530         | 0            | 0                | 2          | 321,495          | 0         | 0              | 2          | 514,997          | 0                   | 0             | 0                | 0                 | 43               | 3,747,022         |
| Nov           | 33         | 2,369,013         | 0            | 0                | 6          | 188,235          | 2         | 74,000         | 2          | 1,750,000        | 0                   | 0             | 1                | 1,150,000         | 44               | 5,531,248         |
| Dec           |            |                   |              |                  |            |                  |           |                |            |                  |                     |               |                  |                   |                  |                   |
| <b>Totals</b> | <b>395</b> | <b>40,462,557</b> | <b>8</b>     | <b>1,102,850</b> | <b>47</b>  | <b>2,901,877</b> | <b>13</b> | <b>954,650</b> | <b>10</b>  | <b>5,411,897</b> | <b>1</b>            | <b>28,138</b> | <b>19</b>        | <b>11,526,418</b> | <b>493</b>       | <b>62,388,387</b> |

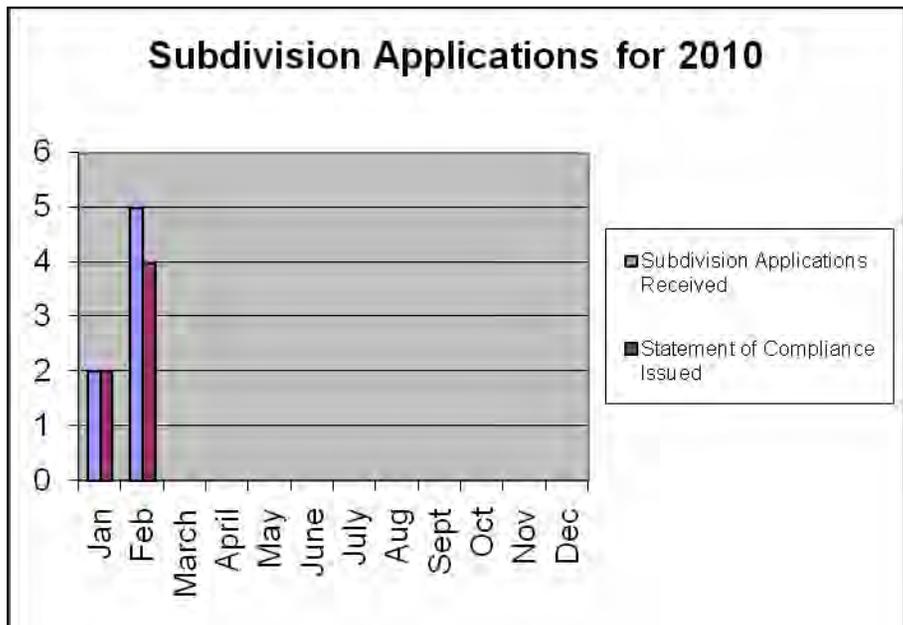
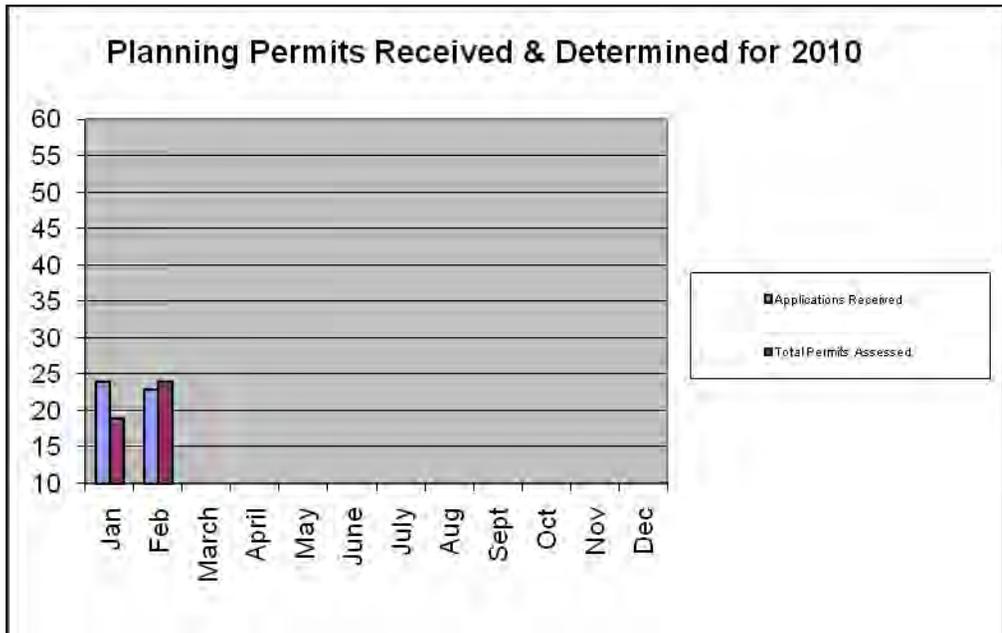
\*Multi-Development



## Planning Statistical Report February 2010

| APPLIC NO  | DATE RECEIVED | LOCATION                         | Proposal                                                                                                      | DATE ISSUED | ACTUAL TIME | Authority        | Decision         |
|------------|---------------|----------------------------------|---------------------------------------------------------------------------------------------------------------|-------------|-------------|------------------|------------------|
| 444/2003-3 | 16 NOV 09     | 16 MAIN ROAD, GELLIBRAND         | AMENDMENT TO CONDITION 21 – VARIATION TO HOURS OF OPERATION & VARIATION TO HOURS OF ON-PREMISE LIQUOR LICENCE | 11 FEB 10   | 61          | UNDER DELEGATION | PERMIT ISSUED    |
| 305/2008-2 | 21 DEC 09     | 1 POLWARTH STREET, COLAC         | AMENDMENT – ADDITION TO EXISTING KINDERGARTEN                                                                 | 12 FEB 10   | 53          | UNDER DELEGATION | PERMIT ISSUED    |
| 51/2009-1  | 11 MAR 09     | 4 JOSEPH COURT, KENNETT RIVER    | DEVELOPMENT OF A DWELLING, SHED & REMOVAL OF VEGETATION                                                       | 18 FEB 10   | 62          | UNDER DELEGATION | PERMIT ISSUED    |
| 237/2009-1 | 3 AUG 09      | 54 MAIN ROAD, GELLIBRAND         | TWO (2) LOT SUBDIVISION                                                                                       | 12 FEB 10   | 83          | UNDER DELEGATION | REFUSAL TO GRANT |
| 258/2009-1 | 31 AUG 09     | 18 SAUNDERS STREET, COLAC        | DEVELOPMENT OF A WAREHOSUE                                                                                    | 11 FEB 10   | 109         | UNDER DELEGATION | PERMIT ISSUED    |
| 265/2009-1 | 11 SEP 09     | 1/42 MONTROSE AVENUE, APOLLO BAY | THREE (3) LOT SUBDIVISION                                                                                     | 2 FEB 10    | 96          | UNDER DELEGATION | REFUSAL TO GRANT |
| 299/2009-1 | 23 OCT 09     | 300 WAIT A WHILE ROAD, WYELANGTA | DEVELOPMENT OF A DWELLING                                                                                     | 15 FEB 10   | 77          | UNDER DELEGATION | PERMIT ISSUED    |
| 302/2009-1 | 26 OCT 09     | 33 WALLACE STREET, WYE RIVER     | ALTERATIONS TO EXISTING DWELLING                                                                              | 18 FEB 10   | 28          | UNDER DELEGATION | PERMIT ISSUED    |
| 306/2009-1 | 3 NOV 09      | 45 EDMUNDSON STREET, BIRREGURRA  | ADDITIONS TO EXISTING DWELLING                                                                                | 11 FEB 10   | 99          | UNDER DELEGATION | PERMIT ISSUED    |
| 315/2009-1 | 10 NOV 09     | 9 THE BOULEVARDE WYE RIVER       | ALTERATIONS TO EXISTING DWELLING & EXTENSION TO EXISTING DECK                                                 | 4 FEB 10    | 20          | UNDER DELEGATION | PERMIT ISSUED    |
| 323/2009-1 | 11 JAN 10     | 26 HESSE STREET, COLAC           | AMENDMENT – EXTENSION TO DWELLING                                                                             | 11 FEB 10   | 31          | UNDER DELEGATION | PERMIT ISSUED    |
| 337/2009-1 | 4 DEC 09      | 44 MOORE STREET, COLAC           | WORKS TO CONSTRUCT A BOUNDARY FENCE                                                                           | 3 FEB 10    | 60          | UNDER DELEGATION | PERMIT ISSUED    |
| 338/2009-1 | 9 DEC 09      | 91 MAIN STREET, BEEAC            | USE – SECOND HAND SHOP                                                                                        | 2 FEB 10    | 46          | UNDER DELEGATION | WITHDRAWN        |
| 342/2009-1 | 10 DEC 09     | 173 GREAT OCEAN ROAD, APOLLO BAY | REMOVAL OF EXISTING CARPORT & CONSTRUCTION OF NEW CARPORT                                                     | 12 FEB 10   | 67          | UNDER DELEGATION | PERMIT ISSUED    |
| 346/2009-1 | 14 DEC 09     | 113 MAIN STREET, BEEAC           | CONSTRUCTION OF VERANDAH & PERGOLA                                                                            | 4 FEB 10    | 52          | UNDER DELEGATION | PERMIT ISSUED    |
| 351/2009-1 | 17 DEC 09     | 415 COLAC FORREST ROAD, YEO      | EXTENSION TO EXISTING DWELLING & CARPORT ADDITION TO EXISTING SHED                                            | 12 FEB 10   | 25          | UNDER DELEGATION | PERMIT ISSUED    |
| 355/2009-1 | 19 DEC 09     | 9 MARENGO CRESCENT, MARENGO      | CONSTRUCTION OF A DWELLING                                                                                    | 5 FEB 10    | 43          | UNDER DELEGATION | PERMIT ISSUED    |
| 360/2009-1 | 21 DEC 09     | 170 MAIN STREET, ELLIMINYT       | USE OF LAND FOR A PERSONAL TRAINING PERMISES                                                                  | 15 FEB 10   | 19          | UNDER DELEGATION | PERMIT ISSUED    |

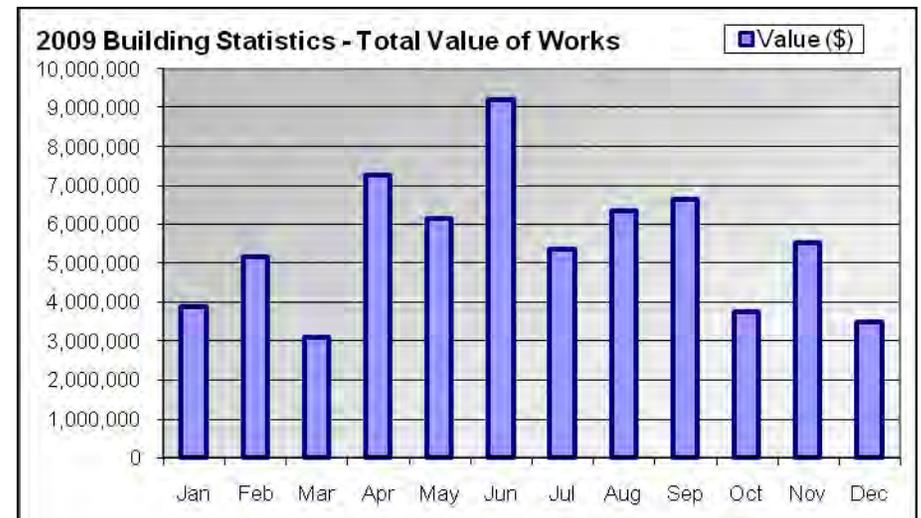
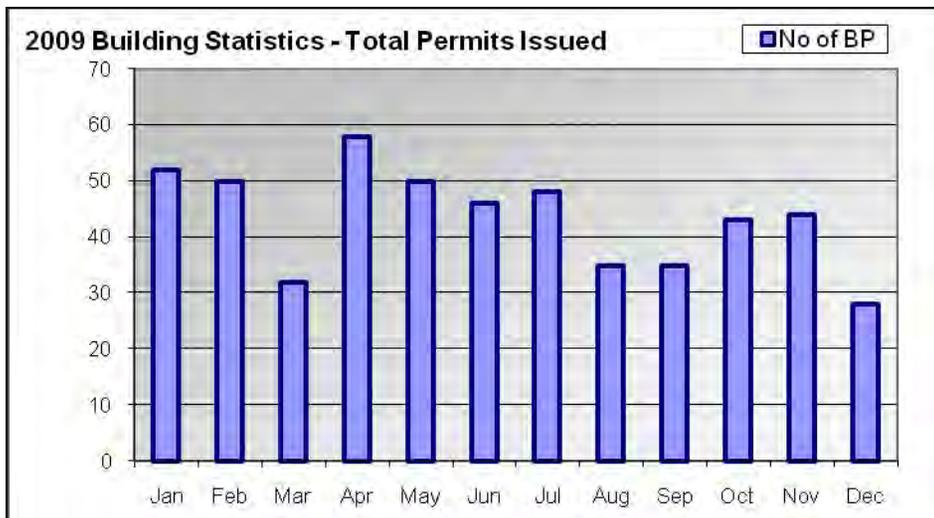
| APPLIC NO                                            | DATE RECEIVED | LOCATION                                     | Proposal                                                         | DATE ISSUED | ACTUAL TIME | Authority        | Decision           |
|------------------------------------------------------|---------------|----------------------------------------------|------------------------------------------------------------------|-------------|-------------|------------------|--------------------|
| 2/2010-1                                             | 6 JAN 10      | 830 COLAC LAVERS HILL ROAD, BARONGAROOK WEST | CONSTRUCTION OF A FARM SHED                                      | 4 FEB 10    | 20          | UNDER DELEGATION | PERMIT ISSUED      |
| 4/2010-1                                             | 11 JAN 10     | 10 MCDONNELLS ROAD, BIRREGURRA               | INSTALLATION OF A SWIMMING POOL & CONSTRUCTION OF A SAFETY FENCE | 11 FEB 10   | 30          | UNDER DELEGATION | PERMIT ISSUED      |
| 9/2010-1                                             | 13 JAN 10     | 30-34 RAE STREET, COLAC                      | EXTENSION TO EXISTING SHED                                       | 11 FEB 10   | 29          | UNDER DELEGATION | PERMIT ISSUED      |
| 19/2010-1                                            | 22 JAN 10     | 485 RIFLE BUTTS ROAD, WHOOREL                | CONSTRUCTION OF AN OUTBUILDING                                   | 11 FEB 10   | 20          | UNDER DELEGATION | PERMIT ISSUED      |
| 278/2009-1                                           | 12 NOV 09     | 4730 GREAT OCEAN ROAD, LAVERS HILL           | CONSTRUCTION OF A PERGOLA                                        | 24 FEB 10   | 0           | UNDER DELEGATION | APPLICATION LAPSED |
| 8/2010-1                                             | 18 JAN 10     | 148 MURRAY STREET, COLAC                     | BUSINESS IDENTIFICATION SIGNAGE                                  | 25 FEB 10   | 6           | UNDER DELEGATION | PERMIT ISSUED      |
| <b>Average days to process planning applications</b> |               |                                              |                                                                  |             |             | <b>47</b>        |                    |



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|               | Domestic   |                   | Residential* |                  | Commercial |                  | Retail    |                | Industrial |                  | Hospital/HealthCare |               | Public Buildings |                   | Municipal Totals |                   |
|---------------|------------|-------------------|--------------|------------------|------------|------------------|-----------|----------------|------------|------------------|---------------------|---------------|------------------|-------------------|------------------|-------------------|
|               | No of BP   | Value (\$)        | No of BP     | Value (\$)       | No of BP   | Value (\$)       | No of BP  | Value (\$)     | No of BP   | Value (\$)       | No of BP            | Value (\$)    | No of BP         | Value (\$)        | No of BP         | Value (\$)        |
| Jan           | 43         | 3,586,040         | 1            | 105,000          | 6          | 165,090          | 1         | 10,000         | 0          | 0                | 0                   | 0             | 1                | 0                 | 52               | 3,866,130         |
| Feb           | 42         | 4,777,075         | 0            | 0                | 4          | 163,950          | 0         | 0              | 0          | 0                | 1                   | 28138         | 3                | 181,906           | 50               | 5,151,069         |
| Mar           | 26         | 2,908,966         | 0            | 0                | 6          | 185,733          | 0         | 0              | 0          | 0                | 0                   | 0             | 0                | 32                | 3,094,699        |                   |
| Apr           | 46         | 6,484,011         | 0            | 0                | 6          | 157,287          | 1         | 1,950          | 2          | 55,000           | 0                   | 0             | 3                | 565,000           | 58               | 7,263,248         |
| May           | 38         | 4,839,980         | 2            | 126,675          | 7          | 539,459          | 1         | 150,000        | 1          | 350,000          | 0                   | 0             | 1                | 157,099           | 50               | 6,163,213         |
| Jun           | 38         | 4,583,339         | 0            | 0                | 3          | 147,500          | 1         | 115,500        | 0          | 0                | 0                   | 0             | 4                | 4,364,000         | 46               | 9,210,339         |
| Jul           | 40         | 4,223,689         | 1            | 150,000          | 2          | 14,900           | 3         | 150,000        | 0          | 0                | 0                   | 0             | 2                | 827,525           | 48               | 5,366,114         |
| Aug           | 24         | 1,727,755         | 1            | 100,000          | 3          | 64,376           | 2         | 53,200         | 2          | 341,900          | 0                   | 0             | 3                | 4,055,888         | 35               | 6,343,119         |
| Sep           | 26         | 2,052,159         | 3            | 621,175          | 2          | 953,852          | 2         | 400,000        | 1          | 2,400,000        | 0                   | 0             | 1                | 225,000           | 35               | 6,652,186         |
| Oct           | 39         | 2,910,530         | 0            | 0                | 2          | 321,495          | 0         | 0              | 2          | 514,997          | 0                   | 0             | 0                | 0                 | 43               | 3,747,022         |
| Nov           | 33         | 2,369,013         | 0            | 0                | 6          | 188,235          | 2         | 74,000         | 2          | 1,750,000        | 0                   | 0             | 1                | 1,150,000         | 44               | 5,531,248         |
| Dec           | 25         | 1,191,265         | 0            | 0                | 1          | 55,000           | 0         | 0              | 0          | 0                | 0                   | 0             | 2                | 2,233,000         | 28               | 3,479,265         |
| <b>Totals</b> | <b>420</b> | <b>41,653,822</b> | <b>8</b>     | <b>1,102,850</b> | <b>48</b>  | <b>2,956,877</b> | <b>13</b> | <b>954,650</b> | <b>10</b>  | <b>5,411,897</b> | <b>1</b>            | <b>28,138</b> | <b>21</b>        | <b>13,759,418</b> | <b>521</b>       | <b>65,867,652</b> |

\*Multi-Development



**PC101003-2 BUSINESS IDENTIFICATION SIGNAGE & WAIVING OF FOUR (4) CAR PARKING SPACES AT 265-281 MURRAY STREET, COLAC.**

|             |                                    |           |            |
|-------------|------------------------------------|-----------|------------|
| AUTHOR:     | Ros Snaauw                         | ENDORSED: | Jack Green |
| DEPARTMENT: | Sustainable Planning & Development | FILE REF: | PP21/07-3  |

**Location:** 265-281 Murray Street, Colac

**Zoning:** Business 1 Zone and Business 2 Zone

**Overlay controls:** Nil

**Proposed Amendments:** Nil

**Purpose:**

The application is seeking to amend the original planning permit issued for development of the Mitre 10 site to allow additional Business Identification Signage and a waiver of four (4) car parking spaces, and is being considered by the Planning Committee due to the request to waive car parking.

**Declaration of Interest**

The officer has no pecuniary interest in this matter.

**Summary**

- The application is to amend the original planning permit PP21/07 issued in July 2007 which allowed the use and development of the land for a retail and trade supplies business to allow for additional advertising signage and a waiver of 4 car spaces.
- The advertising signage is already displayed on the building and the 4 car spaces have not been utilised since the opening of the Mitre 10 store.
- It is considered that the advertising signage is acceptable and will not have a detrimental impact on the amenity of the residential area and the waiver of 4 car spaces will not have a negative impact on the existing supply of parking on the site or the traffic management of the immediate area.
- It is recommended that the planning permit be amended to allow the additional advertising signage and waiver of 4 car spaces.

**Background**

A permit was issued by the Planning Committee on 12 July 2007 for the Use and Development of Retail Premises, Trade Supplies, Ancillary timber yard, waiving of car parking and bicycle parking and advertising signage.

A redevelopment of the site was undertaken in 2007 which included a hardware retail shop with floor area of approximately 1984 square metres, an outdoor product display area which comprises approximately 700 square metres, and an enclosed trade supplies area with ancillary timber cutting operation which comprises approximately 1152 square metres.

A total of seventy (70) onsite parking spaces were proposed, nine (9) of these spaces were to be allocated to staff. The staff car parking is located on the Skene Street side of the development and is accessed from Skene Street. Eleven (11) spaces are located within the trade and timber area leaving a proposed fifty (50) car spaces located in the main car park with access off Murray Street.

### **Issues / Options**

Council has the options of:

- Supporting the application through the issue of a Notice of Decision for an amended planning permit subject to original conditions but endorsing amended plans showing new signage and car parking requirements; or
- Refusing to grant an amended planning permit.

### **Proposal**

The application seeks approval to amend the original planning permit PP21/07. The amendment requires the waiver of four (4) car spaces. The applicant has stated that the waiver of the two (2) staff car spaces is required as they represent a safety hazard with the unloading of trucks. Trucks are unable to unload in the loading zone. The further two car spaces to be waived are within the outdoor display area which is being used as a storage area and two trucks are parked there at most times. The surface is not sealed.

Car spaces proposed for removal are:

1. Car spaces 66 and 67 which are along the north elevation and are allocated staff parking.
2. Car spaces 69 and 70 which are located in the outdoor product display area to the northeast of the site along the wall adjoining McDonalds.

The application also requires the approval of advertising signs retrospectively. Signs currently being displayed do not have planning approval (other than the pole sign). The signage is in Mitre 10 corporate colours of blue background with white lettering. Other small alterations are to include a display area to the entrance of the store and to change the marked pedestrian path in the car park facing Murray Street.

### **Site & Surrounds**

The site is located in the commercial precinct of Colac on the north side of Murray Street, west of Grant Street and the McDonalds Restaurant. The site is currently developed and operates as a Mitre 10 retail store. The site extends from Murray Street through to Skene Street.

The site is an irregular shaped allotment and falls slightly towards Murray Street falling within two Zones, the Business 1 Zone and Business 2 Zone. The retail premises, trade supplies, timber yard and part of the main carpark (approximately 1-26) fall within the Business 2 Zone, whilst car spaces 27 – 50 and the outdoor display area fall within the Business 1 Zone.

Land opposite the subject site in Skene Street is located in the Residential 1 Zone and is developed with a range of dwelling types and styles. The site located to the northwest of the subject site is developed with three single storey units, however this land is zoned for commercial development.

The site to the east of the subject site is developed and used by McDonalds.

Land opposite the site in Murray Street is located in the Business 2 Zone and is developed and used for a range of commercial activities.

Murray Street is the major arterial road through Colac and the road is classified as a Category 1 Road.

### **Public Notice**

Public notice of the application for the amendment was given pursuant to Section 52 of the Planning and Environment Act 1987 by sending a letter to all adjoining and opposite owners and occupiers.

At the conclusion of the notification period one (1) objection was received. The objector raised the following concerns:

- The size of the "Business Identification Signage" on the north elevation (Skene Street façade) which is 14.0m<sup>2</sup>, as it is facing residential premises and is not the customer entry side of the building.
- Removal of street car spaces.

The application wrongly stated that street parking was to be removed. The car spaces to be removed are on site with two (2) spaces from the staff parking along the north elevation and two (2) along the southeast elevation.

No advertising was proposed along the north elevation in the original application. The proposed advertising is not considered inappropriate.

### **Referrals**

The application for the amendment was referred internally to the Infrastructure Department which has raised no objections to the proposed removal of car spaces subject to the following condition and note being placed into the amended permit. The permit is to include:

1. Vehicles under the control of the operator of the use or the operator's staff must not be parked on the nearby roads.

**Note:** Staff parking is not to be transferred to Skene Street. Allowance is to be made at the front of the store.

### **Planning Controls**

The use and development of the site is already permitted and development has taken place in accordance with approvals, except in relation to the advertising signage the subject of this application.

The amendment triggers the following clauses of the Planning Scheme:

- Clause 34.02 Business 2 Zone (Category 2)
- Clause 52.05-6 Business Identification Signage
- Clause 52.06-1 Waivering Car Parking

### **Consideration of the Proposal**

#### **a) Advertising Signs**

Advertising signs in a Business 1 Zone area are Category 1 – Business areas with minimum limitation and in a Business 2 Zone are Category 2 – Office and industrial with low limitation.

An application is required in the Business 1 and 2 Zone if the advertising area is over 8sqm. The application for signage is in excess of this area.

The original planning permit approved advertising on the south elevation above the entrance door and trade entrance as well as a pole sign 5 metres in height with a sign area of 3 metres x 1.5 metres. The pole sign was later amended on 16 May 2008 to be 6 metres in height.

Business identification is proposed on the external walls of the building with the majority of the signage facing Murray Street. No area of the signage is proposed to be illuminated.

The application seeks some additional signage on the south elevation, facing Murray Street. The plans show strip signage 2 metres from ground level in black lettering approximately 0.4 metres in height against a white background and larger white lettering approximately 1.2 metres in height on a blue background to the left and right of the entrance of the building with smaller white lettering above the entrance door area and above the trade entrance.

The east elevation contains strip signage approximately 2.4 metres above ground level with larger white lettering towards Skene Street. This elevation faces a business precinct.

The north elevation contains the large lettering approximately 2.4 metres in height against a blue background toward Grant Street with the sign facing a residential precinct.

The west elevation contains no advertising.

The majority of the signage is the corporate colours of Mitre 10 with only a small area occupied by the name. The impact of the signage is minimal, particularly in a commercial precinct and is unlikely to cause any detriment to the residential precinct given that none of the signage will be illuminated.

#### **b) Waiving of Car Parking**

The table at Clause 52.06-5 sets out the number of car spaces required for uses not covered by a parking precinct plan or another clause. A permit may be granted to reduce or to waive the number of car spaces required by the table.

A waiver of car parking was supported with the original planning permit on the following basis:

- The car parking rate of 8 spaces per 100 m<sup>2</sup> of leasable floor area for retail is unrealistic and a more reasonable rate of 4.1 car spaces to 100 m<sup>2</sup> of leasable floor area is accepted as industry standard;
- The lesser rate was considered appropriate given the nature of the uses proposed for the site;
- There are 90 car spaces within short walking distance of the proposed development site and the car parking survey conducted by the proponent's Traffic Consultant found that 70% of these spaces were unoccupied. Therefore it was considered that there was significant availability of on street car parking in the locality should demand exceed on-site supply of car parks.

As Council is aware the State Government Advisory Committee Report relating to the Car Parking Provisions prepared in August 2007 recommends adopting a rate of 3.5 car spaces/100m<sup>2</sup> of leasable floor area for a "shop" use and 2.5 car spaces/100m<sup>2</sup> of leasable floor area for "restricted retail premises". Although the State Government has not at this stage incorporated the recommendations of the Advisory Committee Report into planning schemes it is widely accepted through VCAT determinations that the car parking requirements for retail type activities are unrealistic and that the recommendations in the advisory report are generally more appropriate.

Council is conducting a car parking study for Apollo Bay and Colac Townships and the Consultants, AECOM Australia Pty Ltd have prepared an Issues and Opportunities Paper for each township. Council was briefed in December 2009 on the initial findings of parking surveys conducted by the consultants for both townships. It is expected that the Issues and Opportunities Papers will be available for public comment in March 2010.

Mitre 10 have provided 50 on-site car spaces at the front of the store, a further 11 car spaces in the trade and timber area and 5 staff car spaces at the Skene Street frontage.

The applicant has stated that the 50 car spaces at the front of the store have never been full except on two occasions being the Grand opening day and Colac's "Three Hour Sale". Through the week days the applicant has stated that only 15 to 20 car spaces are used and on the weekends 20 to 25 car spaces.

Given that under normal operating circumstances there is an adequate supply of existing car parking available to cater for demand, the waiver of 4 car spaces is unlikely to have any discernable impact on parking availability for this business.

#### **Corporate Plan / Other Strategies / Policy**

The Colac Structure Plan is a reference document in the Colac Otway Planning Scheme. It sets out the future development direction for Colac over the next 20 years. The vision for Colac is to create a thriving town and vibrant town centre which responds to the housing needs of its residents and offers a variety of opportunities for employment and economic development. The vision for commercial development is: *„the Colac Town Centre will be a prosperous and thriving precinct, supported by smaller scale commercial and retail development in specifically targeted locations to provide convenience services for the Colac and Elliminyt communities.’* The Colac Structure Plan makes no specific recommendations in relation to car parking requirements.

Work on the Apollo Bay and Colac Township Car Parking Study has commenced and an Issues and Opportunities Paper will be available shortly for public comment (see earlier discussion).

#### **Financial & Other Resource Implications**

This proposal raises no financial or resourcing implications for Council.

#### **Risk Management & Compliance Issues**

This proposal raises no risk management or compliance issues.

#### **Environmental Consideration / Climate Change**

There are no environmental or climate change implications arising from this proposal.

#### **Communication Strategy / Consultation Period**

Public notice of the amended application was required with one objection being received.

#### **Conclusion**

Mitre 10 has been operating from the existing site for the last two years and provides on-site car parking for its patrons. The site is located within the commercial precinct where there is a good supply of on-street car parking. The applicant has advised that the existing on-site car parking caters adequately for their patrons and demand has only exceeded supply on two occasions.

The amendment seeks the waiver of 4 car spaces which is considered to have no additional impact on car parking on the site or in the immediate area. The additional advertising is considered appropriate in a commercial precinct and is unlikely to have any material detriment on the residential precinct to the north of the site.

It is recommended that a Notice of Decision to issue an amended planning permit be supported.

#### **Attachments**

Nil

**Recommendation(s)**

***That Council's Planning Committee grant a Notice of Decision to amend Planning Permit PP21/07 for the Use and Development of Retail Premise, Trade Supplies, Ancillary Timber Yard, Waiving of Car Parking and Bicycle Parking and Advertising Signage – Amendment at 265-281 Murray Street subject to the following conditions:***

**AMENDED PLANS**

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) ***Location of all external plant and equipment***
  - b) ***Relocation of the rubbish storage area away from the residential interface***
  - c) ***The provision of left turn only signs at the rear exit points along Skene Street***
  - d) ***The provision of signage for the Skene Street car parking area indicating it is a staff only car park***
  - e) ***The provision of a left turn only sign at the exit of the car park onto Murray Street.***
  - f) ***The provision of two bicycle parking spaces in the staff parking area***
  - g) ***The provision of stop signs at the car park exit points***
  - h) ***A maximum speed limit of 15 kilometres per hour be imposed on the internal access roads and car parking areas within the development. Speed limits are to be clearly sign posted.***
  - i) ***Provision of an acoustic fencing along the western boundary where it adjoins residential dwellings. The acoustic fence must be erected to minimum height of 2 metres above natural ground level. 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.***

**LANDSCAPING**

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. 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 details of the screening vegetation proposed along the western boundary of the site. The vegetation should grown to a minimum height of 3 metres.***

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

3. ***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.***
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.***

#### **MATERIALS**

5. ***Before the development starts, a schedule of construction materials, external finishes and colours (incorporating samples) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the schedule will be endorsed and will then form part of the permit.***

#### **CONSTRUCTION MANAGEMENT**

6. ***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 to 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.***

7. ***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.***
8. ***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; and,*
- (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.*

#### **CAR PARKING AND ACCESS**

- 9. 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) constructed*
  - b) properly formed to such levels that they can be used in accordance with the plans*
  - c) surfaced with an all weather seal coat*
  - d) drained*
  - e) line marked to indicate each car space and all access lanes*
  - f) clearly marked to show the direction of traffic along access lanes and driveways*

*to the satisfaction of the Responsible Authority.*

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

- 10. 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.**

#### **DRAINAGE**

- 11. 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.**

#### **RESTRICTION OF DELIVERY HOURS**

- 12. Deliveries to the site must be restricted to the following hours:**
- 7am– 5:30pm Monday to Friday.*

#### **GENERAL**

- 13. All external walls on or facing property boundaries must be cleaned and finished to the satisfaction of the Responsible Authority.**
- 14. 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.**
- 15. 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.**

16. **All waste material not required for further on-site processing must be regularly removed from the site to the satisfaction of the Responsible Authority.**
17. **The acoustic fencing required along the western boundary where it adjoins residential dwelling must be constructed (at the developers cost) and prior to the commencement of use 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.**

#### **ADVERTISING SIGNAGE**

19. **The signs must not:**
  - a) **Contain any flashing or intermittent light.**
  - b) **Alter its message or move in part or whole.**
  - c) **Not represent devices used by police or other emergency vehicles.**

#### **PERMIT EXPIRY**

20. **This permit will expire if one of the following circumstances applies:**
  - a) **The development and/ or use 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.**

#### **CONDITIONS REQUIRED BY VICROADS**

21. **A right turn lane shall be provided on the Princes Highway (Murray Street) to cater for vehicles from the east turning into the site car park. The right turn lane must be integrated with the existing painted median to the west and with the existing right turn lane at the Grant Street intersection.**
22. **The egress driveway crossover between the site car park and Princes Highway (Murray Street) shall be shaped, signed and line-marked to VicRoads' satisfaction to ensure that traffic movement is left turn only.**
23. **The development must not proceed until a functional layout of the right turn land and driveway works is approved in writing by VicRoads. All road works must be carried out to VicRoads' satisfaction and at no cost to VicRoads.**
24. **The applicant or the applicant's contractor must contact the Manager Program Delivery, VicRoads- South Western Region (telephone 5225 2525) at least 2 weeks prior to commencing work within the Princes Highway (Murray Street) reserve to discuss construction arrangements.**

25. **Prior to commencing work within the Princes Highway (Murray Street) reserve, the developer or developer’s contractor must:**
- **Obtain the written consent of the Coordinating Road Authority (VicRoads) in accordance with Section 63(1) of the Road Management Act 2004;**
  - **Ensure that any consultants and or contractors engages in the design or construction process are approved by VicRoads;**
  - **Provide evidence that the developer/ developer’s contractor has public liability insurance for at least \$10 m for the duration of the proposed works;**
  - **Ensure that detailed design plans of works on Princes highway (Murray Street) are forwarded to VicRoads’ South Western region office for approval;**
  - **Prepare a specification for the works in accordance with the relevant sections of the VicRoads Standards Specification for Road Works;**
  - **Demonstrate that all works will be administered in accordance with quality assurance principles;**
  - **Ensure that work site practices are in accordance with the VicRoads Road works Signing Code of Practice.**

**CAR PARKING AND ACCESS**

26. **Vehicles under the control of the operator of the use or the operator’s staff must not be parked on the nearby roads.**

**ADVERTISING EXPIRY**

27. **This permit, as it relates to advertising signage, expires 15 years after the date it is issued.**

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**This Permit has been amended as follows:**

| <b>Date of Amendment</b> | <b>Brief Description of Amendment</b>                                                                           |
|--------------------------|-----------------------------------------------------------------------------------------------------------------|
| <b>10 March 2010</b>     | <b>Included Condition 26 &amp; 27 and allowed the waiver of 4 carspaces and additional advertising signage.</b> |

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**Date Issued: 12 July 2007**  
**Date Amended: 10 March 2010**

**NOTE:**

- a. **Developer is encouraged to make a voluntary contribution to Council for the waiving of car parking associated with this permit.**
- b. **The permit holder is encouraged to utilise car parking at the front of the building for staff parking when staff spaces at the rear of the building are fully occupied.**

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PC101003-3 REMOVAL OF NATIVE VEGETATION (TIMBER HARVESTING) AT 35 UPPER GELLIBRAND ROAD, BARRAMUNGA

| | | | |
|-------------|------------------------------------|-----------|------------|
| AUTHOR: | Helen Evans | ENDORSED: | Jack Green |
| DEPARTMENT: | Sustainable Planning & Development | FILE REF: | PP320/2009 |

Location: 35 Upper Gellibrand Road, Barramunga (Lot 2, LP110188 and Lot 1, TP371412)

Zoning: Farming Zone (FZ)

Overlay controls: Erosion Management Overlay Schedule 1 (EMO1)
Environmental Significance Overlay Schedule 3 (ESO3)
Wildfire Management Overlay (WMO)

Proposed Amendments: Nil

Purpose:

This application is seeking approval for clearing of native vegetation for timber harvesting at 35 Upper Gellibrand Road, Barramunga and is before the Planning Committee as five objections and one supporting submission have been received.

Declaration of Interest

The Officer has no pecuniary interest in this matter.

Summary

- The application seeks to clearfell 12 hectares of native vegetation for timber harvesting which the applicant has identified as High to Very High conservation significance.
- Five objections have been submitted for this application raising concerns about the effect the works will have on water quality, erosion, vegetation quality, traffic, noise and the conservation status of the vegetation. One submission supporting the application has been received.
- The Department of Sustainability and Environment (DSE) has objected to the proposal as harvesting is generally not permitted in the Victorian Native Vegetation Management Framework and not permitted in the Corangamite Native Vegetation Plan where the conservation significance of the Ecological Vegetation Class (EVC) is High or Very High. The proposed site is within the EVC which has High or Very High conservation significance within the Otway Ranges Bioregion and the clearing may have a negative impact on rare or threatened species and associated habitat.
- As DSE is a Section 55 referral authority and has objected to the proposal, Council must refuse to grant a planning permit.

Background

The applicant has submitted two planning permit applications for the clear felling of native vegetation, both of which are being considered by Council at this meeting. The other application is at 255 Upper Gellibrand Road, Barramunga and is the subject of separate consideration. There are no records of any recent planning permits being issued for this land.

Issues / Options

Council has no discretion in determining this application as DSE, which is a Section 55 referral authority has objected to the proposal. In accordance with Section 61(2) of the Planning and Environment Act 1987, Council must decide to refuse to grant a planning permit if a relevant referral authority objects to the grant of the permit.

Proposal

This proposal is for the clearing of native vegetation for timber harvesting and contains two coupes consisting of:

- Coupe 1 located on Lot 2 LP110188 No. 35 Upper Gellibrand Road, Barramunga having a coupe area of 3ha of which 2ha is proposed to be clearfelled harvested and regenerated; and
- Coupe 2 located on Lot 1 TP371412 No. 35 Upper Gellibrand Road, Barramunga and adjacent to the Forest-Apollo Bay Road which has a coupe area of 18ha of which 10ha is proposed to be clearfelled harvested and regenerated.

The applicant has provided a Timber Harvesting Plan prepared by Resolution Planning Services in response to the requirements of the Code of Forest Practice for Timber Production.

Site & Surrounds

The site is located on the south west side of Forrest Apollo Bay Road and south of the Upper Gellibrand Road in Barramunga. The subject site comprises of 2 lots which have a total area of 74 hectares. Lot 2 currently contains a dwelling, shedding, grazing land and native vegetation. Lot 1 is heavily vegetated. The two lots adjoin each other and are irregular in shape. The topography of the land is steep to hilly and the Barramunga Creek traverses the southern property boundary of Lot 2.

The subject property contains existing native forest comprising EVC No. 201 – Shrubby Wet Forest and EVC No. 30 – Wet Forest both of which have a conservation status of „least concern“ in the Otway Ranges Bioregion. However, the native vegetation on this particular site has been assessed by the applicant as of being of High and Very High conservation significance in the Otway Ranges Bioregion due to the presence of threatened species of flora and fauna, and associated habitat.

Land to the south of the site is used for a timber plantation. The land generally to the west of the site is crown land containing native forest. To the northeast of the site are a number of small land holdings containing dwellings.

Public Notice

Notice of the application was required to be given in accordance with Section 52 of the Planning and Environment Act by sending a letter to all adjoining and opposite owners and occupiers and placing a sign on site for a minimum period of 14 days.

At the conclusion of the notification period, five objections and one submission were received.

Two of the objections raised concerns regarding the adequacy of notice being given in relation to the application, however based on the statutory declaration provided by the applicant, the requirements of the Act have been complied with.

The Act provides the opportunity for any person who may be affected by an application to submit an objection to Council at any time prior to a decision being made by Council providing the proposal is not exempt from public notice in accordance with the provisions of the planning scheme.

In this case Council must refuse this application as DSE has objected to the proposal. If the applicant were to seek a review of the decision with the Victorian Civil and Administrative Tribunal (VCAT), then a request could be made to VCAT to have public notice given prior to a review hearing if it was considered that there was a defect in the original giving of public notice.

The grounds of the objections are summarised as follows:

- Impact on the Barramunga Creek as a tributary to the Gellibrand River within a declared water catchment area;
- Effect on water quality as well as river health;
- Major creek erosion and loss of land due to creek course change where logs have previously jammed the creek;
- Silt and erosion runoff already contained within the creek;
- Importance of vegetation for wildlife habitat;
- Visual effect on a road leading to tourist attraction, Stevenson's Falls;
- Concern of chemicals used for weed control affecting the water quality;
- Noise generated by heavy machinery;
- Increase in road traffic;
- Risk to environment when considering the conservation status.

The grounds of the supporting submission are summarised as follows:

- Proposal will not be detrimental to ecological and biodiversity values with appropriate compliance;
- Forestry is currently Australia's only carbon positive industry.

The concerns raised in the submissions are discussed in detail in the next sections of this report below.

The applicant was also asked to respond to the concerns raised in the submissions, and a response was submitted.

Referrals

In accordance with Section 55 of the Planning and Environment Act, the application was referred to Department of Sustainability and Environment, Barwon Water, Wannon Water and Country Fire Authority.

The Department of Sustainability and Environment (DSE) has objected to the proposal on the following grounds:

1. The vegetation provides habitat for a number of rare or threatened species.
2. Harvesting followed by regeneration may negatively impact on rare or threatened species and associated habitat.

3. The conservation significance of the vegetation has been assessed as High and Very High in the Otway Ranges bioregion based on the presence of threatened species habitat.
4. Victoria's Native Vegetation Management – a Framework for Action and the Corangamite Native Vegetation Plan state that clearing of High or Very High conservation significance vegetation is generally not permitted, and not permitted in the Otway Ranges bioregion.
5. Clause 15.09 and 52.17 of the Colac Otway Planning Scheme specifies that planning and responsible authorities must have regard for Victoria's Native Vegetation Management – a Framework for Action.
6. The proposal is not consistent with the Net Gain approach of the Framework.

DSE stated in its response that the proposal was considered against Victoria's Native Vegetation Management – A Framework for Action (NRE 2002) (the Framework). The native vegetation has been assessed as being of Very High conservation significance in the Otway Ranges Bioregion. In general terms, the approach to timber harvesting on private land will reflect the approach on public land. The Framework states that timber harvesting is generally not permitted in native vegetation of High and Very High conservation significance unless harvesting is currently allowed on public land within the same bioregion for areas of native vegetation which have equivalent conservation values.

The Framework also refers to Regional Native Vegetation Plans with regard to responding to proposals to harvest timber from naturally-established forest on private land:
"Applying this broad approach through the regional Native Vegetation Plans will reflect regional differences. These Plans are also able to refine this approach using additional criteria, ..."

The Corangamite Native Vegetation Plan states that clearing is not permitted in High and Very High conservation significance vegetation. Native forest timber harvesting ceased on public land in the Otway Ranges bioregion in 2008.

Barwon Water, Wannon Water and Country Fire Authority offered no objection to the proposal subject to conditions and made the following comments:

- Barwon Water indicated that the Timber Harvesting must be conducted in accordance with the Code of Practice for Timber Production 2007.
- Wannon Water requires that the applicant prepare, submit and implement an Environmental Management Plan which protects the designated water supply catchment from the risks associated with the removal of native vegetation.
- Country Fire Authority requires that the works must be undertaken and managed in accordance with "Guidelines for Establishing and Managing Timber Plantations in Victoria including Farm Forestry."

In accordance with Section 52 of the Planning and Environment Act, the application was referred to Corangamite Catchment Management Authority (CCMA) for comment. The CCMA provided no formal comment on the proposal but did make comment in an email to Council Officers that *"it is possible that the activities may have a substantial impact on Barramunga Creek. The creek is a priority reach for actions under the regional River Health Strategy, so water quality impacts to the creek as a result of vegetation clearance would be a concern. The Gellibrand River has high values, both environmental and social and economic (water supply). This area is within the catchment area for Wannon Water, with an offtake at Carlisle, and also one further downstream at Chapple Vale"*.

The application was referred internally to Council's Infrastructure and Environment Departments. The Infrastructure Department required that the existing access road is to be maintained to an all weather condition.

The Environment Department noted DSE's objection to the proposal and assessed the Timber Harvesting Plan to be generally in accordance with both the Code of Forest Practice for Timber Production (2007) and the Timber Harvesting Prescriptions for Environmental Protection – Otway Regional (Colac Otway Shire December 2001), although there were some areas of non-compliance identified in the plan.

Planning Controls

The land is included in the Farming Zone and is subject to the Erosion Management Overlay Schedule 1 (EMO1), Environmental Significance Overlay Schedule 3 - Declared Water Supply Catchments (ESO3) and the Wildfire Management Overlay (WMO). A planning permit is required for the removal of native vegetation in accordance with ESO3 and Clause 52.17 (timber production) in accordance with the WMO.

a. State and Local Planning Policy Framework

The State Policy framework seeks to ensure the objectives of planning in Victoria are fostered through appropriate land use and development planning policies and practices which integrate relevant environmental, social and economic factors in the interests of net community benefit and sustainable development. The following policies are relevant to the consideration of this application:

- Clause 11 – Introduction, Goal and Principles
- Clause 15 - Environment
- Clause 15.01 – Protection of catchments, waterways and groundwater
- Clause 15.07 – Protection from wildfire
- Clause 15.09 – Conservation of native flora and fauna
- Clause 17.07 – Forestry and timber production
- Clause 21.02 – Vision
- Clause 21.04 - Environment
- Clause 21.04-1 – Catchment Management
- Clause 21.04-3 – Vegetation
- Clause 21.04-5 – Erosion
- Clause 21.05 – Economic Development

This is a proposal that creates tension between competing State and local objectives. Whilst on one hand the proposal derives economic benefit from the activity proposed, it also has the potential to cause an adverse impact from an environmental perspective. It is important that a balance is achieved, and that State and local policy objectives are not compromised to achieve a short term economic gain.

b. Zoning

The site is subject to the Farming Zone which has a number of objectives. The key objectives in relation to this proposal are:

- To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision
- To protect and enhance natural resources and the biodiversity of the area

The proposal is for the clearing of native vegetation for timber production, therefore, the proposal must comply with the Code of Practice for Timber Production.

Timber production is defined in the planning scheme as: „land used to propagate, cultivate, manage and harvest timber.”

Timber Production is an “as of right” use in the Farming Zone as no permit trigger is specified in the Schedule to the Farming Zone. The activity must also meet the requirements of Clause 52.18 Timber Production. Clause 52.18-2 requires that:

“All timber production activities (except agroforestry (the simultaneous and substantial production of forest and other agricultural products from the same land unit), windbreaks and commercial plantations of 5 hectares or less) must comply with the Code of Practice for Timber Production 2007 (Department of Sustainability and Environment). In accordance with Section 6(4A) of the Planning and Environment Act 1987, this applies whether the use of land for timber production is commenced before or after the coming into effect of this requirement.

The Code must be complied with to the satisfaction of the responsible authority. A permit may require that matters required by the Code must be done to the satisfaction of the responsible authority or a Minister, public authority or referral authority, and may require the responsible authority to seek comments from any other person or authority before making a decision.”

c. Overlay provisions

This site is subject to the **Erosion Management Overlay Schedule 1** (EMO1). The purpose to this overlay is to protect areas prone to erosion, landslip and other land degradation processes, by minimising land disturbance and inappropriate development.

An application for Timber Production is exempt from the requirements of this overlay providing the timber harvesting is undertaken in accordance with the Code of Forest Practice for Timber Production.

This site is subject to the **Wildfire Management Overlay** (WMO). The purpose of this overlay is:

- To identify areas where the intensity of wildfire is significant and likely to pose a threat to life and property.
- To ensure that development which is likely to increase the number of people in the overlay area:
 - Satisfies the specified fire protection objectives.
 - Does not significantly increase the threat to life and surrounding property from wildfire.
- To detail the minimum fire protection outcomes that will assist to protect life and property from the threat of wildfire.

In accordance with the requirements of Clause 44.06-1, a permit is required for Timber Production. The application was referred to Country Fire Authority which offered no objection to the proposal subject to permit conditions.

This site is also subject to the **Environmental Significance Overlay Schedule 3 - Declared Water Supply Catchments** (ESO3). The purpose of this overlay is:

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies
- To identify areas where the development of land may be affected by environmental constraints
- To ensure that development is compatible with identified environmental values

A permit is required for the removal of vegetation.

The Statement of environmental significance to be achieved by this overlay is *“The Colac Otway Shire contains several declared water supply catchments, which provide water to urban and rural development throughout the region. The environmental health of water catchments is integral to conserving the quality and quantity of water supplies on a sustainable basis as well as to protecting the public health of the whole community. The careful management of land use and development will contribute to the protection of the catchments to enable ongoing provision of a reliable, high quality water supply. Protection of the quality and quantity of water has significant local and regional benefits.”*

The subject site is within a proclaimed water catchment area managed by two water catchment authorities. The Barwon Water Reservoir is situated about a kilometre to the north east of the site and there are a number of watercourses that traverse the area. Some of the objections received raised issues relating to the impact the proposal may have on water quality, water courses and waterfalls as well as erosion, soil degradation and landslip. The application was referred to Barwon Water and Wannon Water, however, neither referral authority raised any objection to the proposal nor made any detailed comments regarding the likelihood of potential impacts on the natural environment or impact on the catchment areas.

d. Relevant Particular Provisions

A planning permit is required under **Clause 52.17 Native Vegetation**. The purpose of this provision is:

- To protect and conserve native vegetation to reduce the impact of land and water degradation and provide habitat for plants and animals.
- To achieve the following objectives:
 - To avoid the removal of native vegetation.
 - If the removal of native vegetation cannot be avoided, to minimize the removal of native vegetation through appropriate planning and design.
 - To appropriately offset the loss of native vegetation.
- To provide for the management and removal of native vegetation in accordance with a property vegetation plan.
- To manage vegetation near buildings to reduce the threat to life and property from wildfire.

This clause specifies that a planning permit is required for the removal of native vegetation irrespective of whether the activity of removal is for the purpose of timber harvesting or not. There are a number of ways to harvest timber. The two most common types of harvesting are clearfelling and selective harvesting. This proposal seeks to clearfell timber which essentially means the total removal of all vegetation within the identified area. The selective timber harvesting method selects specific timber for removal, leaving undergrowth and other canopy trees not required.

This application proposes to clearfell harvest and regenerate 12 hectares of a 21 hectare area. The native vegetation conservation significance contained in the coupes have been identified by the applicant as being High to Very High due to the presence of, or likely presence of, listed threatened species and associated habitat.

Under the Native Vegetation Framework, the removal of native vegetation associated with timber harvesting is treated differently from proposals to remove native vegetation permanently. The three step approach to achieving net gain does not need to be strictly

considered in the assessment of the planning applications where it is proposed to harvest native timber.

Proposals to harvest native forest where it is proposed to regenerate the harvested forest can be treated as achieving a net gain through the effective regeneration works. The key test for consideration is that for forest vegetation of Very High or High conservation significance, "harvesting is generally not permitted (unless harvesting is currently allowed on public land within the same bioregion for areas of vegetation which have equivalent conservation values)".

Under both the Framework and the Corangamite CMA Native Vegetation Plan, the ability to consider whether the harvesting of High to Very High conservation significance native vegetation is acceptable is based on whether harvesting is currently allowed on public land within the same bioregion for areas of vegetation which have equivalent conservation values. This is difficult to consider given the fact that harvesting on public land within the Otways used to occur but ceased in the Otway Ranges Bioregion in 2008. As there is no current forestry occurring on crown land in the bioregion, the criteria for both the Framework and the Corangamite CMA Native Vegetation Plan cannot be satisfied.

Consideration of the Proposal

This proposal has attracted a number of objections from surrounding property owners who have raised various issues relating to the potential impact on the natural environment. The region, within which this proposal is proposed, has a range of important environmental features, including watercourses and extensive tracts of native vegetation. This region is also an important water catchment area. The method of vegetation clearing is likely to have an undesirable impact from an environmental and visual perspective as the site is located in an environmentally sensitive area and on a main road which is a tourist route to Stephensen's falls.

While the proposal may derive short term economic benefits, it also has the potential to negatively impact upon water quality and water yield in a Declared Water Supply Catchment area.

DSE has also objected to the proposal as the criteria of the Framework and the Corangamite CMA native Vegetation Plan cannot be satisfied. DSE also raised concerns regarding the impact the clearing of vegetation will have on rare or threatened flora and fauna in the area.

As DSE has objected to the proposal, Council is bound to issue a Refusal to Grant a Planning Permit.

Corporate Plan / Other Strategies / Policy

Any relevant policy issues have already been addressed earlier in this report.

Financial & Other Resource Implications

This proposal raises no financial or resourcing implication for Council for the consideration of the planning application.

Risk Management & Compliance Issues

This proposal raises no risk management or compliance implications for Council.

Environmental Consideration / Climate Change

Any relevant environmental considerations have already been addressed earlier in this report.

Communication Strategy / Consultation Period

The public notice process has been discussed earlier in the report.

Conclusion

Council has no discretion in relation to determining this planning application as DSE, which is a Section 55 referral authority has objected to the proposal. Therefore, in accordance with Section 61(2) of the Planning and Environment Act 1987, the responsible authority must decide to refuse to grant a planning permit.

Attachments

Nil

Recommendation(s)

That Council's Planning Committee resolve to issue a Refusal to Grant a Planning Permit for native vegetation removal (timber harvesting) at 35 Upper Gellibrand Road, Barramunga, on the following grounds:

- 1. The clearfelling of vegetation and harvesting, followed by regeneration, may negatively impact on rare or threatened species and associated habitat.***
- 2. The conservation significance of the vegetation has been assessed as High and Very High in the Otway Ranges bioregion based on the presence of threatened species habitat and clearing of this vegetation is generally not permitted in accordance with Victoria's Native Vegetation Management – a Framework of Action and not permitted in accordance with the Corangamite Native Vegetation Plan.***
- 3. The proposal cannot satisfy the requirements of Victoria's Native Vegetation Management – a Framework of Action and the Corangamite Native Vegetation Plan as native forest timber harvesting ceased on public land in the Otway Ranges bioregion in 2008.***
- 4. The proposal does not comply with Clause 15.09 and 52.17 of the Colac Otway Planning Scheme which specifies that planning and responsible authorities must have regard for Victoria's Native Vegetation Management – a Framework for Action.***
- 5. The proposal is not consistent with the Net Gain Approach of the Framework.***
- 6. The proposal has the potential to negatively impact on water quality and water yield in a Declared Water Catchment area.***

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**PC101003-4 REMOVAL OF NATIVE VEGETATION (TIMBER HARVESTING) AT  
255 UPPER GELLIBRAND ROAD, BARRAMUNGA**

AUTHOR:	Helen Evans	ENDORSED:	Jack Green
DEPARTMENT:	Sustainable Planning & Development	FILE REF:	PP321/2009

**Location:** 255 Upper Gellibrand Road, Barramunga

**Zoning:** Farming Zone (FZ)

**Overlay controls:** Erosion Management Overlay Schedule 1 (EMO1)  
Environmental Significance Overlay Schedule 3 (ESO3)  
Wildfire Management Overlay (WMO)

**Proposed Amendments:** Nil

**Purpose:**

This application is seeking approval for clearing of native vegetation for timber harvesting at 255 Upper Gellibrand Road, Barramunga and is before the Planning Committee as six objections and one submission have been received.

**Declaration of Interest**

The officer has no pecuniary interest in this matter.

**Summary**

- The application seeks to clearfell 20 hectares of native vegetation for timber harvesting which the applicant has identified as High to Very High conservation significance.
- Six objections have been submitted for this application raising concerns about the effect the works will have on water quality, erosion, vegetation quality, traffic, noise and the conservation status of the vegetation. One submission supporting the application has been received.
- The Department of Sustainability and Environment (DSE) has objected to the proposal as harvesting is generally not permitted in the Victorian Native Vegetation Management Framework and not permitted in the Corangamite Native Vegetation Plan where the conservation significance of the Ecological Vegetation Class (EVC) is High or Very High. The proposed site is within the EVC which has High or Very High conservation significance within the Otway Ranges Bioregion and the clearing may have a negative impact on rare or threatened species and associated habitat.
- As DSE is a Section 55 referral authority and has objected to the proposal, Council must refuse to grant a planning permit.

**Background**

The applicant has submitted two planning permit applications for the clear felling of native vegetation, both of which are being considered by Council at this meeting. The other application is at 35 Upper Gellibrand Road, Barramunga and is the subject of separate consideration. There are no records of any recent planning permits being issued for this land.

**Issues / Options**

Council has no discretion in determining this application as DSE, which is a Section 55 referral authority has objected to the proposal. In accordance with Section 61(2) of the Planning and Environment Act 1987, the responsible authority must decide to refuse to grant the permit if a relevant referral authority objects to the grant of the permit.

**Proposal**

This proposal is for clearfelling of native vegetation for timber harvesting purposes. The coupe area is 24ha of which 20ha is proposed to be clearfelled harvested and regenerated.

The applicant has provided a Timber Harvesting Plan prepared by Resolution Planning Services in response to the requirements of the Code of Forest Practice for Timber Production.

**Site & Surrounds**

The site is located on the south side of Upper Gellibrand Road in Barramunga. The subject site has a total area of 28 hectares and is entirely covered in native vegetation. The land has a moderate downward slope in a southerly direction towards Barramunga Creek.

The subject property contains existing native forest comprising EVC No.201 – Shrubby Wet Forest and EVC No.30 – Wet Forest, both of which have a conservation status of „least concern“ in the Otway Ranges Bioregion due to the presence of threatened species and associated habitat.

Land surrounding the site to the north and west is cleared grazing land with scattered vegetation and a dwelling. Crown native forest is to the east and south of the site. The Barramunga Creek runs along the southern boundary.

**Public Notice**

Notice of the application was given in accordance with Section 52 of the Planning and Environment Act (Act) by sending a letter to all adjoining and opposite owners and occupiers. A sign was also placed on site for a minimum period of 14 days.

At the conclusion of the notification period, six objections and one submission were received.

Concerns were raised in an objection regarding the adequacy of the public notice given as one of the objections provided a photo showing that the public notice posted on the site did not include a date as required under the provisions of the Act. This means that the public notice makes the notice period invalid and the public notice process defective. The applicant has advised that the public notice has since been dated and left onsite for a further 14 days, however, a statutory declaration has not yet been received advising that the public notice procedure has been satisfactorily completed.

In this case, Council must refuse this application as DSE has objected to the proposal. If the applicant were to seek a review of the decision with the Victorian Civil and Administrative Tribunal (VCAT), then a request could be made to VCAT to have public notice given prior to a review hearing. It was considered appropriate that both applications submitted by the applicant be considered by Council concurrently at the same meeting.

The grounds of the objecting submissions are summarised as follows:

- Impact on the Barramunga Creek as a tributary to the Gellibrand River within a declared water catchment area
- Effect on water quality as well as river health
- Major creek erosion and loss of land due to creek course change where logs have previously jammed the creek
- Silt and erosion runoff already contained within the creek
- Importance of vegetation for wildlife habitat
- Visual effect on a road leading to tourist attraction, Stevenson's Falls.
- Concern of chemicals used for weed control affecting the water quality
- Noise generated by heavy machinery
- Increase in road traffic
- Risk to environment when considering the conservation status
- The application is incomplete and inaccurate

The grounds of the supporting submission are summarised as follows:

- Proposal will not be detrimental to ecological and biodiversity values with appropriate compliance
- Forestry is currently Australia's only carbon positive industry

The concerns raised in the submissions are discussed in detail in the next sections of this report below.

The applicant was also asked to respond to the concerns raised in the submissions, and a response was submitted.

### **Referrals**

In accordance with Section 55 of the Planning and Environment Act, the application was referred to Department of Sustainability and Environment, Barwon Water, Wannon Water and Country Fire Authority.

The Department of Sustainability and Environment (DSE) has objected to the proposal on the following grounds:

1. The vegetation provides habitat for a number of rare or threatened species.
2. Harvesting followed by regeneration may negatively impact on rare or threatened species and associated habitat.
3. The conservation significance of the vegetation has been assessed as High and Very High in the Otway Ranges bioregion based on the presence of threatened species habitat.
4. Victoria's Native Vegetation Management – a Framework for Action and the Corangamite Native Vegetation Plan state that clearing of High or Very High conservation significance vegetation is generally not permitted, and not permitted in the Otway Ranges bioregion.
5. Clause 15.09 and 52.17 of the Colac Otway Planning Scheme specifies that planning and responsible authorities must have regard for Victoria's Native Vegetation Management – a Framework for Action.
6. The proposal is not consistent with the Net Gain approach of the Framework.

DSE stated in its response that the proposal was considered against Victoria's Native Vegetation Management – A Framework for Action (NRE 2002) (the Framework). The native vegetation has been assessed as being of Very High conservation significance in the Otway Ranges Bioregion. In general terms, the approach to timber harvesting on private land will reflect the approach on public land. The Framework states that timber harvesting is generally not permitted in native vegetation of High and Very High conservation significance unless harvesting is currently allowed on public land within the same bioregion for areas of native vegetation which have equivalent conservation values.

The Framework also refers to Regional Native Vegetation Plans with regard to responding to proposals to harvest timber from naturally-established forest on private land:

*"Applying this broad approach through the regional Native Vegetation Plans will reflect regional differences. These Plans are also able to refine this approach using additional criteria, ..."*

The Corangamite Native Vegetation Plan states that clearing is not permitted in High and Very High conservation significance vegetation. Native forest timber harvesting ceased on public land in the Otway Ranges bioregion in 2008.

Barwon Water, Wannon Water and Country Fire Authority offered no objection to the proposal subject to conditions and made the following comments:

- Barwon Water indicated that the Timber Harvesting must be conducted in accordance with the Code of Practice for Timber Production 2007.
- Wannon Water requires that the applicant prepare, submit and implement an Environmental Management Plan which protects the designated water supply catchment from the risks associated with the removal of native vegetation.
- Country Fire Authority requires that the works must be undertaken and managed in accordance with "Guidelines for Establishing and Managing Timber Plantations in Victoria including Farm Forestry."

In accordance with Section 52 of the Planning and Environment Act, the application was referred to Corangamite Catchment Management Authority (CCMA) for comment. The CCMA provided no formal comment on the proposal but did make comment in an email to Council Officers that *"it is possible that the activities may have a substantial impact on Barramunga Creek. The creek is a priority reach for actions under the regional River Health Strategy, so water quality impacts to the creek as a result of vegetation clearance would be a concern. The Gellibrand River has high values, both environmental and social and economic (water supply). This area is within the catchment area for Wannon Water, with an offtake at Carlisle, and also one further downstream at Chapple Vale"*.

The application was referred internally to Council's Infrastructure and Environment Departments. The Infrastructure Department required that the existing access road is to be maintained to an all weather condition. The Environment Department noted DSE's objection to the proposal and assessed the Timber Harvesting Plan to be generally in accordance with both the Code of Forest Practice for Timber Production (2007) and the Timber Harvesting Prescriptions for Environmental Protection – Otway Regional (Colac Otway Shire December 2001), although there were some areas of non-compliance identified in the plan.

### **Planning Controls**

The land is included in the Farming Zone and is subject to the Erosion Management Overlay Schedule 1 (EMO1), Environmental Significance Overlay Schedule 3 - Declared Water Supply Catchments (ESO3) and the Wildfire Management Overlay (WMO). A planning permit is required for the removal of native vegetation in accordance with ESO3 and Clause 52.17 (timber production) in accordance with the WMO.

#### **a. State and Local Planning Policy Framework**

The State Policy framework seeks to ensure the objectives of planning in Victoria are fostered through appropriate land use and development planning policies and practices which integrate relevant environmental, social and economic factors in the interests of net community benefit and sustainable development. The following policies are relevant to the consideration of this application:

- Clause 11 – Introduction, Goal and Principles
- Clause 15 - Environment
- Clause 15.01 – Protection of catchments, waterways and groundwater
- Clause 15.07 – Protection from wildfire
- Clause 15.09 – Conservation of native flora and fauna
- Clause 17.07 – Forestry and timber production
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- Clause 21.04 - Environment
- Clause 21.04-1 – Catchment Management
- Clause 21.04-3 – Vegetation
- Clause 21.04-5 – Erosion
- Clause 21.05 – Economic Development

This is a proposal that creates tension between competing State and local objectives. Whilst on one hand the proposal derives economic benefit from the activity proposed, it also has the potential to cause an adverse impact from an environmental perspective. It is important that a balance is achieved, and that State and local policy objectives are not compromised to achieve a short term economic gain.

#### **b. Zoning**

The site is subject to the Farming Zone which has a number of objectives. The key objectives in relation to this proposal are:

- To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision;
- To protect and enhance natural resources and the biodiversity of the area.

The proposal is for the clearing of native vegetation for timber production, therefore, the proposal must comply with the Code of Practice for Timber Production.

Timber production, in accordance with the Colac Otway Planning Scheme, is defined as „land used to propagate, cultivate, manage and harvest timber.”

Timber Production is an “as of right” use in the Farming Zone as no permit trigger is specified in the Schedule to the Farming Zone. The activity must also meet the requirements of Clause 52.18 Timber Production. Clause 52.18-2 requires that:

*“All timber production activities (except Agroforestry (the simultaneous and substantial production of forest and other agricultural products from the same land unit), windbreaks and commercial plantations of 5 hectares or less) must comply with the Code of Practice for Timber Production 2007 (Department of Sustainability and Environment). In accordance with Section 6(4A) of the Planning and Environment Act 1987, this applies whether the use of land for timber production is commenced before or after the coming into effect of this requirement.*

*The Code must be complied with to the satisfaction of the responsible authority. A permit may require that matters required by the Code must be done to the satisfaction of the responsible authority or a Minister, public authority or referral authority, and may require the responsible authority to seek comments from any other person or authority before making a decision.”*

c. Overlay provisions

This site is subject to the **Erosion Management Overlay Schedule 1** (EMO1). The purpose to this overlay is to protect areas prone to erosion, landslip and other land degradation processes, by minimising land disturbance and inappropriate development.

An application for Timber Production is exempt from the requirements of this overlay providing the timber harvesting is undertaken in accordance with the Code of Forest Practice for Timber Production.

This site is subject to the **Wildfire Management Overlay** (WMO). The purpose of this overlay is:

- To identify areas where the intensity of wildfire is significant and likely to pose a threat to life and property.
- To ensure that development which is likely to increase the number of people in the overlay area:
  - Satisfies the specified fire protection objectives.
  - Does not significantly increase the threat to life and surrounding property from wildfire.
- To detail the minimum fire protection outcomes that will assist to protect life and property from the threat of wildfire.

In accordance with the requirements of Clause 44.06-1, a permit is required for Timber Production. The application was referred to Country Fire Authority which offered no objection to the proposal subject to permit conditions.

This site is also subject to the **Environmental Significance Overlay Schedule 3** - (ESO3). The purpose of this overlay is:

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies
- To identify areas where the development of land may be affected by environmental constraints
- To ensure that development is compatible with identified environmental values

A permit is required for the removal of vegetation.

The Statement of environmental significance to be achieved by this overlay is *“The Colac Otway Shire contains several declared water supply catchments, which provide water to urban and rural development throughout the region. The environmental health of water catchments is integral to conserving the quality and quantity of water supplies on a sustainable basis as well as to protecting the public health of the whole community. The careful management of land use and development will contribute to the protection of the catchments to enable ongoing provision of a reliable, high quality water supply. Protection of the quality and quantity of water has significant local and regional benefits.”*

The subject site is within a proclaimed water catchment area managed by two water catchment authorities. The Barwon Water Reservoir is situated about 2.5 kilometres to the east of the site and there are a number of watercourses that traverse the area. Some of the objections received raised issues relating to the impact the proposal may have on water quality, water courses and waterfalls as well as erosion, soil degradation and landslip. The application was referred to Barwon Water and Wannon Water, however, neither referral authority raised any objection to the proposal nor made any detailed comments regarding the likelihood of potential impacts on the natural environment or impact on the catchment areas.

d. Relevant Particular Provisions

A planning permit is required under **Clause 52.17 Native Vegetation**. The purpose of this provision is:

- To protect and conserve native vegetation to reduce the impact of land and water degradation and provide habitat for plants and animals.
- To achieve the following objectives:
  - To avoid the removal of native vegetation.
  - If the removal of native vegetation cannot be avoided, to minimise the removal of native vegetation through appropriate planning and design.
  - To appropriately offset the loss of native vegetation.
- To provide for the management and removal of native vegetation in accordance with a property vegetation plan.
- To manage vegetation near buildings to reduce the threat to life and property from wildfire.

This clause specifies that a planning permit is required for the removal of native vegetation irrespective of whether the activity of removal is for the purpose of timber harvesting or not. There are a number of ways to harvest timber. The two most common types of harvesting are clearfelling and selective harvesting. This proposal seeks to clearfell which essentially means the total removal of all vegetation within the identified area. The selective timber harvesting method selects specific timber for removal, leaving undergrowth and other canopy trees not required.

This application proposes to clearfell harvest and regenerate 20 hectares of a 24 hectare area. The native vegetation conservation significance contained in the coupes has been identified by the applicant as being High to Very High due to the presence of, or likely presence of, listed threatened species and associated habitat.

Under the Native Vegetation Framework, the removal of native vegetation associated with timber harvesting is treated differently from proposals to remove native vegetation permanently. The three step approach to achieving net gain does not need to be strictly considered in the assessment of the planning applications where it is proposed to harvest native timber.

Proposals to harvest native forest where it is proposed to regenerate the harvested forest can be treated as achieving a net gain through the effective regeneration works. The key test for consideration is that for forest vegetation of Very High or High conservation significance, "harvesting is generally not permitted (unless harvesting is currently allowed on public land within the same bioregion for areas of vegetation which have equivalent conservation values)".

Under both the Framework and the Corangamite CMA Native Vegetation Plan, the ability to consider whether the harvesting of High to Very High conservation significance native vegetation is acceptable is based on whether harvesting is currently allowed on public land within the same bioregion for areas of vegetation which have equivalent conservation values. This is difficult to consider given the fact that harvesting on public land within the Otways used to occur but ceased in the Otway Ranges Bioregion in 2008. As there is no current forestry occurring on crown land in the bioregion, the criteria for both the Framework and the Corangamite CMA native Vegetation Plan cannot be satisfied.

### **Consideration of the Proposal**

This proposal has attracted a number of objections from surrounding property owners who have raised various issues relating to the potential impact on the natural environment. The region, within which this proposal is proposed, has a range of important environmental features, including watercourses and extensive tracts of native vegetation. This region is also an important water catchment area. The method of vegetation clearing is likely to have an undesirable impact from an environmental and visual perspective as the site is located in an environmentally sensitive area and on a main road which is a tourist route to Stephensen's falls.

While the proposal may derive short term economic benefits, it also has the potential to negatively impact upon water quality and water yield in a Declared Water Supply Catchment area.

DSE has also objected to the proposal as the criteria of the Framework and the Corangamite CMA native Vegetation Plan cannot be satisfied. DSE also raised concerns regarding the impact the clearing of vegetation will have on rare and threatened flora and fauna in the area.

As DSE has objected to the proposal, Council is bound to issue a Refusal to Grant a Planning Permit.

### **Corporate Plan / Other Strategies / Policy**

Any relevant policy issues have already been addressed earlier in this report.

### **Financial & Other Resource Implications**

This proposal raises no financial or resourcing implication for Council for the consideration of the planning application.

### **Risk Management & Compliance Issues**

This proposal raises no risk management or compliance implications for Council.

### **Environmental Consideration / Climate Change**

Any relevant environmental considerations have already been addressed earlier in this report.

### **Communication Strategy / Consultation Period**

The public notice of the application was required as noted earlier in the report.

**Conclusion**

Council has no discretion in relation to determining this planning application as DSE, which is a Section 55 referral authority has objected to the proposal. Therefore, in accordance with Section 61(2) of the Planning and Environment Act 1987, the responsible authority must decide to refuse to grant a planning permit.

**Attachments**

Nil

**Recommendation(s)**

***That Council's Planning Committee resolve to issue a Refusal to Grant a Planning Permit for native vegetation removal (timber harvesting) at 255 Upper Gellibrand Road, Barramunga, on the following grounds:***

- 1. The clearfelling of vegetation and harvesting, followed by regeneration may negatively impact on rare or threatened species and associated habitat.***
- 2. The conservation significance of the vegetation has been assessed as High and Very High in the Otway Ranges bioregion based on the presence of threatened species habitat and clearing of this vegetation is generally not permitted in accordance with Victoria's Native Vegetation Management – a Framework of Action and not permitted in accordance with the Corangamite Native Vegetation Plan.***
- 3. The proposal cannot satisfy the requirements of Victoria's Native Vegetation management – a Framework of Action and the Corangamite Native Vegetation Plan as native forest timber harvesting ceased on public land in the Otway Ranges bioregion in 2008.***
- 4. The proposal does not comply with Clause 15.09 and 52.17 of the Colac Otway Planning Scheme which specifies that planning and responsible authorities must have regard for Victoria's Native Vegetation Management – a Framework for Action.***
- 5. The proposal is not consistent with the Net Gain Approach of the Framework.***
- 6. The proposal has the potential to negatively impact on water quality and water yield in a Declared Water Catchment area.***

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