

MINUTES of the *PLANNING COMMITTEE MEETING OF THE COLAC-OTWAY SHIRE COUNCIL* held at COPACC on 11 August 2010 at 10.30 am.

1. OPENING PRAYER

Almighty God, we seek your blessing and guidance in our deliberations on behalf of the people of the Colac Otway Shire. Enable this Council's decisions to be those that contribute to the true welfare and betterment of our community.

AMEN

2. PRESENT

Cr Lyn Russell (Mayor)
Cr Brian Crook
Cr Stephen Hart
Cr Stuart Hart
Cr Geoff Higgins
Cr Chris Smith
Rob Small, Chief Executive Officer
Jack Green, General Manager Sustainable Planning and Development
Colin Hayman, General Manager Corporate & Community Services
Neil Allen, General Manager Infrastructure & Services
Doug McNeill, Manager Planning and Building
Anne Sorensen, Statutory Planning Coordinator
Bronwyn Keenan, Executive Officer Sustainable Planning & Development

3. APOLOGIES

Cr Frank Buchanan

4. MAYORAL STATEMENT

Colac Otway Shire acknowledges the original custodians and law makers of this land, their elders past and present and welcomes any descendents here today.

Colac Otway Shire encourages active community input and participation in Council decisions. Council meetings provide one of these opportunities as members of the community may ask questions to Council either verbally at the meeting or in writing.

Please note that some questions may not be able to be answered at the meeting, these questions will be taken on notice. Council meetings also enable Councillors to debate matters prior to decisions being taken.

I ask that we all show respect to each other and respect for the office of an elected representative.

An audio recording of this meeting is being made for the purpose of verifying the accuracy of the minutes of the meeting. In some circumstances the recording may be disclosed, such as where Council is compelled to do so by court order, warrant, subpoena or by any other law, such as the Freedom of Information Act 1982.'

5. DECLARATION OF INTEREST

NIL

6. VERBAL SUBMISSIONS FROM APPLICANTS/OBJECTORS

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 14/07/10.**

Resolution

MOVED Cr Stephen Hart seconded Cr Brian Crook that Council confirm the above minutes with an amendment that Cr Stephen Hart moved the motion not Cr Stuart Hart at Item 2.

CARRIED 6 : 0

OFFICERS' REPORTS

Sustainable Planning and Development

PC101108-1	PLANNING & BUILDING STATISTICAL REPORT
PC101108-2	DEVELOPMENT OF THE LAND FOR A SHOP (PHARMACY), FENCING, SIGNAGE AND ASSOCIATED WORKS AND A WAIVER OF CARPARKING AT 33 DONALDSON STREET, COLAC
PC101108-3	AMENDMENT TO PLANNING PERMIT PP245/07 TO ALTER CONDITION 2. PERMIT ISSUED FOR CHANGE OF USE TO ACCOMMODATION AND CONSOLIDATION OF TITLES AT 25-27 CAWOOD STREET, APOLLO BAY

Rob Small
Chief Executive Officer

PC101108-1 *PLANNING & BUILDING STATISTICAL REPORT*

AUTHOR:	Janole Cass	ENDORSED:	Jack Green
DEPARTMENT:	Sustainable Planning & Development	FILE REF:	GEN000450

Recommendation(s)

That Council’s Planning Committee note the statistical report.

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**Resolution**

***MOVED Cr Brian Crook seconded Cr Geoff Higgins***

***That Council’s Planning Committee note the statistical report.***

***CARRIED 6 : 0***

**PC101108-2**     *DEVELOPMENT OF THE LAND FOR A SHOP (PHARMACY), FENCING, SIGNAGE AND ASSOCIATED WORKS AND A WAIVER OF CARPARKING AT 33 DONALDSON STREET, COLAC*

|             |                                    |           |            |
|-------------|------------------------------------|-----------|------------|
| AUTHOR:     | Helen Evans                        | ENDORSED: | Jack Green |
| DEPARTMENT: | Sustainable Planning & Development | FILE REF: | PP95/2010  |

**Recommendation(s)**

***That Council's Planning Committee resolve to issue a Notice of Decision to Grant a Permit for the development of the land for a shop (pharmacy), fencing, signage and associated works and a waiver of twenty (20) car spaces at 33 Donaldson Street, Colac, in accordance with the following conditions:***

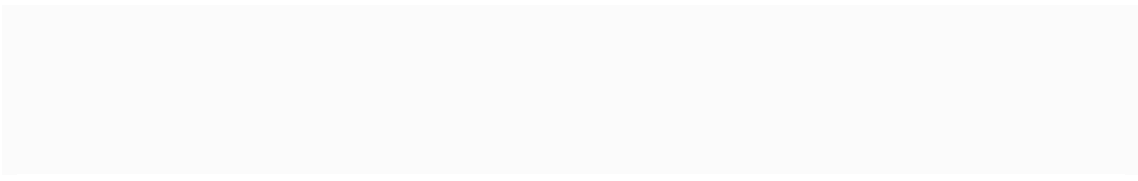
- 1. The layout of the site and the size of the proposed buildings and works as shown on the endorsed plans must not be altered or modified without the written consent of the Responsible Authority.***
- 2. Prior to the commencement of the use of the building, solid fencing to a height of 2 metres, must be erected along the western boundary for a length of 30 metres from the north boundary, and erected along the northern boundary for a length of 14 metres from the west boundary to the satisfaction of the Responsible Authority. All costs associated with the erection of the fence will be at the expense of the applicant.***
- 3. Prior to the commencement of the use of the building, signage must be erected within the Moore Street Road Reserve directing traffic to the onsite car park to the satisfaction of the Responsible Authority. Signage must be provided from both directions and all costs associated with the erection of the signage will be at the applicant's expense.***
- 4. Prior to the commencement of the use of the building, the car parking area, located to the east of the subject site, must be re-marked to alter the number of car parks from eight to nine to the satisfaction of the Responsible Authority. All costs associated with the line-marking will be at the applicant's expense.***
- 5. Within six months of the commencement of the use, the east elevation of the building must be altered to provide pedestrian access directly into the building to the satisfaction of the Responsible Authority.***
- 6. Prior to the issue of a Building Permit, Lots 99, 100 & 101 PS80848 (Certificate of Titles Volume 8731 Folio 824, Volume 8731 Folio 825 and Volume 8731 Folio 826) must be consolidated under the provisions of the Subdivision Act, 1988.***

7. ***Any external lighting must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land.***
8. ***All security alarms or similar devices installed on the land must be of a silent type in accordance with any current standard published by Standards Australia International Limited and be connected to a security service.***
9. ***All external plant and equipment must be acoustically treated or placed in sound proof housing to reduce noise to a level satisfactory to the responsible authority.***
10. ***Loading and unloading of all goods, materials and items must be carried out on the site within the defined loading bay on the endorsed plan to the satisfaction of the Responsible Authority.***
11. ***Prior to commencement of the development, a stormwater management plan, designed by a qualified engineer must be lodged with the Responsible Authority verifying that post development stormwater discharge volume from the land does not exceed 64 litres per second per hectare. When approved, such design must be endorsed and must form part of the permit issue. The stormwater management plan must include detailed drainage calculations for carpark construction arrangements.***
12. ***Prior to the commencement of the use, the carpark and vehicular access to the carpark area as shown on the endorsed plans must be sealed with asphalt or concrete (or an equivalent to the satisfaction of the Responsible Authority) to the satisfaction of the Responsible Authority.***
13. ***Prior to commencement of the construction of the sealed carpark, detailed design plans must be submitted to the Responsible Authority for approval. When approved, these plans will be endorsed and form part of the permit. The plans must include (but not limited to):***
  - a) ***Pavement thickness design***
  - b) ***Detailed layout plan including the turning paths of the expected vehicles using the loading bay indicating that the vehicles are able to enter and leave the site in a forwards motion within the restrictions of the site***
  - c) ***Cross section plan***
  - d) ***Lighting detail***
  - e) ***Drainage layout including long sections***
  - f) ***Line-marking and signage detail***
14. ***Areas set aside for parked vehicles and access lanes, as shown on the endorsed plans and detailed design plans, must be:***
  - a) ***Constructed to the satisfaction of the Responsible Authority.***
  - b) ***Properly formed to such levels that they can be used in accordance with the plans.***
  - c) ***Surfaced with asphalt, concrete or approved equivalent to the satisfaction of the Responsible Authority.***
  - d) ***Drained and maintained to the satisfaction of the Responsible Authority.***
  - e) ***Line-marked to indicate each car space and all access lanes to the satisfaction of the Responsible Authority.***

- f) **Clearly marked to show the direction of traffic along access lanes and driveways**
- 15. **The sealed carpark must be constructed in accordance with the approved plans described in condition 13 and 14. Parking areas and access lanes must be kept available for these purposes at all times.**
- 16. **In areas set aside for car parking, measures must be taken to the satisfaction of the Responsible Authority to prevent damage to fences or landscaped areas.**
- 17. **Vehicles under the control of the operator of the use or the operator’s staff must not be parked on Moore Street or Donaldson Street.**
- 18. **No fewer than 9 car parking spaces must be provided on the land for the development including 1 space clearly marked for the disabled.**
- 19. **The location and details of the sign and its structure as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.**
- 20. **All signs must be constructed and maintained to the satisfaction of the Responsible Authority.**
- 21. **The signs must not be illuminated by external or internal light except with the written consent of the responsible authority.**
- 22. **Prior to the commencement of the use, the site must be landscaped in accordance with the endorsed plan to the satisfaction of the Responsible Authority.**
- 23. **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.**
- 24. **This permit as it relates to advertising signs expires fifteen years after the date it is issued.**
- 25. **This permit will expire if one of the following circumstances applies:**
  - **The development is not started within two years of the date of this permit.**
  - **The development is not completed within four years of the date of this permit.**

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

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Resolution

MOVED Cr Brian Crook seconded Cr Geoff Higgins

That Council's Planning Committee resolve to issue a Notice of Decision to Grant a Permit for the development of the land for a shop (pharmacy), fencing, signage and associated works and a waiver of twenty (20) car spaces at 33 Donaldson Street, Colac, in accordance with the following conditions:

- 1. The layout of the site and the size of the proposed buildings and works as shown on the endorsed plans must not be altered or modified without the written consent of the Responsible Authority.***
- 2. Prior to the commencement of the use of the building, solid fencing to a height of 2 metres, must be erected along the western boundary for a length of 30 metres from the north boundary, and erected along the northern boundary for a length of 14 metres from the west boundary to the satisfaction of the Responsible Authority. All costs associated with the erection of the fence will be at the expense of the applicant.***
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- 6. Prior to the issue of a Building Permit, Lots 99, 100 & 101 PS80848 (Certificate of Titles Volume 8731 Folio 824, Volume 8731 Folio 825 and Volume 8731 Folio 826) must be consolidated under the provisions of the Subdivision Act, 1988.***
- 7. Any external lighting must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land.***
- 8. All security alarms or similar devices installed on the land must be of a silent type in accordance with any current standard published by Standards Australia International Limited and be connected to a security service.***
- 9. All external plant and equipment must be acoustically treated or placed in sound proof housing to reduce noise to a level satisfactory to the responsible authority.***

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 - b) ***Detailed layout plan including the turning paths of the expected vehicles using the loading bay indicating that the vehicles are able to enter and leave the site in a forwards motion within the restrictions of the site***
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 - a) ***Constructed to the satisfaction of the Responsible Authority.***
 - b) ***Properly formed to such levels that they can be used in accordance with the plans.***
 - c) ***Surfaced with asphalt, concrete or approved equivalent to the satisfaction of the Responsible Authority.***
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 - e) ***Line-marked to indicate each car space and all access lanes to the satisfaction of the Responsible Authority.***
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23. ***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.***
24. ***This permit as it relates to advertising signs expires fifteen years after the date it is issued.***
25. ***This permit will expire if one of the following circumstances applies:***
 - ***The development is not started within two years of the date of this permit.***
 - ***The development is not completed within four years of the date of this permit.******The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires or within three months afterwards.***

CARRIED 6 : 0

PC101108-3 *AMENDMENT TO PLANNING PERMIT PP245/07 TO ALTER
CONDITION 2. PERMIT ISSUED FOR CHANGE OF USE TO
ACCOMMODATION AND CONSOLIDATION OF TITLES AT 25-
27 CAWOOD STREET, APOLLO BAY*

| | | | |
|-------------|--|-----------|------------|
| AUTHOR: | Helen Evans | ENDORSED: | Jack Green |
| DEPARTMENT: | Sustainable
Planning &
Development | FILE REF: | PP245/07-2 |

Recommendation(s)

That Council 's Planning Committee resolve to refuse to grant an amendment to the permit PP245/07 for the rewording of condition 2 at 25-27 Cawood Street, Apollo Bay for the following reasons:

- 1) The proposed modification of Condition 2 as proposed in the planning application provides lack of certainty and is unenforceable.***
- 2) The opening of the gate for pedestrian access to Murray Street frontage will be materially detrimental to the amenity of the neighbourhood.***
- 3) There is no substantive change in circumstances in the operation of the caravan park that warrants an amendment to Condition 2 as approved by PP245/07 in December 2007.***

Resolution

MOVED Cr Stephen Hart seconded Cr Stuart Hart

That Council 's Planning Committee resolve to refuse to grant an amendment to the permit PP245/07 for the rewording of condition 2 at 25-27 Cawood Street, Apollo Bay for the following reasons:

- 1) The proposed modification of Condition 2 as proposed in the planning application provides lack of certainty and is unenforceable.***
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- 3) There is no substantive change in circumstances in the operation of the caravan park that warrants an amendment to Condition 2 as approved by PP245/07 in December 2007.***

CARRIED 6 : 0