

1. OPENING PRAYER

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

AMEN

2. PRESENT

Cr Brian Crook (Mayor)
Cr Stephen Hart
Cr Stuart Hart
Cr Geoff Higgins
Cr Lyn Russell
Cr Chris Smith

Rob Small, Chief Executive Officer
Neil Allen, General Manager Infrastructure & Services
Colin Hayman, General Manager Corporate & Community Services
Doug McNeill, Acting General Manager Sustainable Planning & Development
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

Nil

7. CONFIRMATION OF MINUTES

- **Planning Committee held on the 13/04/11.**

Resolution

MOVED Cr Lyn Russell seconded Cr Geoff Higgins that Council confirm the above minutes.

CARRIED 6 : 0

OFFICERS' REPORTS

Sustainable Planning and Development

- PC111008-1 PLANNING & BUILDING STATISTICAL REPORT
- PC111008-2 DEVELOPMENT OF TWO (2) SINGLE STOREY SHOPS, DEMOLITION OF THE EXISTING BUILDING, CONSTRUCTION OF REAR CAR PARKING AREA AND A REDUCTION IN THE CAR PARKING REQUIREMENT AT 246-250 MURRAY STREET, COLAC
- PC111008-3 AMENDMENT TO THE EXISTING PERMIT PP344/2005 FOR USE OF THE LAND FOR A LICENSED RESTAURANT & WAIVER OF EIGHT (8) ADDITIONAL CAR SPACES (21 IN TOTAL) AND AN INCREASE IN THE TOTAL NUMBER OF CHAIRS FROM 21 TO 35 AT 43 MAIN STREET, BIRREGURRA

Rob Small
Chief Executive Officer

PC111008-1 *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 reports for April, May, June & July 2011.

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**Resolution**

***MOVED Cr Stephen Hart seconded Cr Lyn Russell***

***That Council’s Planning Committee note the statistical reports for April, May, June & July 2011.***

***CARRIED 6 : 0***

**PC111008-2**     *DEVELOPMENT OF TWO (2) SINGLE STOREY SHOPS, DEMOLITION OF THE EXISTING BUILDING, CONSTRUCTION OF REAR CAR PARKING AREA AND A REDUCTION IN THE CAR PARKING REQUIREMENT AT 246-250 MURRAY STREET, COLAC*

|             |                                    |           |            |
|-------------|------------------------------------|-----------|------------|
| AUTHOR:     | Carl Menze                         | ENDORSED: | Jack Green |
| DEPARTMENT: | Sustainable Planning & Development | FILE REF: | PP3/2011   |

**Recommendation(s)**

***That Council's Planning Committee resolves to issue a Planning Permit for the demolition of the existing building, redevelopment of the land for two (2) single storey shops, construction of a car park at the rear car and a reduction of 30 car spaces at 246-250 Murray Street, Colac subject to the following conditions:***

1. ***Before the development start(s), amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show;***
  - a) ***The front windows facing Murray Street with a plinth (sill) at a similar height to those of the abutting buildings.***
2. ***The layout of the site and the size of the proposed buildings and works as shown on the endorsed plans must not be altered or modified without the written consent of the Responsible Authority.***
3. ***Before the development starts, colour samples of all external roof and wall finishes sympathetic to the heritage significance of the area must be submitted to the Responsible Authority for consideration. When approved, such information will be endorsed and will form part of this permit.***
4. ***Prior to the development being completed Lots 1, 2 & 3 on TP222426 comprising the subject land known as 246-250 Murray Street, Colac must be consolidated into a single allotment. Written evidence must be provided prior to the occupation or use of the building confirming that the lots have been consolidated.***
5. ***Access onto and within the property must be constructed to the satisfaction of the Responsible Authority.***
6. ***All run off from stormwater, including overflow from water storage, must be taken to a legal point of discharge to the satisfaction of the Responsible Authority.***

7. ***Prior to the commencement of the use, areas set aside for parked vehicles and access lanes as shown on the endorsed 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 an all-weather seal-coat to the satisfaction of the Responsible Authority.***
  - d. ***Drained and maintained to the satisfaction of the Responsible Authority.***
  - e. ***Marked to indicate each car space and all access lanes to the satisfaction of the Responsible Authority.***
8. ***External lighting must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land.***
9. ***The development must be managed so that the amenity of the area is not detrimentally affected, 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 products, grit or oil***
  - d. ***Presence of vermin***
10. ***This permit will expire if one of the following circumstances applies:***
  - a. ***The development is not started within two (2) years of the date of this permit.***
  - b. ***The development is not completed within four (4) 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 (3) months afterwards***

**Permit Notes:**

***Report and consent under building regulation 507/513 will be required for the verandah over a footpath having a height less than 3.0m above the footpath.***

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Resolution

MOVED Cr Geoff Higgins seconded Cr Lyn Russell

That Council's Planning Committee resolves to issue a Planning Permit for the demolition of the existing building, redevelopment of the land for two (2) single storey shops, construction of a car park at the rear car and a reduction of 30 car spaces at 246-250 Murray Street, Colac subject to the following conditions:

- 1. Before the development start(s), amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show;***
 - a) The front windows facing Murray Street with a plinth (sill) at a similar height to those of the abutting buildings.***
- 2. The layout of the site and the size of the proposed buildings and works as shown on the endorsed plans must not be altered or modified without the written consent of the Responsible Authority.***
- 3. Before the development starts, colour samples of all external roof and wall finishes sympathetic to the heritage significance of the area must be submitted to the Responsible Authority for consideration. When approved, such information will be endorsed and will form part of this permit.***
- 4. Prior to the development being completed Lots 1, 2 & 3 on TP222426 comprising the subject land known as 246-250 Murray Street, Colac must be consolidated into a single allotment. Written evidence must be provided prior to the occupation or use of the building confirming that the lots have been consolidated.***
- 5. Access onto and within the property must be constructed to the satisfaction of the Responsible Authority.***
- 6. All run off from stormwater, including overflow from water storage, must be taken to a legal point of discharge to the satisfaction of the Responsible Authority.***
- 7. Prior to the commencement of the use, areas set aside for parked vehicles and access lanes as shown on the endorsed 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 an all-weather seal-coat to the satisfaction of the Responsible Authority.***

- d. *Drained and maintained to the satisfaction of the Responsible Authority.*
 - e. *Marked to indicate each car space and all access lanes to the satisfaction of the Responsible Authority.*
8. *External lighting must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land.*
 9. *The development must be managed so that the amenity of the area is not detrimentally affected, 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 products, grit or oil*
 - d. *Presence of vermin*
 10. *This permit will expire if one of the following circumstances applies:*
 - a. *The development is not started within two (2) years of the date of this permit.*
 - b. *The development is not completed within four (4) 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 (3) months afterwards

Permit Notes:

Report and consent under building regulation 507/513 will be required for the verandah over a footpath having a height less than 3.0m above the footpath.

CARRIED 6 : 0

PC111008-3 *AMENDMENT TO THE EXISTING PERMIT PP344/2005 FOR USE OF THE LAND FOR A LICENSED RESTAURANT & WAIVER OF EIGHT (8) ADDITIONAL CAR SPACES (21 IN TOTAL) AND AN INCREASE IN THE TOTAL NUMBER OF CHAIRS FROM 21 TO 35 AT 43 MAIN STREET, BIRREGURRA*

| | | | |
|-------------|------------------------------------|-----------|--------------|
| AUTHOR: | Carl Menze | ENDORSED: | Jack Green |
| DEPARTMENT: | Sustainable Planning & Development | FILE REF: | PP344/2005-2 |

Recommendation(s)

That Council's Planning Committee resolves to issue an Amended Planning Permit for the Use of the land for a Licensed Restaurant & Waiver of eight (8) additional car spaces (21 in total) and an increase in the total number of seats from 21 to 35 at 43 Main Street, Birregurra subject to the following conditions:

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

- The development is not started within two (2) years of the date of this permit.
- The development is not completed within four (4) 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.

2. The layout of the site and the size of the proposed buildings and works as shown on the endorsed plans must not be altered or modified without the written consent of the Responsible Authority.

3. The use as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.

4. The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:
 (a) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.

5. The use of the land for the purpose of an on-premises license must only be between the hours of:

- 9.00am to 11.00pm (Monday to Sunday)

These hours can only be varied, changed or extended with the written approval of the responsible authority.

6. Provision shall be made for the disposal of waste within the site to the satisfaction of the responsible authority.
7. The number of tables and chairs as shown on the endorsed plan must not be altered without the written consent of the responsible authority.
8. No permanently fixed sound amplification equipment, juke boxes or loud speakers shall be used for the purpose of announcements, broadcasts, playing of music (whether recorded or otherwise) or similar purposes so as to be audible on adjoining public or private land.
9. The loading and unloading of vehicles and the delivery of goods to and from the premises must at all times be carried out entirely within the site and be conducted as to cause minimum interference with other vehicular traffic.
10. The applicant shall make whatever improvements are necessary to the existing septic system to ensure that all waste water generated on the property is retained within the title boundaries.

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### **Resolution**

***MOVED Cr Stephen Hart seconded Cr Geoff Higgins***

***That Council's Planning Committee resolves to issue an Amended Planning Permit for the Use of the land for a Licensed Restaurant & Waiver of eight (8) additional car spaces (21 in total) and an increase in the total number of seats from 21 to 35 at 43 Main Street, Birregurra subject to the following conditions:***

1. This permit will expire if one of the following circumstances applies:
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***CARRIED 6 : 0***