

**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 Stephen Hart (Mayor)  
Cr Frank Buchanan  
Cr Brian Crook  
Cr Stuart Hart  
Cr Lyn Russell  
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 & Service  
Blaithin Butler, Statutory Planning Coordinator  
Ian Williams, Senior Statutory Planner  
Carl Menze, Statutory Planner  
Paula Gardiner, Manager Capital Works  
Katrina Kehoe, Executive Officer Sustainable Planning & Development  
Tammy Kavanagh, Planning Administrator

**3. APOLOGIES**

Cr Geoff Higgins  
Doug McNeill, Manager Planning & Building

**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

PC121209-3 Sandra Wilmink  
Ben Wilmink  
Tony Webber  
Shaun Cumming Barwon Water Alliance

PC121209-4 Sandra Wilmink  
Ben Wilmink  
Tony Webber  
Shaun Cumming Barwon Water Alliance

PC121209-5 John Riches  
Shelly Fanning on behalf of Mr R Lie

## 7. CONFIRMATION OF MINUTES

- Planning Committee held on the 11/07/12.

### **Resolution**

***MOVED Cr Frank Buchanan seconded Cr Stuart Hart that Council confirm the above minutes.***

***CARRIED 6 : 0***

## **OFFICERS' REPORTS**

### **Sustainable Planning and Development**

- PC121209-1 PLANNING & BUILDING STATISTICAL REPORT
- PC121209-2 USE AND DEVELOPMENT OF A TELECOMMUNICATIONS TOWER (35 METRE MONOPOLE) AND ASSOCIATED WORKS AT 266 HAROLDS TRACK WYE RIVER (PP295/2011)
- PC121209-3 REMOVAL OF NATIVE VEGETATION TO ACCOMMODATE AN UPGRADE TO THE EXISTING UTILITY INSTALLATION (PUMP STATION) AT 300 BARHAM RIVER ROAD (PP24/2012-1).
- PC121209-4 USE AND DEVELOPMENT OF LAND FOR A UTILITY INSTALLATION (WATER STORAGE FACILITY) TRANSFER PUMPING STATION AND WATER PIPELINE AND THE REMOVAL OF NATIVE VEGETATION AT 120 BARHAM RIVER ROAD, APOLLO BAY (PP43/2012).
- PC121209-5 DEVELOPMENT OF A SUPERMARKET, REDUCTION IN CAR PARKING, SALE OF PACKAGED LIQUOR & VARIATION TO A CARRIAGEWAY EASEMENT AT 30-32 PASCOE STREET, APOLLO BAY (PP34/2011)
- PC121209-6 CONSTRUCTION OF A DWELLING AND REMOVAL OF NATIVE VEGETATION (ONE TREE) AT 30 RIDGE DRIVE, KENNETT RIVER (PP62/2012-1)

**Rob Small**  
**Chief Executive Officer**

**PC121209-1**     *PLANNING & BUILDING STATISTICAL REPORT*

AUTHOR:	Janole Cass	ENDORSED:	Jack Green
DEPARTMENT:	Sustainable Planning & Development	FILE REF:	F11/2683

**Recommendation(s)**

***That Council’s Planning Committee note the statistical reports for July and August 2012.***

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**Resolution**

***MOVED Cr Lyn Russell seconded Cr Stuart Hart***

***That Council’s Planning Committee note the statistical reports for July and August 2012.***

***CARRIED 6 : 0***

**PC121209-2**     *USE AND DEVELOPMENT OF A TELECOMMUNICATIONS TOWER (35 METRE MONOPOLE) AND ASSOCIATED WORKS AT 266 HAROLDS TRACK WYE RIVER (PP295/2011)*

|             |                                    |           |            |
|-------------|------------------------------------|-----------|------------|
| AUTHOR:     | Helen Evans                        | ENDORSED: | Jack Green |
| DEPARTMENT: | Sustainable Planning & Development | FILE REF: | F11/4786   |

**Recommendation(s)**

***That Council's Planning Committee resolve to issue a Notice of Decision to Grant a Permit for the use and development of a Telecommunications Facility (38 metre high monopole) and associated buildings and works at 266 Harolds Track, Wye River (C/A 2001, Parish of Wongarra) subject to the following conditions:***

- 1. The layout of the site and the size of the proposed buildings and works as shown on the endorsed plans must not be altered or modified without the written consent of the Responsible Authority.***
- 2. The underground cable route must avoid root systems of existing remnant native vegetation to the satisfaction of the Responsible Authority.***
- 3. All telecommunications and power connections (where by means of cable) and associated infrastructure to the land must be underground to the satisfaction of the Responsible Authority.***
- 4. The works hereby permitted must not result in the loss of native vegetation.***
- 5. All development and works associated with this permit must be carried out in strict conformity with the recommendations of the Geotechnical Engineers Report Number 103810/Rev A, prepared by A.S. James Pty Limited, dated 1 May 2012.***
- 6. Prior to the commencement of works, a construction management plan must be submitted to the Responsible Authority for approval. This plan must include details of heavy vehicle movements to the site, expected timing of the proposed works, details of any over-dimensional vehicles required to travel to the site, traffic management associated with the works and the location of the construction site boundary.***
- 7. The nature and colour of building materials employed in the construction of the buildings and works hereby permitted must be harmonious and blend into the surrounding environment to the satisfaction of the Responsible Authority. The tower is to be constructed in natural grey/concrete colouring and the associated shedding will be constructed in "Pale Eucalypt".***

8. ***Stormwater discharged from the buildings and works hereby permitted must only be distributed across the property by sheet flow (i.e. along a contour) or to a legal point of discharge as approved by the Responsible Authority. No sheet flow discharge point must be permitted within five (5) metres of the lowest property boundaries and any discharge point must not be located so as to surcharge any septic effluent disposal system to the satisfaction of the Responsible Authority.***
9. ***All excavation works upon the subject land must be kept to the absolute practicable minimum and to the satisfaction of the Responsible Authority.***
10. ***Vehicle access to the telecommunications compound must be constructed to an all weather surface to the satisfaction of the Responsible Authority.***
11. ***If the use of the site as a Telecommunications facility ceases all associated infrastructure must be removed within three months of the use ceasing, to the satisfaction of the Responsible Authority.***
12. ***The use must not detrimentally affect the amenity of the neighbourhood, to the satisfaction of the Responsible Authority including through the:***
  - ***Transportation of any material, goods or commodity to or from the land.***
  - ***Appearance of any stored goods and material.***
  - ***Emission of noise, artificial light, vibration, odour, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste product, grit and oil.***
13. ***The telecommunications facility must comply to the satisfaction of the responsible authority with the ARPANSA 'Radiation Protection Standard for Maximum Exposure Levels to Radiofrequency Fields – 3kHz to 300 GHz (2002)', or such other standard as is adopted from time to time by the Australian Communications Authority.***

***Expiry***

14. ***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 Lyn Russell**

**That Council's Planning Committee resolve to issue a Notice of Decision to Grant a Permit for the use and development of a Telecommunications Facility (38 metre high monopole) and associated buildings and works at 266 Harolds Track, Wye River (C/A 2001, Parish of Wongarra) subject to the following conditions:**

- 1. The layout of the site and the size of the proposed buildings and works as shown on the endorsed plans must not be altered or modified without the written consent of the Responsible Authority.**
- 2. The underground cable route must avoid root systems of existing remnant native vegetation to the satisfaction of the Responsible Authority.**
- 3. All telecommunications and power connections (where by means of cable) and associated infrastructure to the land must be underground to the satisfaction of the Responsible Authority.**
- 4. The works hereby permitted must not result in the loss of native vegetation.**
- 5. All development and works associated with this permit must be carried out in strict conformity with the recommendations of the Geotechnical Engineers Report Number 103810/Rev A, prepared by A.S. James Pty Limited, dated 1 May 2012.**
- 6. Prior to the commencement of works, a construction management plan must be submitted to the Responsible Authority for approval. This plan must include details of heavy vehicle movements to the site, expected timing of the proposed works, details of any over-dimensional vehicles required to travel to the site, traffic management associated with the works and the location of the construction site boundary.**
- 7. The nature and colour of building materials employed in the construction of the buildings and works hereby permitted must be harmonious and blend into the surrounding environment to the satisfaction of the Responsible Authority. The tower is to be constructed in natural grey/concrete colouring and the associated shedding will be constructed in "Pale Eucalypt".**
- 8. Stormwater discharged from the buildings and works hereby permitted must only be distributed across the property by sheet flow (i.e. along a contour) or to a legal point of discharge as approved by the Responsible Authority. No sheet flow discharge point must be permitted within five (5) metres of the lowest property boundaries and any discharge point must not be located so as to surcharge any septic effluent disposal system to the satisfaction of the Responsible Authority.**
- 9. All excavation works upon the subject land must be kept to the absolute practicable minimum and to the satisfaction of the Responsible Authority.**

10. ***Vehicle access to the telecommunications compound must be constructed to an all weather surface to the satisfaction of the Responsible Authority.***
11. ***If the use of the site as a Telecommunications facility ceases all associated infrastructure must be removed within three months of the use ceasing, to the satisfaction of the Responsible Authority.***
12. ***The use must not detrimentally affect the amenity of the neighbourhood, to the satisfaction of the Responsible Authority including through the:***
  - ***Transportation of any material, goods or commodity to or from the land.***
  - ***Appearance of any stored goods and material.***
  - ***Emission of noise, artificial light, vibration, odour, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste product, grit and oil.***
13. ***The telecommunications facility must comply to the satisfaction of the responsible authority with the ARPANSA 'Radiation Protection Standard for Maximum Exposure Levels to Radiofrequency Fields – 3kHz to 300 GHz (2002)', or such other standard as is adopted from time to time by the Australian Communications Authority.***

***Expiry***

14. ***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**



**PC121209-3**     *REMOVAL OF NATIVE VEGETATION TO ACCOMMODATE AN UPGRADE TO THE EXISTING UTILITY INSTALLATION (PUMP STATION) AT 300 BARHAM RIVER ROAD (PP24/2012-1).*

|             |                                    |           |            |
|-------------|------------------------------------|-----------|------------|
| AUTHOR:     | Ian Williams                       | ENDORSED: | Jack Green |
| DEPARTMENT: | Sustainable Planning & Development | FILE REF: | F12/1212   |

**Recommendation(s)**

***That Council's Planning Committee resolve to issue a Notice of Decision to Grant Planning Permit PP24/2012-1 for the removal of native vegetation associated with the use/development of the land for a pump station at 300 Barham River Road APOLLO BAY (C/A: PT.6A SEC: 1 Parish of Krambruk) subject to the following conditions:***

- 1. Prior to the commencement of the development, an amended landscape plan 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 provided. The plans must generally be in accordance with the landscape plan submitted with the application and should be focused on erosion protection measures, in line with the recommendations made in the Flora, Fauna and Aquatic Ecological Assessment Report, but modified to show a planting schedule of all proposed trees, shrubs, and ground covers, including botanical names, common names, pot sizes, sizes of maturity and quantities of each plant. The plan must provide a suitable vegetation cover to screen the building and works from the surrounding properties and Barham River Road.***
- 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 landscaping shown on the endorsed plans shall be established within 12 months of commencement of the use hereby permitted and must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced. All species selected must be to the satisfaction of the Responsible Authority.***

4. ***The vegetation removal hereby approved must be undertaken in accordance with the requirements of the Due Diligence Study dated September 2011 submitted with the application. In the event that items of Aboriginal or historic cultural heritage are uncovered during the course of development, all work within 50m of the find must cease and the developer, or its contractors must immediately contact the Cultural Heritage Advisor, the Heritage Services Branch of AAV or Heritage Victoria for further advice.***
5. ***All excavation works upon the subject land must be kept to the absolute practicable minimum and to the satisfaction of the Responsible Authority.***
6. ***All vegetation removal associated with this permit must be carried out in strict conformity with the recommendations of the Geotechnical Engineers Report dated November 2011 approved by D Evans on 30 November 2011.***
7. ***All environmental weeds as outlined in "Environmental Weeds of the Colac Otway Shire" brochure must be controlled on the property at all times and prevented from spreading to neighbouring land to the satisfaction of the responsible authority.***
8. ***No environmental weeds as referred to in "Environmental Weeds of the Colac Otway Shire" brochure will be planted on or allowed to invade the site.***
9. ***The clearing of native vegetation must be in accordance with the endorsed plan.***
10. ***Vegetation removal and disposal must not cause damage to vegetation stands to be retained and to drainage lines to the satisfaction of the Responsible Authority.***

**Department of Sustainability and Environment Conditions**

11. ***Before the development starts, an Environmental Management Plan to the satisfaction of the Responsible Authority upon the advice of the Department of Sustainability and Environment must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The Environmental Management Plan must include:***
  - a) ***overall environmental objectives for the operation of the use and techniques for their achievement,***
  - b) ***procedures to ensure that no significant adverse environmental impacts occur as a result of the development and use,***
  - c) ***identification of possible risks of operational failure and response measures to be implemented,***
  - d) ***day to day management requirements for the use,***
  - e) ***an annual review or audit to the satisfaction of the Responsible Authority and any consequential changes to the plan submitted to and approved by the Responsible Authority,***

- f) *appropriate measures to address the impacts and recommendations outlined in the report ‘Apollo Bay Skenes Creek Water Supply Upgrade – Flora, Fauna and Aquatic Ecological Assessment June 2011’,*
  - g) *a Platypus Management Plan specifying actions to mitigate impacts on existing populations, if identified.*
12. *The use/development must be conducted in accordance with the endorsed plan at all times. All actions specified in the endorsed plan must be implemented within the specified timeframes to the satisfaction of the Responsible Authority and the Department of Sustainability and Environment.*

**Expiry of the permit**

13. *This permit will expire if one of the following circumstances applies:*
- a) *The native vegetation removal is not started within two years of the date of this permit.*
  - b) *The native vegetation removal is not completed within four years of the date of this permit.*

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

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**Resolution**

**MOVED Cr Frank Buchanan seconded Cr Brian Crook**

*That Council’s Planning Committee resolve to issue a Notice of Decision to Grant Planning Permit PP24/2012-1 for the removal of native vegetation associated with the use/development of the land for a pump station at 300 Barham River Road APOLLO BAY (C/A: PT.6A SEC: 1 Parish of Krambruk) subject to the following conditions:*

- 1. *Prior to the commencement of the development, an amended landscape plan 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 provided. The plans must generally be in accordance with the landscape plan submitted with the application and should be focused on erosion protection measures, in line with the recommendations made in the Flora, Fauna and Aquatic Ecological Assessment Report, but modified to show a planting schedule of all proposed trees, shrubs, and ground covers, including botanical names, common names, pot sizes, sizes of maturity and quantities of each plant. The plan must provide a suitable vegetation cover to screen the building and works from the surrounding properties and Barham River Road.*

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 landscaping shown on the endorsed plans shall be established within 12 months of commencement of the use hereby permitted and must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced. All species selected must be to the satisfaction of the Responsible Authority.***
4. ***The vegetation removal hereby approved must be undertaken in accordance with the requirements of the Due Diligence Study dated September 2011 submitted with the application. In the event that items of Aboriginal or historic cultural heritage are uncovered during the course of development, all work within 50m of the find must cease and the developer, or its contractors must immediately contact the Cultural Heritage Advisor, the Heritage Services Branch of AAV or Heritage Victoria for further advice.***
5. ***All excavation works upon the subject land must be kept to the absolute practicable minimum and to the satisfaction of the Responsible Authority.***
6. ***All vegetation removal associated with this permit must be carried out in strict conformity with the recommendations of the Geotechnical Engineers Report dated November 2011 approved by D Evans on 30 November 2011.***
7. ***All environmental weeds as outlined in "Environmental Weeds of the Colac Otway Shire" brochure must be controlled on the property at all times and prevented from spreading to neighbouring land to the satisfaction of the responsible authority.***
8. ***No environmental weeds as referred to in "Environmental Weeds of the Colac Otway Shire" brochure will be planted on or allowed to invade the site.***
9. ***The clearing of native vegetation must be in accordance with the endorsed plan.***
10. ***Vegetation removal and disposal must not cause damage to vegetation stands to be retained and to drainage lines to the satisfaction of the Responsible Authority.***

**Department of Sustainability and Environment Conditions**

11. ***Before the development starts, an Environmental Management Plan to the satisfaction of the Responsible Authority upon the advice of the Department of Sustainability and Environment must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The Environmental Management Plan must include:***
  - a) ***overall environmental objectives for the operation of the use and techniques for their achievement,***

- b) procedures to ensure that no significant adverse environmental impacts occur as a result of the development and use,*
  - c) identification of possible risks of operational failure and response measures to be implemented,*
  - d) day to day management requirements for the use,*
  - e) an annual review or audit to the satisfaction of the Responsible Authority and any consequential changes to the plan submitted to and approved by the Responsible Authority,*
  - f) appropriate measures to address the impacts and recommendations outlined in the report 'Apollo Bay Skenes Creek Water Supply Upgrade – Flora, Fauna and Aquatic Ecological Assessment June 2011',*
  - g) a Platypus Management Plan specifying actions to mitigate impacts on existing populations, if identified.*
- 12. The use/development must be conducted in accordance with the endorsed plan at all times. All actions specified in the endorsed plan must be implemented within the specified timeframes to the satisfaction of the Responsible Authority and the Department of Sustainability and Environment.**

**Expiry of the permit**

- 13. This permit will expire if one of the following circumstances applies:**
- a) The native vegetation removal is not started within two years of the date of this permit.*
  - b) The native vegetation removal 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 5 : 1**

**PC121209-4** *USE AND DEVELOPMENT OF LAND FOR A UTILITY INSTALLATION (WATER STORAGE FACILITY) TRANSFER PUMPING STATION AND WATER PIPELINE AND THE REMOVAL OF NATIVE VEGETATION AT 120 BARHAM RIVER ROAD, APOLLO BAY (PP43/2012).*

|             |                                    |           |            |
|-------------|------------------------------------|-----------|------------|
| AUTHOR:     | Ian Williams                       | ENDORSED: | Jack Green |
| DEPARTMENT: | Sustainable Planning & Development | FILE REF: | F12/1970   |

### **Original Recommendation**

***That Council's Planning Committee resolve to issue a Notice of Decision to Grant a Planning Permit (PP43/2012) for the use of the land and the buildings and works for a utility installation (water storage facility), transfer pumping station and water pipeline and the removal of native vegetation at 120 Barham River Road, APOLLO BAY (Lot: 1 LP: 13765 Parish of Krambruk) and in the road reserve, subject to the following conditions:***

- 1. The use and 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. The fence enclosing the water storage basin must be coloured black and this shall be so maintained unless agreed in writing by the Responsible Authority.***
- 3. The roof and exterior walls of the pump station structure and associated pipework must be constructed of a non-reflective material which will effectively blend the development in with the natural colours of the surrounding landscape (ie. not white, off-white, beige, cream, fawn, light yellow or similar colour, galvanised or zincalume, gull grey or any other unsuitable colour as determined by the Responsible Authority).***
- 4. The pump station design must be in accordance with the Environment Protection Authority (EPA) Victoria guideline, Noise from Industry in Regional Victoria 2011 (NIRV – EPA publication 1411). The maximum noise level from the pump station to the nearest noise sensitive receivers must not exceed 33dB at any time. In the event that the pump station exceeds 33dB to the nearest noise sensitive receiver, the pump station must cease operation until such a time that it can comply.***
- 5. 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.***

6. ***The use and 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 water, waste products, grit or oil.***
7. ***The applicant must regularly consult with owners and occupiers of neighbouring properties to advise of the nature and duration of works which will generate excessive noise (i.e. drilling/sheet piling) and times when vibratory works will occur.***
8. ***All development and works associated with this permit must be carried out in strict conformity with the recommendations of Cultural Heritage Management Plan (CHMP No. 11770) by Dr Tim Stone dated 5 April 2012 approved by Aboriginal Affairs Victoria on 10 April 2012.***
9. ***All excavation works upon the subject land must be kept to the absolute practicable minimum and to the satisfaction of the Responsible Authority.***
10. ***All development and works associated with this permit must be carried out in strict conformity with the recommendations of Geotechnical Engineers Report Number W1009 by Barwon Water dated 6 July 2012 comprising parts 1 and 2.***
11. ***All historical archaeological investigation and excavation works must be undertaken in accordance with the conditions contained within the consent granted by Heritage Victoria on 24 July 2012 – Reference H7620-0017, Consent number C821.***
12. ***Any temporary or permanent works within Zone 5 (east of 140 Barham River Road) must be reviewed by a suitable geotechnical engineer so as the level of risk to life is not increased. Mitigation measures must be put in place to ensure that the risk to life after construction will be the same or lower than the current level of risk.***
13. ***Following completion of the development, the proponent's geotechnical engineer must inspect the site and confirm in writing to the Responsible Authority that the stability of the land under the conditions of its intended use is acceptable as defined in the Australian Geomechanics Society Landslide Risk Management Guidelines dated March 2000.***
14. ***Prior to commencement of construction, details of the location and area of the temporary onsite water storage dam or mobile water tanker must be submitted to and approved in writing by the Responsible Authority.***
15. ***A diversion drain must be constructed around the dam to provide for environmental water flows. The diversion drain must be maintained to ensure that flow is not impeded by silt or debris.***

16. ***Sediment movement, erosion and control must be controlled on site at all times and shall not have the opportunity to move off site or away from the immediate construction area and must be managed in accordance with Environment Protection Authority (EPA) Publication Construction Techniques for Sediment Pollution Control.***
17. ***The use of chemical dust suppressants on the site must only be considered if the proposed watering dust suppression measures are not effective during construction. Prior to the use of chemical dust suppressants written approval must be obtained from Barwon Water Alliance and from the Environment Protection Agency (EPA).***
18. ***The use of chemical dust suppressants must comply with the Environmental Guidelines for Major Construction Sites (Environment Protection Authority) EPA (Vic), 1995.***
19. ***All development and works associated with this permit must be carried out in strict conformity with State Environment Protection Policy (Waters of Victoria) 2003 and the State Environment Protection Policy (Groundwaters of Victoria) 1997.***
20. ***Construction activities should be managed in accordance with the Environment Protection Authority (EPA) Publication Environmental Guidelines for Major Construction Sites.***
21. ***The owner/applicant must ensure that all construction waste is managed and disposed of appropriately in accordance with the Environment Protection (Industrial Waste Resource) Regulations 2009.***
22. ***Prior to the commencement of the works, a site specific revised and up to date Project Environmental Management Requirements (PEMR) is required to be submitted and approved to the satisfaction of Council. This document must include the recommendations of other associated reports (e.g. Flora, Fauna and Aquatic Assessment Report).***
23. ***All works conducted on site to be in strict accordance with the work methods outlined in the approved PEMR.***

#### **Weed Management**

24. ***All environmental weeds as outlined in “Environmental Weeds of the Colac Otway Shire” brochure must be controlled on the property at all times and prevented from spreading to neighbouring land to the satisfaction of the responsible authority.***
25. ***No environmental weeds as referred to in “Environmental Weeds of the Colac Otway Shire” brochure shall be planted on or be allowed to invade the site.***
26. ***All vermin and pests must be controlled on the site at all times to the satisfaction of the responsible authority and upon the advice of the Department of Sustainability and Environment.***



**Water and Sediment Management**

27. *The site must be developed and managed to minimise the risks of stormwater pollution through the contamination of run-off by chemicals, sediments, animal wastes or gross pollutants in accordance with Best Practice Environmental Management Guidelines for Stormwater Management and Construction Techniques for Sediment Pollution Control (EPA) to the satisfaction of the Responsible Authority.*
28. *All stored wastes must be kept in designated areas or covered containers to prevent escape into the stormwater system to the satisfaction of the Responsible Authority.*
29. *All construction vehicle fuels, oils and greases and all stockpile material must be stored in bunded areas and kept remote from the waterways.*
30. *All measures for stormwater quality must be in place prior to the start of construction and the applicant must notify Council's Environment Unit to confirm compliance.*
31. *A Spills Contingency Plan must be prepared prior to commencement of the use to prevent any spilled chemicals or waste entering the stormwater drainage system. This plan must include methods and access to materials to contain the spill, to clean up the spill and to dispose of or reuse the recovered residues. The plan must contain key contacts at appropriate agencies to contact in case of chemical spillage and must be to the satisfaction of the Responsible Authority. This plan can be incorporated in to the PERMR and EMP.*
32. *The disturbed ground surfaces on site must be successfully re-established immediately after construction is completed. This includes the removal of accumulated sediment in sediment traps on and around the site and within adjoining stormwater drains. It also includes the reinstatement of topsoil and seeding of grasses or other vegetation suitable to reduce erosion from the site to the satisfaction of the Responsible Authority.*
33. *All battered areas must be covered in topsoil and grassed or planted with other vegetation suitable to reduce erosion control to the satisfaction of the Responsible Authority.*

**Vegetation Management**

34. *The clearing of native vegetation must be in accordance with the endorsed plan.*
35. *Vegetation removal and disposal must not cause damage to vegetation stands to be retained and to drainage lines to the satisfaction of the Responsible Authority.*
36. *No clearing or pruning of roadside vegetation shall be undertaken without further planning approval from the Responsible Authority*

**Land Management Plan**

- 37. Prior to the commencement of the works, an agreed time line for the development and implementation of a Land Management Plan will be completed to the satisfaction of the Responsible Authority. The Land Management Plan must address how the balance of the property will be managed into the future and must contain a detailed landscaping plan based on the landscape concept plan submitted with the application.**
- 38. The Land Management Plan shall be developed in consultation with the Southern Otway Landcare Network and contain the relevant information identified in the Colac Otway Shire "Planning Information – Land Management Plan" checklist.**
- 39. Within 6 months of the issue of this permit, the owner of the land must enter into an agreement with the Responsible Authority pursuant to Section 173 of the Planning and Environment Act to the satisfaction of the Responsible Authority which provides that all land will be managed in accordance with the approved Land Management Plan prepared by a suitably qualified professional as endorsed under planning permit PP43/2012-1 or any subsequent permit issued by the Responsible Authority, unless otherwise agreed in writing by the Responsible Authority. The owner must pay the costs of preparation, execution and registration of the agreement. The Section 173 Agreement may be ended by the Responsible Authority at the written request of the owner and at no cost to the Responsible Authority.**
- 40. The landscaping plan approved must be consistent with the Reinstatement Management Plan approved under this permit and must demonstrate that the landscaping will not adversely affect the visual amenity of the area.**
- 41. Prior to the commencement of the development a more detailed and site specific Acid Sulphate Soil Management Plan must be developed to the satisfaction of the Responsible Authority. All works must be undertaken in accordance with the recommendations of the approved plan unless agreed in writing by the Responsible Authority.**
- 42. No vehicular or pedestrian access, trenching or soil excavation is to occur within the identified protection zones without the written consent of the Responsible Authority. No storage or dumping of tools, equipment or waste is to occur within the Tree Protection Zone.**
- 43. All works associated with this permit must follow the recommended actions of the 'Fauna Management Program' endorsed under this permit.**
- 44. All works must follow the recommendations of the Contaminated Land Management Program endorsed under this permit to minimise risk to public safety, contamination of land and/or groundwater and to ensure that pre-existing areas of potentially contaminated land and/or groundwater is appropriately dealt with.**

45. ***All works associated with this permit must follow the recommendations of the 'Waste Management Program' endorsed under this permit.***
46. ***Any topsoil required to be brought onto the site must meet the requirements of EPA publication 448 – Classification of Wastes as 'Fill Material'.***
47. ***Prior to commencement of construction a detailed Water Quality Monitoring Program must be submitted to and approved in writing by the Responsible Authority. The Water Quality Monitoring Program must detail how runoff from the site will not impact on the Barham River.***
48. ***Prior to commencement of use of the site, the developer is to submit to the Responsible Authority for approval a traffic management plan which will form part of the planning permit. The traffic management plan is to show routes and operating times of vehicles associated with the construction of the water storage facility.***
49. ***Prior to commencement of use of the site, an access plan is to be submitted to the Responsible Authority for approval and this access plan will form part of the planning permit. The access plan is to be clearly dimensioned showing access dimensions including splay, gate set back and construction material. The site access is to be sealed so that loose material does not affect Barham River Road. The splay and gate set back are to be appropriately designed for the expected vehicle use so that vehicles may safely and completely leave the road while the access gate is closed.***
50. ***During the construction phase of the development, the following conditions must be met:***
  - a) ***Vehicle borne material from the site must not accumulate on the roads abutting the site.***
  - b) ***All machinery and equipment must be cleaned (if required) on site and not on adjacent footpaths or roads;***
  - c) ***Any fencing installed must ensure safe access for vehicles.***
  - d) ***All litter must be contained on the site.***
51. ***Barwon Water will be required to repair and reinstate any damage caused to Council Infrastructure determined by Council to be caused by contractors as part of the development of the site.***
52. ***Within 6 months of the issue of this permit, the owner of the land must enter into an agreement with the Responsible Authority pursuant to Section 173 of the Planning and Environment Act to the satisfaction of the Responsible Authority which provides that Council will not be liable for any disruption caused to Barwon Water Alliance infrastructure as part of bridge maintenance works including a bridge rebuild, nor any costs associated with the pipe during bridge maintenance/reconstruction works. The owner must pay the costs of preparation, execution and registration of the agreement. The Section 173 Agreement may be ended by the Responsible Authority at the written request of the owner and at no cost to the Responsible Authority.***

- 53. ***Any new pipework to be placed under Barham River Road must be bored to the satisfaction of the Responsible Authority.***
- 54. ***Barwon Water must ensure that all road surfaces and road related infrastructure along nominated haulage routes is maintained and kept in a safe and trafficable condition suitable for light vehicle travel for the duration of the construction period. All maintenance, repair and reinstatement costs are to be borne by Barwon Water and carried out to the satisfaction of Council.***
- 55. ***All haulage routes are to be nominated and approved by Council prior to the commencement of any works, after which all haulage traffic associated with the works are only permitted along the nominated and approved routes. Where haulage traffic does not use approved routes, Barwon Water will be responsible for any repair and reinstatement works required to the road asset.***
- 56. ***A pre asset condition assessment and report is to be prepared by Barwon Water, in conjunction with Council prior to the commencement of works, but following the approval of nominated haulage routes. Haulage can only commence once this pre asset condition assessment has been approved by Council. Once approved this asset condition assessment report will be endorsed and form part of the permit.***
- 57. ***If damage is identified along the approved haulage routes, Barwon Water is to immediately carry out repair or remedial works as soon as practicable, and immediate action will be required to ensure road user safety.***

**Corangamite Catchment Management Authority Condition**

- 58. ***No permanent fill is to be placed in the 1% AEP flood extent.***

**Expiry of the permit**

- 59. ***This permit will expire if one of the following circumstances applies:***
  - ***The development and use are not started within two (2) years of the date of this permit.***
  - ***The development is not completed within four years of the date of this permit.***

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

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**Resolution**

**MOVED Cr Frank Buchanan seconded Cr Lyn Russell**

**That Council's Planning Committee resolve to issue a Notice of Decision to Grant a Planning Permit (PP43/2012) for the use of the land and the buildings and works for a utility installation (water storage facility), transfer pumping station and water pipeline and the removal of native vegetation at 120 Barham River Road, APOLLO BAY (Lot: 1 LP: 13765 Parish of Krambruk) and in the road reserve, subject to the following conditions:**

- 1. The use and 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. The fence enclosing the water storage basin must be coloured black and this shall be so maintained unless agreed in writing by the Responsible Authority.**
- 3. The roof and exterior walls of the pump station structure and associated pipework must be constructed of a non-reflective material which will effectively blend the development in with the natural colours of the surrounding landscape (ie. not white, off-white, beige, cream, fawn, light yellow or similar colour, galvanised or zincalume, gull grey or any other unsuitable colour as determined by the Responsible Authority).**
- 4. The pump station design must be in accordance with the Environment Protection Authority (EPA) Victoria guideline, Noise from Industry in Regional Victoria 2011 (NIRV – EPA publication 1411). The maximum noise level from the pump station to the nearest noise sensitive receivers must not exceed 33dB at any time. In the event that the pump station exceeds 33dB to the nearest noise sensitive receiver, the pump station must cease operation until such a time that it can comply.**
- 5. 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.**
- 6. The use and 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 water, waste products, grit or oil.**
- 7. The applicant must regularly consult with owners and occupiers of neighbouring properties to advise of the nature and duration of works which will generate excessive noise (i.e. drilling/sheet piling) and times when vibratory works will occur.**

8. ***All development and works associated with this permit must be carried out in strict conformity with the recommendations of Cultural Heritage Management Plan (CHMP No. 11770) by Dr Tim Stone dated 5 April 2012 approved by Aboriginal Affairs Victoria on 10 April 2012.***
9. ***All excavation works upon the subject land must be kept to the absolute practicable minimum and to the satisfaction of the Responsible Authority.***
10. ***All development and works associated with this permit must be carried out in strict conformity with the recommendations of Geotechnical Engineers Report Number W1009 by Barwon Water dated 6 July 2012 comprising parts 1 and 2.***
11. ***All historical archaeological investigation and excavation works must be undertaken in accordance with the conditions contained within the consent granted by Heritage Victoria on 24 July 2012 – Reference H7620-0017, Consent number C821.***
12. ***Any temporary or permanent works within Zone 5 (east of 140 Barham River Road) must be reviewed by a suitable geotechnical engineer so as the level of risk to life is not increased. Mitigation measures must be put in place to ensure that the risk to life after construction will be the same or lower than the current level of risk.***
13. ***Following completion of the development, the proponent's geotechnical engineer must inspect the site and confirm in writing to the Responsible Authority that the stability of the land under the conditions of its intended use is acceptable as defined in the Australian Geomechanics Society Landslide Risk Management Guidelines dated March 2000.***
14. ***Prior to commencement of construction, details of the location and area of the temporary onsite water storage dam or mobile water tanker must be submitted to and approved in writing by the Responsible Authority.***
15. ***A diversion drain must be constructed around the dam to provide for environmental water flows. The diversion drain must be maintained to ensure that flow is not impeded by silt or debris.***
16. ***Sediment movement, erosion and control must be controlled on site at all times and shall not have the opportunity to move off site or away from the immediate construction area and must be managed in accordance with Environment Protection Authority (EPA) Publication Construction Techniques for Sediment Pollution Control.***
17. ***The use of chemical dust suppressants on the site must only be considered if the proposed watering dust suppression measures are not effective during construction. Prior to the use of chemical dust suppressants written approval must be obtained from Barwon Water Alliance and from the Environment Protection Agency (EPA).***
18. ***The use of chemical dust suppressants must comply with the Environmental Guidelines for Major Construction Sites (Environment Protection Authority) EPA (Vic), 1995.***

19. *All development and works associated with this permit must be carried out in strict conformity with State Environment Protection Policy (Waters of Victoria) 2003 and the State Environment Protection Policy (Groundwaters of Victoria) 1997.*
20. *Construction activities should be managed in accordance with the Environment Protection Authority (EPA) Publication Environmental Guidelines for Major Construction Sites.*
21. *The owner/applicant must ensure that all construction waste is managed and disposed of appropriately in accordance with the Environment Protection (Industrial Waste Resource) Regulations 2009.*
22. *Prior to the commencement of the works, a site specific revised and up to date Project Environmental Management Requirements (PEMR) is required to be submitted and approved to the satisfaction of Council. This document must include the recommendations of other associated reports (e.g. Flora, Fauna and Aquatic Assessment Report).*
23. *All works conducted on site to be in strict accordance with the work methods outlined in the approved PEMR.*

#### **Weed Management**

24. *All environmental weeds as outlined in “Environmental Weeds of the Colac Otway Shire” brochure must be controlled on the property at all times and prevented from spreading to neighbouring land to the satisfaction of the responsible authority.*
25. *No environmental weeds as referred to in “Environmental Weeds of the Colac Otway Shire” brochure shall be planted on or be allowed to invade the site.*
26. *All vermin and pests must be controlled on the site at all times to the satisfaction of the responsible authority and upon the advice of the Department of Sustainability and Environment.*

#### **Water and Sediment Management**

27. *The site must be developed and managed to minimise the risks of stormwater pollution through the contamination of run-off by chemicals, sediments, animal wastes or gross pollutants in accordance with Best Practice Environmental Management Guidelines for Stormwater Management and Construction Techniques for Sediment Pollution Control (EPA) to the satisfaction of the Responsible Authority.*
28. *All stored wastes must be kept in designated areas or covered containers to prevent escape into the stormwater system to the satisfaction of the Responsible Authority.*
29. *All construction vehicle fuels, oils and greases and all stockpile material must be stored in bunded areas and kept remote from the waterways.*

30. ***All measures for stormwater quality must be in place prior to the start of construction and the applicant must notify Council's Environment Unit to confirm compliance.***
31. ***A Spills Contingency Plan must be prepared prior to commencement of the use to prevent any spilled chemicals or waste entering the stormwater drainage system. This plan must include methods and access to materials to contain the spill, to clean up the spill and to dispose of or reuse the recovered residues. The plan must contain key contacts at appropriate agencies to contact in case of chemical spillage and must be to the satisfaction of the Responsible Authority. This plan can be incorporated in to the PERMR and EMP.***
32. ***The disturbed ground surfaces on site must be successfully re-established immediately after construction is completed. This includes the removal of accumulated sediment in sediment traps on and around the site and within adjoining stormwater drains. It also includes the reinstatement of topsoil and seeding of grasses or other vegetation suitable to reduce erosion from the site to the satisfaction of the Responsible Authority.***
33. ***All battered areas must be covered in topsoil and grassed or planted with other vegetation suitable to reduce erosion control to the satisfaction of the Responsible Authority.***

#### **Vegetation Management**

34. ***The clearing of native vegetation must be in accordance with the endorsed plan.***
35. ***Vegetation removal and disposal must not cause damage to vegetation stands to be retained and to drainage lines to the satisfaction of the Responsible Authority.***
36. ***No clearing or pruning of roadside vegetation shall be undertaken without further planning approval from the Responsible Authority***

#### **Land Management Plan**

37. ***Prior to the commencement of the works, an agreed time line for the development and implementation of a Land Management Plan will be completed to the satisfaction of the Responsible Authority. The Land Management Plan must address how the balance of the property will be managed into the future and must contain a detailed landscaping plan based on the landscape concept plan submitted with the application.***
38. ***The Land Management Plan shall be developed in consultation with the Southern Otway Landcare Network and contain the relevant information identified in the Colac Otway Shire "Planning Information – Land Management Plan" checklist.***



39. ***Within 6 months of the issue of this permit, the owner of the land must enter into an agreement with the Responsible Authority pursuant to Section 173 of the Planning and Environment Act to the satisfaction of the Responsible Authority which provides that all land will be managed in accordance with the approved Land Management Plan prepared by a suitably qualified professional as endorsed under planning permit PP43/2012-1 or any subsequent permit issued by the Responsible Authority, unless otherwise agreed in writing by the Responsible Authority. The owner must pay the costs of preparation, execution and registration of the agreement. The Section 173 Agreement may be ended by the Responsible Authority at the written request of the owner and at no cost to the Responsible Authority.***
40. ***The landscaping plan approved must be consistent with the Reinstatement Management Plan approved under this permit and must demonstrate that the landscaping will not adversely affect the visual amenity of the area. The landscaping plan will be developed in consultation with adjoining landowners to the satisfaction of Council.***
41. ***Prior to the commencement of the development a more detailed and site specific Acid Sulphate Soil Management Plan must be developed to the satisfaction of the Responsible Authority. All works must be undertaken in accordance with the recommendations of the approved plan unless agreed in writing by the Responsible Authority.***
42. ***No vehicular or pedestrian access, trenching or soil excavation is to occur within the identified protection zones without the written consent of the Responsible Authority. No storage or dumping of tools, equipment or waste is to occur within the Tree Protection Zone.***
43. ***All works associated with this permit must follow the recommended actions of the 'Fauna Management Program' endorsed under this permit.***
44. ***All works must follow the recommendations of the Contaminated Land Management Program endorsed under this permit to minimise risk to public safety, contamination of land and/or groundwater and to ensure that pre-existing areas of potentially contaminated land and/or groundwater is appropriately dealt with.***
45. ***All works associated with this permit must follow the recommendations of the 'Waste Management Program' endorsed under this permit.***
46. ***Any topsoil required to be brought onto the site must meet the requirements of EPA publication 448 – Classification of Wastes as 'Fill Material'.***
47. ***Prior to commencement of construction a detailed Water Quality Monitoring Program must be submitted to and approved in writing by the Responsible Authority. The Water Quality Monitoring Program must detail how runoff from the site will not impact on the Barham River.***

48. ***Prior to commencement of use of the site, the developer is to submit to the Responsible Authority for approval a traffic management plan which will form part of the planning permit. The traffic management plan is to show routes and operating times of vehicles associated with the construction of the water storage facility.***
49. ***Prior to commencement of use of the site, an access plan is to be submitted to the Responsible Authority for approval and this access plan will form part of the planning permit. The access plan is to be clearly dimensioned showing access dimensions including splay, gate set back and construction material. The site access is to be sealed so that loose material does not affect Barham River Road. The splay and gate set back are to be appropriately designed for the expected vehicle use so that vehicles may safely and completely leave the road while the access gate is closed.***
50. ***During the construction phase of the development, the following conditions must be met:***
  - a) ***Vehicle borne material from the site must not accumulate on the roads abutting the site.***
  - b) ***All machinery and equipment must be cleaned (if required) on site and not on adjacent footpaths or roads;***
  - c) ***Any fencing installed must ensure safe access for vehicles.***
  - d) ***All litter must be contained on the site.***
51. ***Barwon Water will be required to repair and reinstate any damage caused to Council Infrastructure determined by Council to be caused by contractors as part of the development of the site.***
52. ***Within 6 months of the issue of this permit, the owner of the land must enter into an agreement with the Responsible Authority pursuant to Section 173 of the Planning and Environment Act to the satisfaction of the Responsible Authority which provides that Council will not be liable for any disruption caused to Barwon Water Alliance infrastructure as part of bridge maintenance works including a bridge rebuild, nor any costs associated with the pipe during bridge maintenance/reconstruction works. The owner must pay the costs of preparation, execution and registration of the agreement. The Section 173 Agreement may be ended by the Responsible Authority at the written request of the owner and at no cost to the Responsible Authority.***
53. ***Any new pipework to be placed under Barham River Road must be bored to the satisfaction of the Responsible Authority.***
54. ***Barwon Water must ensure that all road surfaces and road related infrastructure along nominated haulage routes is maintained and kept in a safe and trafficable condition suitable for light vehicle travel for the duration of the construction period. All maintenance, repair and reinstatement costs are to be borne by Barwon Water and carried out to the satisfaction of Council.***

55. *All haulage routes are to be nominated and approved by Council prior to the commencement of any works, after which all haulage traffic associated with the works are only permitted along the nominated and approved routes. Where haulage traffic does not use approved routes, Barwon Water will be responsible for any repair and reinstatement works required to the road asset.*
56. *A pre asset condition assessment and report is to be prepared by Barwon Water, in conjunction with Council prior to the commencement of works, but following the approval of nominated haulage routes. Haulage can only commence once this pre asset condition assessment has been approved by Council. Once approved this asset condition assessment report will be endorsed and form part of the permit.*
57. *If damage is identified along the approved haulage routes, Barwon Water is to immediately carry out repair or remedial works as soon as practicable, and immediate action will be required to ensure road user safety.*

**Corangamite Catchment Management Authority Condition**

58. *No permanent fill is to be placed in the 1% AEP flood extent.*

**Expiry of the permit**

59. *This permit will expire if one of the following circumstances applies:*
- *The development and use are not started within two (2) years of the date of this permit.*
  - *The development is not completed within four years of the date of this permit.*

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

**CARRIED 5 : 1**

**PC121209-5**     *DEVELOPMENT OF A SUPERMARKET, REDUCTION IN CAR PARKING, SALE OF PACKAGED LIQUOR & VARIATION TO A CARRIAGEWAY EASEMENT AT 30-32 PASCOE STREET, APOLLO BAY (PP34/2011)*

|             |                                    |           |            |
|-------------|------------------------------------|-----------|------------|
| AUTHOR:     | Carl Menze                         | ENDORSED: | Jack Green |
| DEPARTMENT: | Sustainable Planning & Development | FILE REF: | F12/6537   |

**Original Recommendation**

***That Council's Planning Committee resolves to issue a Notice of Decision to Grant a Planning Permit for development of the site for a Supermarket, a reduction in the car parking requirement, the selling of packaged liquor and a variation to the carriageway easement at 30-32 Pascoe Street, Apollo Bay subject to the following conditions:***

1. ***Prior to the commencement of the development, 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 provided. The plans must generally be in accordance with the plans submitted 30 July 2012 but modified to show:***
  - a) ***A storage and collection area for all rubbish bins.***
  - b) ***The position of external lighting within the car park and loading area.***
  - c) ***Removal of the planter boxes shown at the building line on the Pascoe Street frontage.***
  - d) ***Footpath abutting the front façade (west elevation) of the supermarket building.***
  - e) ***Removal of the landscaping strip along the façade (west elevation) of the supermarket building.***
  - f) ***A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.***
2. ***The use and 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. ***Prior to the supermarket commencing operation, the owner must enter into an agreement with the Responsible Authority under Section 173 of the Planning and Environment Act 1987 to the effect that:***
  - a) ***The land known as 32 Pascoe Street, Apollo Bay (Lot 1 TP683180) must be made available at all times for car parking in conjunction with the supermarket at 30 Pascoe Street, Apollo as shown on the plans endorsed under Planning Permit PP34/2011.***

***b) The supermarket use must cease if the car parking at 32 Pascoe Street as shown on the plans endorsed under Planning Permit PP34/2011 is no longer available for car parking purposes.***

***Evidence of lodging the agreement with the Registrar of Titles in accordance with Section 181 of the Act must be submitted to the Responsible Authority. All costs associated with the agreement/covenant must be met by the owner.***

- 4. The loading and unloading of all delivery vehicles must occur within the designated loading bay on the site.***
- 5. The loading and unloading of delivery vehicles in excess of 8.8m in length must occur outside the trading hours of the supermarket.***
- 6. All car parking spaces must be kept free outside the supermarket trading hours to allow for loading and unloading to occur.***
- 7. The car park must be appropriately signed indicating all parking spaces must be kept clear outside supermarket trading hours to the satisfaction of the Responsible Authority.***
- 8. The use and 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 water, waste products, grit or oil;***
  - d) presence of vermin; or***
  - e) any other reason.***
- 9. The landscaping as shown on the endorsed plans must be established within three (3) months of the commencement of the supermarket use and must be maintained to the satisfaction of the Responsible Authority.***
- 10. The external lighting must be baffled to ensure no negative impact on neighbouring properties.***
- 11. The disused vehicle crossing must be removed and reinstated to the satisfaction of the Responsible Authority.***
- 12. The supply of liquor hereby approved must be subject to the issue of a licence under the Liquor Control Reform Act 1988.***
- 13. The supply of liquor hereby approved must be managed so that the amenity of the area is not detrimentally affected to the satisfaction of the responsible authority.***

14. ***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.***
  - c) ***The plan submitted under the Subdivision Act for variation to the easement is not certified within two (2) years of the date of this permit.***
  - d) ***The Statement of Compliance is not issued within five (5) years of the certified plan.***

***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***

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### **Resolution**

***MOVED Cr Brian Crook seconded Cr Lyn Russell***

***That Council's Planning Committee resolves to issue a Notice of Decision to Grant a Planning Permit for development of the site for a Supermarket, a reduction in the car parking requirement, the selling of packaged liquor and a variation to the carriageway easement at 30-32 Pascoe Street, Apollo Bay subject to the following conditions:***

1. ***Prior to the commencement of the development, 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 provided. The plans must generally be in accordance with the plans submitted 30 July 2012 but modified to show:***
  - a) ***A storage and collection area for all rubbish bins.***
  - b) ***The position of external lighting within the car park and loading area.***
  - c) ***Removal of the planter boxes shown at the building line on the Pascoe Street frontage.***
  - d) ***Footpath abutting the front façade (west elevation) of the supermarket building.***
  - e) ***Removal of the landscaping strip along the façade (west elevation) of the supermarket building.***
  - f) ***A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.***
2. ***The use and 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. ***Prior to the supermarket commencing operation, the owner must enter into an agreement with the Responsible Authority under Section 173 of the Planning and Environment Act 1987 to the effect that:***
  - a) ***The land known as 32 Pascoe Street, Apollo Bay (Lot 1 TP683180) must be made available at all times for car parking in conjunction with the supermarket at 30 Pascoe Street, Apollo as shown on the plans endorsed under Planning Permit PP34/2011.***
  - b) ***The supermarket use must cease if the car parking at 32 Pascoe Street as shown on the plans endorsed under Planning Permit PP34/2011 is no longer available for car parking purposes.***

***Evidence of lodging the agreement with the Registrar of Titles in accordance with Section 181 of the Act must be submitted to the Responsible Authority. All costs associated with the agreement/covenant must be met by the owner.***
4. ***The loading and unloading of all delivery vehicles must occur within the designated loading bay on the site.***
5. ***Access to the site by customer and delivery vehicles associated with the supermarket use must only occur from the Pascoe Street entrance to the site as shown on the endorsed plans and signage to that effect must be erected. Details of the signage, including location/s and timescale for erection, must be submitted to and approved in writing by the Responsible Authority prior to the commencement of development hereby approved.***
6. ***The loading and unloading of delivery vehicles in excess of 8.8m in length must occur outside the trading hours of the supermarket.***
7. ***All car parking spaces must be kept free outside the supermarket trading hours to allow for loading and unloading to occur.***
8. ***The car park must be appropriately signed indicating all parking spaces must be kept clear outside supermarket trading hours to the satisfaction of the Responsible Authority.***
9. ***The use and 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 water, waste products, grit or oil;***
  - d) ***presence of vermin; or***
  - e) ***any other reason.***
10. ***The landscaping as shown on the endorsed plans must be established within three (3) months of the commencement of the supermarket use and must be maintained to the satisfaction of the Responsible Authority.***
11. ***The external lighting must be baffled to ensure no negative impact on neighbouring properties.***

12. ***The disused vehicle crossing must be removed and reinstated to the satisfaction of the Responsible Authority.***
13. ***The supply of liquor hereby approved must be subject to the issue of a licence under the Liquor Control Reform Act 1988.***
14. ***The supply of liquor hereby approved must be managed so that the amenity of the area is not detrimentally affected to the satisfaction of the responsible authority.***
15. ***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.***
  - c) ***The plan submitted under the Subdivision Act for variation to the easement is not certified within two (2) years of the date of this permit.***
  - d) ***The Statement of Compliance is not issued within five (5) years of the certified plan.***

***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***

**CARRIED 6 : 0**



**PC121209-6**     *CONSTRUCTION OF A DWELLING AND REMOVAL OF NATIVE VEGETATION (ONE TREE) AT 30 RIDGE DRIVE, KENNETT RIVER (PP62/2012-1)*

|             |                                    |           |            |
|-------------|------------------------------------|-----------|------------|
| AUTHOR:     | Kim Linden                         | ENDORSED: | Jack Green |
| DEPARTMENT: | Sustainable Planning & Development | FILE REF: | F11/4786   |

**Recommendation(s)**

**That Council's Planning Committee resolves to issue a refusal to grant the permit for the following reasons:**

**1. The proposal fails to comply with the State Planning Policy Framework Clause 13.05 – Bushfire as:**

- *the land is located in an area of extreme bushfire risk at both the local and broader scale and these risks cannot be reduced to an acceptable level through the implementation of bushfire protection measures;*
- *the required bushfire protection measures, including the siting, design and construction of buildings, vegetation management and access and egress cannot be readily implemented and managed within the property;*
- *there is no assurance that vegetation on adjoining land will be managed on an ongoing basis in a condition that will reduce the spread and intensity of fire;*
- *the proposed dwelling is likely to be immersed in flames in a major bushfire event;*
- *there is no safe egress to the established township area as a fire is likely to directly impact on the full length of Ridge Drive.*

*Consequently the risk to human life and property from bushfire cannot be reduced to an acceptable level.*

**2. The proposal fails to comply with the objective of Clause 52.47-1 (Location objective) and Standard BF3 as:**

- *the land is located in an area of extreme bushfire risk at both the local and broader scale;*
- *the topography of the land surrounding the site will significantly increase the intensity and severity of bushfire; and*
- *there is no safe access and egress to the site as a bushfire will directly impact on the full length of Ridge Drive and the site is not located in immediate proximity to an established urban or township area.*

3. ***The proposal fails to comply with the objective of Clause 52.47-6 (Defendable space for dwellings and dependent person’s units objective) and the requirements of Standard BF6.2 and Mandatory Standard 6.3 as:***
  - *it has not been provided with defendable space and construction for a BAL-29 or less or BAL-40 as specified in Table 1 to Clause 52.47;*
  - *the building is likely to be immersed in flames during a significant bushfire event;*
  - *the land is not located in an established urban area that might otherwise provide an opportunity to egress to a safer place in the immediate vicinity of the subject site; and*
  - *the landscape risk beyond the site presents a bushfire risk which would warrant development not proceeding.*
  
4. ***The proposal fails to comply with the objective of Clause 52.47-9 (Defendable space location objective) and the requirements of Mandatory Standard BF9 as the area of defendable space required by Mandatory Standard BF6.1 and Standard BF6.2 and which falls onto adjoining land:***
  - *requires management to minimise the spread and intensity of bushfire; and*
  - *there is no reasonable assurance that the adjoining land will remain or continue to be managed in a condition that minimises the spread and intensity of bushfire consistent with the purpose of providing defendable space.*
  
5. ***The proposal fails to comply with the objective of Clause 52.47-10 (Water supply and access objectives) and the requirements of Mandatory Standard BF10 as:***
  - *safe access cannot be provided for emergency and other vehicles at all times.*

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Cr Lyn Russell withdrew the item. Jack Green confirmed applicant has requested to withdraw the item from the Agenda and the Planning Department has no issue with this request.