

**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 Michael Delahunty  
Cr Mick McCrickard  
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  
Doug McNeill, Manager Planning & Building  
Blaithin Butler, Statutory Planning Coordinator  
Bronwyn Keenan, Executive Officer Sustainable Planning & Development

**3. APOLOGIES**

Cr Stephen Hart  
Cr Terry Woodcroft

**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

PC131302-2 Beverley Jacobs

## 7. CONFIRMATION OF MINUTES

- Planning Committee held on the 13/02/13.

### Resolution

***MOVED Cr Brian Crook seconded Cr Mick McCrickard that Council confirm the above minutes.***

***CARRIED 5 : 0***

## OFFICERS' REPORTS

### Sustainable Planning and Development

PC131303-1 PLANNING & BUILDING STATISTICAL REPORT  
PC131303-2 CHANGE OF USE TO FOOD AND DRINK PREMISES  
(TEAROOM) AND ART GALLERY, REDUCTION IN THE CAR  
PARKING, ADVERTISING SIGNAGE AT 17 DUVERNEY STREET,  
CRESSY - PP265/2012-1

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

**PC131303-1**     *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 report for February 2013.***

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**Resolution**

***MOVED Cr Brian Crook seconded Cr Michael Delahunty***

***That Council’s Planning Committee note the statistical report for February 2013.***

***CARRIED 5 : 0***

**PC131303-2**      *CHANGE OF USE TO FOOD AND DRINK PREMISES (TEAROOM) AND ART GALLERY, REDUCTION IN THE CAR PARKING, ADVERTISING SIGNAGE AT 17 DUVERNEY STREET, CRESSY - PP265/2012-1*

|             |                                    |           |            |
|-------------|------------------------------------|-----------|------------|
| AUTHOR:     | Carl Menze                         | ENDORSED: | Jack Green |
| DEPARTMENT: | Sustainable Planning & Development | FILE REF: | F12/10520  |

**Recommendation(s)**

***That Council’s Planning Committee resolves to issue a Notice of Decision to Grant a Planning Permit for the Change of Use of Dependent Person’s Unit to Food and Drink Premises (Tearoom) and Art Gallery, Reduction in the Car Parking Requirement and Display of Business Identification Signage at 17 Duverney Street, Cressy subject to the following conditions:***

**Endorsed Plans**

- 1. The use as shown on the endorsed plans must not be altered or modified without the written consent of the Responsible Authority.***
- 2. The location and details of the sign as shown on the endorsed plans, including any supporting structure, must not be altered without the written consent of the Responsible Authority.***

**Signage**

- 3. The sign must not be illuminated by external or internal light, or contain any flashing light, except with the prior written consent of the Responsible Authority.***
- 4. The sign must be constructed and maintained to the satisfaction of the Responsible Authority.***

**Restrictions on Use**

- 5. No more than twelve (12) patrons may be present on the premises at any one time, unless the prior approval of the Responsible Authority is obtained to any variation.***
- 6. The use hereby permitted shall only operate between the hours of 9:00am and 5:00pm on any given day.***
- 7. No patron parking may be provided within the existing driveway of No. 17 Duverney Street, which must be retained for use by residents of the dwelling.***

**8. The use hereby permitted must only take place within the building as shown on the endorsed plans. Unless otherwise approved by the Responsible Authority, no external seating or other outdoor areas may be made available for use by patrons.**

**General Amenity**

**9. The use hereby permitted 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.**

**Expiry**

**10. This permit will expire if the use is not commenced within two (2) years of the date of this permit.**

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

**11. The signage element of this permit will also expire if the sign hereby permitted is not displayed in accordance with the endorsed plans within two 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.**

**Note:**

**1. The applicant is advised to contact Council’s Environmental Health Department regarding the proposed tearoom, and Council’s Local Laws Department regarding the proposed A-board sign, prior to the commencement of the use hereby permitted.**

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**Resolution**

**AMENDMENT - MOVED Cr Brian Crook seconded Cr Michael Delahunty that:**

**Council’s Planning Committee resolves to Grant a Planning Permit for the Change of Use of Dependent Person’s Unit to Food and Drink Premises (Tearoom) and Art Gallery, Reduction in the Car Parking Requirement and Display of Business Identification Signage at 17 Duverney Street, Cressy subject to the following conditions:**

**Endorsed Plans**

1. *The use as shown on the endorsed plans must not be altered or modified without the written consent of the Responsible Authority.*
2. *The location and details of the sign as shown on the endorsed plans, including any supporting structure, must not be altered without the written consent of the Responsible Authority.*

**Signage**

3. *The sign must not be illuminated by external or internal light, or contain any flashing light, except with the prior written consent of the Responsible Authority.*
4. *The sign must be constructed and maintained to the satisfaction of the Responsible Authority.*

**Restrictions on Use**

5. *No more than twelve (12) patrons may be present on the premises at any one time, unless the prior approval of the Responsible Authority is obtained to any variation.*
6. *The use hereby permitted shall only operate between the hours of 9:00am and 5:00pm on any given day.*
7. *No patron parking may be provided within the existing driveway of No. 17 Duverney Street, which must be retained for use by residents of the dwelling.*
8. *The use hereby permitted must only take place within the building as shown on the endorsed plans. Unless otherwise approved by the Responsible Authority, no external seating or other outdoor areas may be made available for use by patrons.*

**General Amenity**

9. *The use hereby permitted 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.*

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**Note:**

- 1. The applicant is advised to contact Council's Environmental Health Department regarding the proposed tearoom, and Council's Local Laws Department regarding the proposed A-board sign, prior to the commencement of the use hereby permitted.***

**CARRIED 5 : 0**