

1. OPENING PRAYER

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

AMEN

2. PRESENT

Cr Lyn Russell (Mayor)
Cr Brian Crook
Cr Stephen Hart
Cr Michael Delahunty
Cr Mick McCrickard
Cr Chris Smith
Cr Terry Woodcroft

Jack Green, Acting Chief Executive Officer
Colin Hayman, General Manager Corporate & Community Service
Neil Allen, General Manager Infrastructure & Service
Blaithin Butler, Acting Manager Planning and Building
Bronwyn Keenan, Executive Officer Sustainable Planning & Development

3. APOLOGIES

Rob Small, Chief Executive Officer
Doug McNeill, Manager Planning and 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

PC131004-2 Kerri White

7. CONFIRMATION OF MINUTES

- **Planning Committee held on the 13/03/13.**

Resolution

MOVED Cr Michael Delahunty seconded Cr Mick McCrickard that Council confirm the above minutes.

CARRIED 7 : 0

OFFICERS' REPORTS

Sustainable Planning and Development

PC131004-1 PLANNING & BUILDING STATISTICAL REPORT
PC131004-2 CHANGE OF USE TO ADULT SEX BOOKSHOP AT 52C RAE
STREET, COLAC (PP262/2012-1)

LATE REPORT

PC131004-3 CONSTRUCTION OF A DWELLING AT 1 SARSFIELD STREET
SEPARATION CREEK PP203/2011-1

Note: This report was circulated after the preparation and distribution of the agenda but considered as part of the Planning Committee agenda.

Rob Small
Chief Executive Officer

PC131004-1 *PLANNING & BUILDING STATISTICAL REPORT*

AUTHOR:	Katrina Kehoe	ENDORSED:	Jack Green
DEPARTMENT:	Sustainable Planning & Development	FILE REF:	F11/2683

Recommendation(s)

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

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**Resolution**

***MOVED Cr Brian Crook seconded Cr Mick McCrickard***

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

***CARRIED 7 : 0***

**PC131004-2**      *CHANGE OF USE TO ADULT SEX BOOKSHOP AT 52C RAE STREET, COLAC (PP262/2012-1)*

|             |                                    |           |            |
|-------------|------------------------------------|-----------|------------|
| AUTHOR:     | Blaithin Butler                    | ENDORSED: | Jack Green |
| DEPARTMENT: | Sustainable Planning & Development | FILE REF: | F12/10539  |

**Recommendation(s)**

***That Council's Planning Committee resolves to issue a Notice of Decision to Grant a Planning Permit for an Adult Sex Bookshop 52C Rae Street, Colac subject to the following conditions:***

*Amended Plans*

- 1. Prior to the commencement of the use hereby permitted, 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 substantially in accordance with the plans submitted with the application, but modified to show:***
  - a) details of the treatment to the windows of the premises to ensure that goods on sale/display in the interior of the building are not visible from outside the building.***

*Endorsed Plans*

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

*Use*

- 3. The use, when established, must at all times comply with the definition of 'Adult Sex Bookshop' which at the date of this permit is defined as land used to sell or hire sexually explicit material, including:***
  - a) publications classified as restricted under the Classification (Publications, Film and Computer Games) (Enforcement) Act 1995; and***
  - b) materials and devices (other than contraceptives and medical treatments) used in conjunction with sexual behaviour.***
- 4. No person under the age of eighteen (18) years is to be allowed in the Adult Sex Bookshop hereby permitted.***
- 5. Unless otherwise approved in writing by the Responsible Authority, no sexually explicit entertainment, including internet booth shows or the like, may be carried out on the premises at any time.***

*Hours of Operation*

6. **Unless otherwise approved in writing by the Responsible Authority, the use hereby permitted must only operate during the following times:**
  - **12:00pm to 10:00pm, Monday to Saturday.**

*Explicit Displays*

7. **No “indecent or obscene word, figure or representation” or “objectionable publication” or “objectionable advertisement” as defined in the Classification (Publications, Films and Computer Games) (Enforcement) Act 1995, or any Act amending or re-enacting that Act, may be displayed in such a manner so as to be observable from outside the premises. Sexually explicit advertisements, goods and products (including materials, words or figures of a sexually explicit nature) must only be displayed internally within the Adult Sex Bookshop to the satisfaction of the Responsible Authority.**

*Amenity*

8. **Goods, materials, equipment and the like associated with the use of the land must not be displayed or stored outside the building.**
9. **Any window display offering goods for sale must be to the satisfaction of the Responsible Authority.**
10. **All outdoor lighting must be designed, baffled and located to ensure that no loss of amenity is caused to adjoining and nearby land to the satisfaction of the Responsible Authority.**
11. **The external appearance of the Adult Sex Bookshop must be maintained in good order and appearance to the satisfaction of the Responsible Authority.**
12. **Bins or other receptacles for any form of rubbish or refuse must be located on the land and screened from public view to the satisfaction of the Responsible Authority.**
13. **The amenity of the area must not be detrimentally affected by the use, including 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; and/or**
  - d) **in any other way;****to the satisfaction of the Responsible Authority.**

*Signage*

14. **All wording, colouring, and form of signage must be generally in accordance with that submitted with the permit application.**

15. **External signage associated with the use must not contain any sexually explicit or lewd content, whether in written or pictorial form.**
16. **Signs must not be illuminated by external lights except with the written consent of the Responsible Authority.**

*Parking*

17. **The two parking spaces shown on the endorsed plans must be kept available, without obstruction, solely for use as parking spaces for No. 52C Rae Street.**

*Expiry*

18. **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 this period if a request is made in writing before the permit expires or within three months afterwards.**

Note

1. **Prior to the commencement of the use, the applicant is advised to check compliance of the existing building with the Building Code of Australia with Council's Building Department.**

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Resolution

MOVED Cr Mick McCrickard seconded Cr Terry Woodcroft:

That Council's Planning Committee resolves to refuse a Notice of Decision to Grant a Planning Permit for an Adult Sex Bookshop 52C Rae Street, Colac.

The proposed use, which would be located between two community organisations that provide services to young and vulnerable people, would be incompatible with and detrimental to those existing land uses. As such, the social effects of the proposed use would be contrary to the orderly planning of the area and the decision guidelines in clause 65 of the Colac Otway Planning Scheme.

CARRIED 5 : 2

DIVISION called by Cr Chris Smith

For the Motion: Cr Chris Smith, Cr Lyn Russell, Cr Mick McCrickard, Cr Terry Woodcroft, Cr Michael Delahunty

Against the Motion: Cr Stephen Hart, Cr Brian Crook

Cr Brian Crook left Council Chambers at 11.20 AM

PC131004-3 *CONSTRUCTION OF A DWELLING AT 1 SARSFIELD STREET
SEPARATION CREEK PP203/2011-1*

| | | | |
|-------------|------------------------------------|-----------|------------|
| AUTHOR: | Bernadette McGovern | ENDORSED: | Jack Green |
| DEPARTMENT: | Sustainable Planning & Development | FILE REF: | F11/1616 |

Recommendation(s)

That Council's Planning Committee issue a Notice of Decision to Grant a Permit to construct a dwelling and remove vegetation at 1 Sarsfield Street, Separation Creek subject to the following conditions:

Amended/Endorsed Plans

1. ***Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the exhibited plans date stamped 30 July 2012, 2 October 2012 and 4 October 2012, but modified to show:***
 - a) ***effective measures to prevent overlooking into private open space areas and habitable room windows of properties adjoining to the south (19, 21 and 23 Great Ocean Road).***
 - b) ***the position of foundations and footings for the revised design in relation to Easement E-1 on Lot 1 TP943110V. No supporting structures or piers for the dwelling are to be constructed within this easement.***
 - c) ***sufficient area between the dwelling and the retaining structure along the northern elevation as required by the geotechnical recommendations of Ytrup & Associates, dated 22 January 2013. The retaining structure must not be up against the dwelling.***
 - d) ***a schedule of all external colours and finishes which must be muted and non-reflective to complement those found naturally and effectively blend the building with the surrounds.***

2. ***Before the development starts, a revised landscape plan to the satisfaction of the Responsible Authority 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 plan must be drawn to scale with dimensions and three copies must be provided. The landscaping plan must be generally in accordance with the exhibited landscape plans date stamped 15 September 2011, except that the plan must show:***

- a) *trees to be planted along the Sarsfield Street frontage must not exceed a mature height of existing trees along this frontage, in order to preserve views from properties on the north side of Sarsfield Street;*
- b) *effective landscaping to the southeast boundary to prevent overlooking into properties adjoining to the south (19, 21 and 23 Great Ocean Road) and to effectively blend and screen the dwelling from the Great Ocean Road;*
- c) *The revised landscaping plan must have regard to CFA vegetation management requirements and is to be submitted to the CFA for consent prior to endorsement by the Responsible Authority.*
- d) *a survey (including botanical names) of all existing vegetation to be retained and/or removed;*
- e) *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;*
- f) *appropriate landscaping and planting within all open areas of the site.*

All plants selected must be native species suited to the locality to the satisfaction of the Responsible Authority.

3. *Prior to occupation of the dwelling hereby permitted, all landscaping works must be completed in accordance with the endorsed plan.*
4. *Prior to the occupation of the dwelling hereby permitted, evidence must be submitted to the Responsible Authority to demonstrate that the two (2) titles comprising the subject site have been consolidated.*
5. *The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.*

Geotechnical

6. *All excavation works upon the subject land must be kept to the absolute practicable minimum and to the satisfaction of the responsible Authority.*
7. *All development and works associated with this permit must be carried out in strict conformity with the recommendations of Geotechnical Engineers Report prepared by PJ Ytrup & Associates, Report No. 15353, dated February 2002 and subsequent letter dated 22 January 2013.*

Drainage

8. *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.*

Tree Protection

9. *Significant protection measures must be undertaken to protect all the remaining native vegetation (including barricading of the trees to protect root structure from compaction of heavy vehicles) during construction of the dwelling to the satisfaction of the Responsible Authority.*

CFA Conditions

Water Supply Requirements

10. A static water supply must meet the following requirements:

- **a minimum of 10,000 litres on-site static storage must be provided on the lot and be maintained solely for fire fighting;**
- **the water supply must be located within 60 metres of the dwelling;**
- **fire brigade vehicles must be able to get to within four metres of the water supply outlet;**
- **the water supply must be readily identifiable from the building or appropriate signage (see Appendix A: Figure 1) must point to water supply. All below-ground water pipelines must be installed to the following depths:**
 - **subject to vehicle traffic – 300 mm**
 - **under houses or concrete slabs – 75 mm**
 - **all other locations - 225 mm**
 - **all fixed above-ground water pipelines and fittings, including water supply, must be constructed of non-corrosive and non-combustible materials or protected from the effects of radiant heat and flame.**

11. If the static water supply is above ground the following additional standards must apply:

- **all above-ground static water supply must provide at least one 64 mm. 3 thread/25 mm x 50 mm nominal bore British Standard Pipe (BSP), round male coupling (see Appendix A: Figure 2);**
- **all pipe work and valving between the water supply and the outlet must be no less than 50 mm nominal bore;**
- **if less than 20 metres from the building, each outlet must face away from the building to allow access during emergencies.**

Access Requirements

12. Access to the dwelling must be designed to allow emergency vehicles access.

The minimum design requirements are as follows:

- **curves in driveway must have a minimum inner radius of ten metres;**
- **the average grade must be no more than 1 in 7 (14.4%) (8.1°) with a maximum of no more than 1 in 5 (20%) (11.3°) for no more than 50 metres;**
- **dips must have no more than a 1 in 8 (12.5%) (7.1°) entry and exit angle.**

Vegetation Management Requirements

13. A distance of 30 metres around the proposed dwelling or to the property boundary (whichever is the lesser) must be maintained to the following requirements during the declared 'Fire Danger Period' to the satisfaction of the responsible authority.

- **Grass must be no more than 100mm in height**
- **Leaf litter must be less than 10mm deep**
- **There must be no elevated fuel on at least 50% of the area. On the remaining 50% the elevated fuel must be at most, sparse, with very little dead material.**
- **Dry shrubs must be isolated in small clumps more than ten metres away from the dwelling.**
- **Trees must not overhang the roofline of the dwelling.**

Time Expiry

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.**

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.

Permit Notes:

1. **Building approval is required prior to commencement of construction.**
2. **Whilst Council's Infrastructure Department has granted consent to build over Easement E-1 on Lot 1 TP943110V, no supporting structures or piers for the dwelling are to be constructed within this easement.**

3. CFA Notes:

This is Option 1 WMO application.

Non-flammable features such as tennis courts, swimming pools, dams, patios, driveways, or paths should be incorporated into the vegetation management plan, especially on the north and western sides of the proposed building.

Features with high flammability such as coir doormats, firewood stacks should not be located near the dwelling during the fire danger period.

Buildings and Works Requirements:

Under r.804 of the Victorian Building Regulations 2006 if a site assessment for the purpose of determining the bushfire attack level for the site has been considered as part of the planning application, a relevant building surveyor must accept this site assessment. The planning site assessment is currently undertaken using the Wildfire Management Overlay Applicant's Workbook 2010. This BAL level is the minimum construction standard CFA believes necessary to achieve an adequate level of wildfire safety for the prescribed vegetation management conditions.

Construction of buildings must be to a minimum Bushfire Attack Level (BAL) of BAL – 12.5 in accordance with the relevant sections of AS3959-2009.

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**Resolution**

***MOVED Cr Michael Delahunty seconded Cr Mick McCrickard***

***That Council's Planning Committee issue a Notice of Decision to Grant a Permit to construct a dwelling and remove vegetation at 1 Sarsfield Street, Separation Creek subject to the following conditions:***

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***Construction of buildings must be to a minimum Bushfire Attack Level (BAL) of BAL – 12.5 in accordance with the relevant sections of AS3959-2009.***

**CARRIED 6 : 0**