

**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 Geoff Higgins  
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 & Services  
Patrick Cauchi, Statutory Planning Coordinator  
Katrina Kehoe, Executive Officer Sustainable Planning & Development

**3. APOLOGIES**

Doug McNeill

**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**

PC121403-2	Maria Ryan
PC121403-3	Pat Boylan
PC121403-3	Donna Sutherland

**7. CONFIRMATION OF MINUTES**

- **Planning Committee held on the 08/02/12.**

**Resolution**

***MOVED Cr Frank Buchanan seconded Cr Lyn Russell that Council confirm the above minutes.***

***CARRIED 7 : 0***

## **OFFICERS' REPORTS**

### **Sustainable Planning and Development**

- PC121403-1 PLANNING & BUILDING STATISTICAL REPORT
- PC121403-2 USE LAND AS A RESTAURANT WITH ASSOCIATED SALE AND CONSUMPTION OF LIQUOR, DISPLAY OF SIGNAGE AND A REDUCTION OF THE CAR PARKING REQUIREMENT AT 23 MURRAY STREET, COLAC (PP332/2011-1).
- PC121403-3 USE OF PART OF THE DWELLING AS A CAFE AND ASSOCIATED WORKS AND REDUCTION IN CAR PARKING AT 539 CORANGAMITE LAKE ROAD COROROOKE (PP316/2011-1)

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

**PC121403-1**     *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 February 2012.***

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**Resolution**

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

***That Council’s Planning Committee note the statistical reports for February 2012.***

***CARRIED 7 : 0***

**PC121403-2** *USE LAND AS A RESTAURANT WITH ASSOCIATED SALE AND CONSUMPTION OF LIQUOR, DISPLAY OF SIGNAGE AND A REDUCTION OF THE CAR PARKING REQUIREMENT AT 23 MURRAY STREET, COLAC (PP332/2011-1).*

|             |                                    |           |            |
|-------------|------------------------------------|-----------|------------|
| AUTHOR:     | Ian Williams                       | ENDORSED: | Jack Green |
| DEPARTMENT: | Sustainable Planning & Development | FILE REF: | F12/104    |

**Recommendation(s)**

***That Council's Planning Committee resolves to grant a Planning Permit for the use and development of the land which includes the conversion of the existing shop into a restaurant within Heritage Overlay 135, the display of signage and for the use of the site for the sale and consumption of liquor (restaurant liquor licence) and a reduction in the car parking requirement at 23 Murray Street, Colac subject to the following conditions:***

- 1. The use and development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.***
- 2. No external sound amplification equipment or loud speakers are to be used for the purpose of announcement, broadcast, playing of music or similar purpose.***
- 3. No more than forty (40) seats may be provided within the restaurant at any time to the satisfaction of the Responsible Authority.***
- 4. The provision and or consumption of liquor within the development hereby permitted must be subject to the issue of a Liquor Licence, pursuant of the provision of the Liquor Control Reform Act, 1988, as amended.***
- 5. The sale and consumption of liquor must occur within the area defined by the red line in accordance with the endorsed plan.***
- 6. 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 Responsibility Authority.***
- 7. Approval for the sale and consumption of liquor must be obtained from the Liquor Licence Commission prior to the serving or consumption of alcohol on the land.***
- 8. The use of the land for a restaurant including the serving and consumption of alcohol must only occur within the hours of 9am – 10pm daily and at no other times unless with the written approval of the Responsible Authority.***

9. ***Prior to the display of any signage associated with this application, additional signage details must be provided to the Responsible Authority. When approved, the signage details will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show signage materials, lettering, levels of illumination and colours in keeping with the significance of the heritage place.***
10. ***The location and details of the signs as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.***
11. ***All signs must be constructed and maintained to the satisfaction of the Responsible Authority.***
12. ***The signs must not contain any flashing light except with the written consent of the Responsible Authority.***
13. ***The signs must only be illuminated between the hours of 9am – 10pm daily and at no other times unless with the written consent of the Responsible Authority.***
14. ***This permit as it relates to advertising signs expires fifteen years after the date it is issued.***
15. ***The restaurant must be registered as a food premises with the Council before any food is sold from the site.***
16. ***A food safety plan must be developed for the premises and a suitable number of staff trained in food handling techniques before the restaurant can be registered as a food premises.***
17. ***The four (4) car parking spaces to the rear of the site as shown on the endorsed plans must be used for the parking of staff vehicles only.***

**Expiry of the permit**

18. ***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 Brian Crook seconded Cr Frank Buchanan***

***That Council's Planning Committee resolves to grant a Planning Permit for the use and development of the land which includes the conversion of the existing shop into a restaurant within Heritage Overlay 135, the display of signage and for the use of the site for the sale and consumption of liquor (restaurant liquor licence) and a reduction in the car parking requirement at 23 Murray Street, Colac subject to the following conditions:***

- 1. The use and development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.***
- 2. No external sound amplification equipment or loud speakers are to be used for the purpose of announcement, broadcast, playing of music or similar purpose.***
- 3. No more than forty (40) seats may be provided within the restaurant at any time to the satisfaction of the Responsible Authority.***
- 4. The provision and or consumption of liquor within the development hereby permitted must be subject to the issue of a Liquor Licence, pursuant of the provision of the Liquor Control Reform Act, 1988, as amended.***
- 5. The sale and consumption of liquor must occur within the area defined by the red line in accordance with the endorsed plan.***
- 6. 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 Responsibility Authority.***
- 7. Approval for the sale and consumption of liquor must be obtained from the Liquor Licence Commission prior to the serving or consumption of alcohol on the land.***
- 8. The use of the land for a restaurant including the serving and consumption of alcohol must only occur within the hours of 9am – 10pm daily and at no other times unless with the written approval of the Responsible Authority.***
- 9. Prior to the display of any signage associated with this application, additional signage details must be provided to the Responsible Authority. When approved, the signage details will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show signage materials, lettering, levels of illumination and colours in keeping with the significance of the heritage place.***
- 10. The location and details of the signs as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.***

11. ***All signs must be constructed and maintained to the satisfaction of the Responsible Authority.***
12. ***The signs must not contain any flashing light except with the written consent of the Responsible Authority.***
13. ***The signs must only be illuminated between the hours of 9am – 10pm daily and at no other times unless with the written consent of the Responsible Authority.***
14. ***This permit as it relates to advertising signs expires fifteen years after the date it is issued.***
15. ***The restaurant must be registered as a food premises with the Council before any food is sold from the site.***
16. ***A food safety plan must be developed for the premises and a suitable number of staff trained in food handling techniques before the restaurant can be registered as a food premises.***
17. ***The four (4) car parking spaces to the rear of the site as shown on the endorsed plans must be used for the parking of staff vehicles only.***

**Expiry of the permit**

18. ***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 6 : 1**

**PC121403-3** *USE OF PART OF THE DWELLING AS A CAFE AND ASSOCIATED WORKS AND REDUCTION IN CAR PARKING AT 539 CORANGAMITE LAKE ROAD COROROOKE (PP316/2011-1)*

|             |                                    |           |            |
|-------------|------------------------------------|-----------|------------|
| AUTHOR:     | Kim Linden                         | ENDORSED: | Jack Green |
| DEPARTMENT: | Sustainable Planning & Development | FILE REF: | F11/5813   |

**Recommendation(s)**

***That Council's Planning Committee resolves to issue a Notice of Decision to Grant a Permit for the use of part of the dwelling as a cafe and associated works, a reduction in car parking and the creation of an accessway onto a Road Zone Category 1 (RDZ1) subject to the following conditions:***

1. ***Prior to the commencement of the use, 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 with the application (received 4 January 2012), but modified to show:***
  - a) ***One disabled car park space and the deletion of car park space 3 as shown on the Carpark Layout Plan received by Council on 4 January 2012;***
  - b) ***Kitchen area to be used as part of the dedicated café area;***
  - c) ***A minimum of a 1 metre landscape strip along the front boundary;***
  - d) ***The provision of a landscape plan for the area to the front of the site. The landscape plan shall include the location, species name (botanical and common names) and details of all mulching.***
2. ***The layout of the uses on the endorsed plans must not be altered without the written consent of the Responsible Authority.***
3. ***The hours of operation must be within 8.30am to 5.30pm seven days a week.***
4. ***No more than 19 seats may be available at any one time to patrons on the premises.***
5. ***The landscaping as required in the endorsed plans must be installed and maintained to the satisfaction of the Responsible Authority.***
6. ***All loading and unloading is to occur within the boundaries of the site.***

7. ***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***
  - e) ***others as appropriate.***
8. ***External lighting must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land.***
9. ***Noise levels emanating from the land must comply with the requirements of the Environment Protection Authority's Information Bulletin No. N3/89 Interim Guidelines for the Control of Noise in Country Victoria.***
10. ***The vehicular crossing must be constructed to the road to suit the proposed driveway to the satisfaction of the Responsible Authority.***
11. ***An application to construct a vehicle crossing must be lodged and approved by the Responsible Authority prior to the commencement of works.***
12. ***The driveway must enter the roadway perpendicular to the roads centre line and be in a safe location for users, pedestrians, cyclists and motorists by consideration of both vertical and horizontal sight distance to the satisfaction of the Responsible Authority.***
13. ***The driveway must be constructed to an all weather surface to the satisfaction of the Responsible Authority.***
14. ***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.***

**VicRoads conditions:**

15. ***Prior to the development coming into use the access shall be constructed in accordance with the submitted plan and shall be at least 7.5 metres wide at the entrance to provide a passing area for vehicles entering and leaving the subject site.***
16. ***Access to the development shall be designed so that all vehicles can be driven in a forward direction when entering or leaving the subject site.***
17. ***Access works shall be constructed to a standard approved in writing by the Responsible Authority and VicRoads.***

**Southern Rural Water Corporation conditions:**

- 18. ***The existing sewer disposal system is capable of servicing the proposal in accordance with EPA's Code of Practice – Septic Tanks 2008 (publication 891.2).***
- 19. ***If any works will impact on a waterway or ground water or will include the use of water for irrigation or commercial purposes from these resources or from a dam, soak or spring, it will be necessary for the land owner to apply to Southern Rural Water for a licence in accordance with Section 51 or 67 of the Water Act 1989.***

**Expiry of permit:**

- 20. ***This permit will expire if one of the following circumstances applies:***
  - a) ***The development is not started within (2) years of the date of this permit.***
  - b) ***The development is not completed and the use is not commenced 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***

**Permit notes:**

- 1. ***The applicant must liaise with Council's Food Safety Officer (Phone 5232 9430), before any works are started on the fit-out of the kitchen, food preparation and servery facilities.***
- 2. ***A plan of the proposed kitchen showing details of all equipment, fixtures and working surfaces must be submitted to the health department of council for approval.***
- 3. ***Before the business can sell food the premises must be registered with the council for that purpose, a food safety plan submitted to the health department of council for approval and a suitable number of staff trained in food handling techniques.***
- 4. ***A building permit is required for the change of use. You are advised that disabled access and accessible facilities will be required. The Municipal Building Surveyor has advised that the circulation spaces for disabled access will need to be addressed.***
- 5. ***A separate application will be required for advertising signage.***
- 6. ***Effluent wastewater cannot be used on root vegetables.***

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**Resolution**

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

***That Council's Planning Committee resolves to issue a Notice of Decision to Grant a Permit for the use of part of the dwelling as a cafe and associated works, a reduction in car parking and the creation of an accessway onto a Road Zone Category 1 (RDZ1) subject to the following conditions:***

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  - b) Kitchen area to be used as part of the dedicated café area;***
  - c) A minimum of a 1 metre landscape strip along the front boundary;***
  - d) The provision of a landscape plan for the area to the front of the site. The landscape plan shall include the location, species name (botanical and common names) and details of all mulching.***
- 2. The layout of the uses on the endorsed plans must not be altered without the written consent of the Responsible Authority.***
- 3. The hours of operation must be within 8.30am to 5.30pm seven days a week.***
- 4. No more than 19 seats may be available at any one time to patrons on the premises.***
- 5. The landscaping as required in the endorsed plans must be installed and maintained to the satisfaction of the Responsible Authority.***
- 6. All loading and unloading is to occur within the boundaries of the site.***
- 7. 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***
  - e) others as appropriate.***

8. ***External lighting must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land.***
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13. ***The driveway must be constructed to an all weather surface to the satisfaction of the Responsible Authority.***
14. ***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.***

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**Expiry of permit:**

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- 5. A separate application will be required for advertising signage.**
- 6. Effluent wastewater cannot be used on root vegetables.**

**CARRIED 7 : 0**