

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
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
Katrina Kehoe, Executive Officer Sustainable Planning & Development

3. APOLOGIES

Nil

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

PC121411-4 Dr Luke Allen

7. CONFIRMATION OF MINUTES

- Planning Committee held on the 12/9/12.

Resolution

MOVED Cr Stephen Hart seconded Cr Brian Crook that Council confirm the above minutes.

CARRIED 7 : 0

OFFICERS' REPORTS

Sustainable Planning and Development

- | | |
|------------|---|
| PC121411-1 | PLANNING COMMITTEE MEETINGS SCHEDULED FOR 2013 |
| PC121411-2 | PLANNING & BUILDING STATISTICAL REPORT |
| PC121411-3 | USE OF LAND AS A MEDICAL CENTRE AND A REDUCTION IN THE CAR PARKING REQUIREMENT AT 44-46 NELSON STREET, APOLLO BAY (PP116/2012) |
| PC121411-4 | AMENDMENT TO EXISTING PERMIT - USE OF THE LAND AS A MEDICAL CENTRE AND A REDUCTION IN THE CAR PARKING REQUIREMENT AT 51-53 HESSE STREET COLAC (PP44/2010-2) |

Rob Small
Chief Executive Officer

PC121411-1 *PLANNING COMMITTEE MEETINGS SCHEDULED FOR 2013*

| | | | |
|-------------|------------------------------------|-----------|------------|
| AUTHOR: | Katrina Kehoe | ENDORSED: | Jack Green |
| DEPARTMENT: | Sustainable Planning & Development | FILE REF: | F11/1530 |

Recommendation(s)

That Council confirm the meeting dates, times and venues of 2013 Planning Committee meetings, if required, as:

- ***Wednesday, 16 January 2013 at 10.30am, at COPACC, Colac***
- ***Wednesday, 13 February 2013 at 10.30am, at COPACC, Colac***
- ***Wednesday, 13 March 2013 at 10.30am, at COPACC, Colac***
- ***Wednesday, 10 April 2013 at 10.30am, at COPACC, Colac***
- ***Wednesday, 8 May 2013 at 10.30am, at COPACC, Colac***
- ***Wednesday, 12 June 2013 at 10.30am, at COPACC, Colac***
- ***Wednesday, 10 July 2013 at 10.30am, at COPACC, Colac***
- ***Wednesday, 14 August 2013 at 10.30am, at COPACC, Colac***
- ***Wednesday, 11 September 2013 at 10.30am, at COPACC, Colac***
- ***Wednesday, 9 October 2013 at 10.30am, at COPACC, Colac***
- ***Wednesday, 13 November 2013 at 10.30am, at COPACC, Colac***
- ***Wednesday, 11 December 2013 at 10.30am, at COPACC, Colac***

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**Resolution**

***MOVED Cr Brian Crook seconded Cr Stephen Hart***

***That Council's Planning Committee confirm the meeting dates, times and venues of 2013 Planning Committee meetings, if required, as:***

- ***Wednesday, 16 January 2013 at 10.30am, at COPACC, Colac***
- ***Wednesday, 13 February 2013 at 10.30am, at COPACC, Colac***
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- *Wednesday, 9 October 2013 at 10.30am, at COPACC, Colac*
- *Wednesday, 13 November 2013 at 10.30am, at COPACC, Colac*
- *Wednesday, 11 December 2013 at 10.30am, at COPACC, Colac*

**CARRIED 7 : 0**

**PC121411-2**     *PLANNING & BUILDING STATISTICAL REPORT*

|             |                                    |           |            |
|-------------|------------------------------------|-----------|------------|
| AUTHOR:     | Janole Cass                        | ENDORSED: | Jack Green |
| DEPARTMENT: | Sustainable Planning & Development | FILE REF: | F12/6339   |

**Recommendation(s)**

***That Council’s Planning Committee note the Statistical reports for September and October 2012.***

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Resolution

MOVED Cr Stephen Hart seconded Cr Brian Crook

That Council’s Planning Committee note the Statistical reports for September and October 2012.

CARRIED 7 : 0

PC121411-3 *USE OF LAND AS A MEDICAL CENTRE AND A REDUCTION IN THE CAR PARKING REQUIREMENT AT 44-46 NELSON STREET, APOLLO BAY (PP116/2012)*

| | | | |
|-------------|------------------------------------|-----------|------------|
| AUTHOR: | Carl Menze | ENDORSED: | Jack Green |
| DEPARTMENT: | Sustainable Planning & Development | FILE REF: | F12/4774 |

Recommendation(s)

That Council's Planning Committee resolves to issue a Planning Permit for the use of the land as a medical centre and a reduction in the car parking requirement at 44-46 Nelson Street, Apollo Bay subject to the following conditions:

Amended plans

1. *Prior to the commencement of the use hereby permitted, three (3) copies of 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 must be generally in accordance with the plans submitted with the application but modified to show:

 - a) *A site plan showing the boundaries and dimensions of the site, adjoining roads annotated with the road name, the location and width of vehicle and pedestrian access points from the road, the location and width of the naturestrip, and the location of any drain, street lighting and street furniture within the naturestrip adjacent to the site, and the location of buildings on adjacent sites.**

Endorsed Plans

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

Restrictions on Use

3. *No more than one (1) practitioner may operate from the site at any time.*
4. *The use hereby permitted shall only operate between 8:00am to 7:00pm on any given day.*

General Amenity

5. ***Prior to the occupation of the development hereby permitted, the areas set aside for the parking of vehicles as shown on the endorsed plans must be:***
 - a. ***constructed;***
 - b. ***properly formed to such levels that they can be used in accordance with the plans;***
 - c. ***drained;***
 - d. ***clearly designated as staff or patient parking in accordance with the endorsed plans; and***
 - e. ***clearly marked to indicate each car space***

to the satisfaction of the Responsible Authority.

All car spaces must be kept available for these purposes at all times.

6. ***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

7. ***This permit will expire if the use is not started 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.***

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**Resolution**

***MOVED Cr Stephen Hart seconded Cr Brian Crook***

***That Council’s Planning Committee resolves to issue a Planning Permit for the use of the land as a medical centre and a reduction in the car parking requirement at 44-46 Nelson Street, Apollo Bay subject to the following conditions:***

**Amended plans**

1. ***Prior to the commencement of the use hereby permitted, three (3) copies of 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 must be generally in accordance with the plans submitted with the application but modified to show:***
  - a) ***A site plan showing the boundaries and dimensions of the site, adjoining roads annotated with the road name, the location and width of vehicle and pedestrian access points from the road, the location and width of the naturestrip, and the location of any drain, street lighting and street furniture within the naturestrip adjacent to the site, and the location of buildings on adjacent sites.***

**Endorsed Plans**

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

**Restrictions on Use**

3. ***No more than one (1) practitioner may operate from the site at any time.***
4. ***The use hereby permitted shall only operate between 8:00am to 7:00pm on any given day.***

**General Amenity**

5. ***Prior to the occupation of the development hereby permitted, the areas set aside for the parking of vehicles as shown on the endorsed plans must be:***
  - a. ***constructed;***
  - b. ***properly formed to such levels that they can be used in accordance with the plans;***
  - c. ***drained;***
  - d. ***clearly designated as staff or patient parking in accordance with the endorsed plans; and***
  - e. ***clearly marked to indicate each car space***

***to the satisfaction of the Responsible Authority.***

***All car spaces must be kept available for these purposes at all times.***

6. ***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**

- 7. ***This permit will expire if the use is not started 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.***

**CARRIED 7 : 0**

**PC121411-4**     *AMENDMENT TO EXISTING PERMIT - USE OF THE LAND AS A MEDICAL CENTRE AND A REDUCTION IN THE CAR PARKING REQUIREMENT AT 51-53 HESSE STREET COLAC (PP44/2010-2)*

|             |                                    |           |            |
|-------------|------------------------------------|-----------|------------|
| AUTHOR:     | Kim Linden                         | ENDORSED: | Jack Green |
| DEPARTMENT: | Sustainable Planning & Development | FILE REF: | F12/4774   |

**Recommendation(s)**

***That Council Planning Committee resolve to grant an Amendment to Planning Permit PP44/2010 for Use of the Land as a Medical Centre (Chiropractic) at 51-53 Hesse Street COLAC (CP: 167371 V/F:9819/000, Parish of Colac) to allow for a second medical practitioner on site and a reduction in car parking subject to a change to the description on the permit to Use of Land as a Medical Centre and Reduction in the Car Parking Requirement and subject to the following conditions:***

- 1. The use and or development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.***
- 2. No more than two (2) practitioners shall work from the premises at any one time and this shall not be altered without the written consent of the Responsible Authority.***
- 3. The two (2) car parking spaces shown on the endorsed plans, which must only be used for staff car parking, must be provided prior to the second practitioner operating from the premises. The parking spaces must be clearly designated on site as staff parking spaces and must be kept available without obstruction for that purpose when the medical centre is open.***

***Expiry of the permit:***

- 4. 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.***

**THIS PERMIT HAS BEEN AMENDED AS FOLLOWS:**

| <b>Date of amendment</b>      | <b>Brief description of amendment</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|-------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>[insert relevant date]</b> | <p><b>Amendments:</b></p> <ul style="list-style-type: none"> <li>• <b>Change description of development to delete reference to practitioner type and include reduction in the car parking requirement.</b></li> <li>• <b>Amend condition 2 to allow for two (2) medical practitioners on site.</b></li> <li>• <b>Insert new condition 3 relating to car parking.</b></li> <li>• <b>Renumber expiry condition.</b></li> <li>• <b>New endorsed plan showing provision for two (2) car parking spaces.</b></li> </ul> |

**Resolution**

**MOVED Cr Brian Crook seconded Cr Stephen Hart**

**That Council Planning Committee resolve to grant an Amendment to Planning Permit PP44/2010 for Use of the Land as a Medical Centre (Chiropractic) at 51-53 Hesse Street COLAC (CP: 167371 V/F:9819/000, Parish of Colac) to allow for a second medical practitioner on site and a reduction in car parking subject to a change to the description on the permit to Use of Land as a Medical Centre and Reduction in the Car Parking Requirement and subject to the following conditions:**

- 1. The use and or development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.**
- 2. No more than two (2) practitioners shall work from the premises at any one time and this shall not be altered without the written consent of the Responsible Authority.**
- 3. The two (2) car parking spaces shown on the endorsed plans, which must only be used for staff car parking, must be provided prior to the second practitioner operating from the premises. The parking spaces must be clearly designated on site as staff parking spaces and must be kept available without obstruction for that purpose when the medical centre is open.**

**Expiry of the permit:**

- 4. 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.**

**THIS PERMIT HAS BEEN AMENDED AS FOLLOWS:**

| <b><i>Date of amendment</i></b>      | <b><i>Brief description of amendment</i></b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|--------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b><i>[insert relevant date]</i></b> | <b><i>Amendments:</i></b> <ul style="list-style-type: none"><li><b><i>• Change description of development to delete reference to practitioner type and include reduction in the car parking requirement.</i></b></li><li><b><i>• Amend condition 2 to allow for two (2) medical practitioners on site.</i></b></li><li><b><i>• Insert new condition 3 relating to car parking.</i></b></li><li><b><i>• Renumber expiry condition.</i></b></li><li><b><i>• New endorsed plan showing provision for two (2) car parking spaces.</i></b></li></ul> |

**CARRIED 7 : 0**