

MINUTES of the **PLANNING COMMITTEE MEETING OF THE COLAC-OTWAY SHIRE COUNCIL** held at COPACC Meeting Rooms on 18 November 2015 at 10.30am.

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 Brian Crook (Deputy Mayor - Chair)
Cr Frank Buchanan
Cr Michael Delahunty
Cr Stephen Hart
Cr Lyn Russell
Cr Chris Smith
Cr Terry Woodcroft

Sue Wilkinson, Chief Executive Officer
Mark Lyons, General Manager, Corporate Services
Ingrid Bishop, General Manager, Infrastructure & Leisure Services
Brydon King, General Manager, Development & Community Services
Doug McNeill, Manager, Planning, Building & Health
Blaithin Butler, Statutory Planning Coordinator
Jennifer Wood, Manager, Governance & Customer Service
Ian Williams, Senior Statutory Planner
Ronan Corcoran, Development Engineer
Jane Preston-Smith, Executive Officer

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 descendants 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.

All Council and Committee meetings are audio recorded, with the exception of matters identified as confidential items in the Agenda. This includes the public participation sections of the meetings.

Audio recordings of meetings are taken to facilitate the preparation of the minutes of open Council and Committee meetings and to ensure their accuracy.

In some circumstances a recording will be disclosed to a third party. Those circumstances include, but are not limited to, circumstances, such as where Council is compelled to disclose an audio recording because it is required by law, such as the Freedom of Information Act 1982, or by court order, warrant, or subpoena or to assist in an investigation undertaken by the Ombudsman or the Independent Broad-based Anti-corruption Commission.

Council will not use or disclose the recordings for any other purpose. It is an offence to make an unauthorised recording of the meeting.

5. DECLARATION OF INTEREST

Cr Hart :	PC151811-2 Construction of Supermarket and Shops, Creation / Alteration of access to RDZ1, reduction in car parking and bicycle facilities, and realignment of a title boundary at 140-158 Bromfield Street, 66-70 Queen Street and Road Reserve, Colac (PP247/2013-1)
Nature of Disclosure:	Indirect Interest
Type of Indirect Interest:	78A
Nature of Interest:	Indirect financial interest application is for a Coles Supermarket. Coles is owned by Wesfarmers. Own Wesfarmers Shares.

Cr Russell :	PC151811-2 Construction of Supermarket and Shops, Creation / Alteration of access to RDZ1, reduction in car parking and bicycle facilities, and realignment of a title boundary at 140-158 Bromfield Street, 66-70 Queen Street and Road Reserve, Colac (PP247/2013-1)
Nature of Disclosure:	Indirect Interest
Type of Indirect Interest:	78A
Nature of Interest:	Own Wesfarmers shares – Wesfarmers own Coles Supermarket.

Cr Delahunty :	PC151811-1 Seven (7) Lot subdivision, removal of native vegetation (11 trees) and associated works at 20-26 Old Coach Road, Skenes Road (PP144/2013)
Nature of Disclosure:	Indirect Interest
Type of Indirect Interest:	78B
Nature of Interest:	Produced bushfire GEO reports for development.

Cr Delahunty:	PC151811-3 Restaurant with ancillary chocolate production and sales, car park, signage, liquor licence, and reduction of car parking (PP164/2015-1)
Nature of Disclosure:	Indirect Interest
Type of Indirect Interest:	78B
Nature of Interest:	Produced bushfire, Geotechnical and GCA reports for proposed development.

6. CONFIRMATION OF MINUTES

- **Planning Committee held on the 12/08/15.**

Resolution

MOVED Cr Michael Delahunty seconded Cr Lyn Russell that Council confirm the above minutes.

CARRIED 7 : 0

7. VERBAL SUBMISSIONS FROM APPLICANTS/OBJECTORS

PC151811-1	Objector	Joan Brick
PC151811-1	Applicant	Ken Goodison
PC151811-2	Objector	Trudy Barclay
PC151811-3	Applicant	Mandy Bishop

OFFICER'S REPORTS

DEVELOPMENT & COMMUNITY SERVICES

- PC151811-1 SEVEN (7) LOT SUBDIVISION, REMOVAL OF NATIVE VEGETATION (11 TREES) AND ASSOCIATED WORKS AT 20-26 OLD COACH ROAD, SKENES CREEK (PP144/2013)
- PC151811-2 CONSTRUCTION OF SUPERMARKET AND SHOPS, CREATION/ALTERATION OF ACCESS TO RDZ1, REDUCTION IN CAR PARKING AND BICYCLE FACILITIES, AND REALIGNMENT OF A TITLE BOUNDARY AT 140-158 BROMFIELD STREET, 66-70 QUEEN STREET AND ROAD RESERVE, COLAC (PP247/2013-1).
- PC151811-3 RESTAURANT WITH ANCILLARY CHOCOLATE PRODUCTION AND SALES, CAR PARK, SIGNAGE, LIQUOR LICENCE, AND REDUCTION OF CAR PARKING AT 73 GRANT STREET AND ADJACENT ROAD RESERVE, FORREST (PP164/2015-1)
- PC151811-4 PLANNING & BUILDING STATISTICAL REPORT
- PC151811-5 PLANNING MEETINGS SCHEDULED FOR 2016

Sue Wilkinson
Chief Executive Officer

PC151811-1 SEVEN (7) LOT SUBDIVISION, REMOVAL OF NATIVE VEGETATION (11 TREES) AND ASSOCIATED WORKS AT 20-26 OLD COACH ROAD, SKENES CREEK (PP144/2013)

AUTHOR:	Ian Williams	ENDORSED:	Brydon King
DEPARTMENT:	Development & Community Services	FILE REF:	F13/5202

Cr Delahunty :	PC151811-1 Seven (7) Lot subdivision, removal of native vegetation (11 trees) and associated works at 20-26 Old Coach Road, Skenes Road (PP144/2013)
Nature of Disclosure:	Indirect Interest
Type of Indirect Interest:	78B
Nature of Interest:	Produced bushfire GEO reports for development.

Having declared a conflict of interest in this item, Cr Delahunty left the meeting at 10.36am.

Original Recommendation(s)

That Council's Planning Committee resolve to issue a Notice of Decision to Grant a Planning Permit for a Seven (7) Lot Subdivision, Removal of Native Vegetation (11 trees) and Associated Works at 20-26 Old Coach Road (CA13 SEC 3A) subject to the following conditions:

Endorsed Plans

- 1. The layout and site dimensions of the subdivision hereby permitted, as shown on the endorsed plan/s, must not be altered or modified without the written consent of the Responsible Authority. There are no requirements to alter or modify the endorsed plan if a plan is certified under the provisions of the Subdivision Act 1988 that is generally in accordance with the endorsed plan/s.***
- 2. The development and removal of native vegetation must be in accordance with the endorsed plan to the satisfaction of the Responsible Authority.***

Creation of Easements

- 3. Prior to the certification of the plan of subdivision under the Subdivision Act 1988, all easements deemed necessary to protect existing or future drainage lines within the subject site, and any easements required between the subject site and the nominated legal point of discharge must be created to the satisfaction of the Responsible Authority.***

Open Space

- 4. Prior to the issue of a statement of compliance under the Subdivision Act 1988, the applicant or owner must pay to the Responsible Authority a cash contribution equivalent to 4.4% of the site value of all land in the subdivision.***

Creation of Reserve

5. ***Prior to the issue of a statement of compliance under the Subdivision Act 1988, details of works required to create a concrete footpath from Vista Avenue to Muller Road including, but not limited to, long and cross sections, elevations and any additional construction of the footpath must be submitted to and approved by the Responsible Authority.***
6. ***Prior to the issue of a statement of compliance under the Subdivision Act 1988, Reserve No. 1, as shown on PS719586H between Vista Avenue and Muller Road, must be constructed in accordance with the details approved under condition 5 to the satisfaction of the Responsible Authority.***

Compliance with Geotechnical Assessment

7. ***The approved development must be carried out on the site in accordance with the recommendations of the Geotechnical Assessment by 2020 Engineering (reference ES13149, dated 05/08/2013) and associated addendum letters dated 08 January 2015 and 12 August 2015, or any Geotechnical Practitioner engaged to review those assessments submitted with the application.***

Vegetation

7. ***In order to offset the removal of 0.252 hectares of native vegetation approved as part of this permit, the applicant must provide a native vegetation offset that meets the following requirements, and is in accordance with the 'Permitted Clearing of Native Vegetation – Biodiversity Assessment Guidelines' and the 'Native Vegetation Gain Scoring Manual'.***

The offset must:

- a) ***contribute a gain of 0.039 general biodiversity equivalence units,***
 - b) ***be located within the Corangamite Catchment Management Authority boundary or Colac Otway municipal district,***
 - c) ***have a strategic biodiversity score of at least 0.398.***
8. ***Before any native vegetation is removed, evidence that an offset has been secured must be provided to the satisfaction of the Responsible Authority. This offset must meet the offset requirements set out in this permit and be in accordance with the requirements of 'Permitted Clearing of Native Vegetation – Biodiversity Assessment Guidelines' and the 'Native Vegetation Gain Scoring Manual'. Offset evidence can be either:***
 - a) ***a security agreement, to the required standard, for the offset site or sites, including a 10 year offset management plan.***
 - b) ***a credit register extract from the Native Vegetation Credit Register.***
 9. ***In the event the offset is provided through a security agreement:***
 - a) ***Prior to vegetation removal, an offset plan showing appropriate offsets to compensate for the losses must be submitted to and approved by the Responsible Authority. Three copies of the plan must be provided. When approved, the plan will be endorsed and will then form part of this permit.***

- b) *Every year, for ten years after the Responsible Authority has approved the offset management plan, the applicant must provide notification to the Responsible Authority of the management actions undertaken towards the implementation of the offset management plan. An offset site condition statement, including photographs must be included in this notification.*
10. *Vegetation removal and disposal must not cause damage to vegetation stands to be retained, to the satisfaction of the Responsible Authority.*
11. *Prior to commencement of the vegetation removal, the boundaries of all vegetation stands to be removed and retained must be clearly marked on the ground or marked with tape or temporary fencing to the satisfaction of the Responsible Authority.*
12. *Unless otherwise approved in writing by the Responsible Authority, no trenching, soil excavation, storage or dumping of equipment or waste is to occur within areas of existing native vegetation on the site.*

Drainage

13. *Each lot on the endorsed plan must be drained to the satisfaction of the Responsible Authority.*
14. *Prior to commencement of any works associated with the subdivision, a stormwater management plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The plans must be drawn to scale with dimensions and three copies must be provided. The stormwater plan must show how the developed site will be effectively drained without causing any detrimental downstream effects. The plan must also show detailed design levels for the access to Lot 7 and the drainage area affecting lot 7. When approved, the plans will be endorsed and will form part of the planning permit. All works must be undertaken in accordance with the endorsed stormwater management plan.*
15. *Prior to the issue of a statement of compliance under the Subdivision Act 1988, an underground drain must be constructed on the northern side of Treetops Terrace, to the satisfaction of the Responsible Authority.*
16. *Prior to the issue of a statement of compliance under the Subdivision Act 1988, the open drain on the northern side of Treetops Terrace must be filled and constructed as pavement to the satisfaction of the Responsible Authority. Kerb and channel must be provided in this location to the satisfaction of the Responsible Authority. Detailed construction plans for this work must be submitted to and approved by the Responsible Authority prior to any works being undertaken.*
17. *Prior to the issue of a statement of compliance under the Subdivision Act 1988, the following drawings and information must be submitted to the Responsible Authority:*
- a) *Copies of the as constructed engineering roads and drainage drawings in the following format: pdf and dwg.*
 - b) *Survey enhanced digital data for the drainage information component of the subdivision, in accordance with the current version of D-Spec. The preferred formats are MID/MIF or shape file.*

Access

18. ***Prior to the issue of statement of compliance, access to each lot must be constructed to the satisfaction of the Responsible Authority. Lot 1 must only be from Treetops Terrace, unless otherwise approved by the Responsible Authority.***

Telecommunication Services

19. ***The owner of the land must enter into an agreement with:***

- ***a telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and***
- ***a suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.***

20. ***Before the issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:***

- ***a telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and***
- ***a suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrated that the land is in an area where the National Broadband Network will not be provided by optical fibre.***

Barwon Water conditions**General**

21. ***The owner shall create easements for Pipelines or Ancillary Purposes in Favour of Barwon Region Water Corporation over all existing and proposed sewers located within the subdivision. The width of these easements shall be 5.9m over the existing main along the north east boundary and the proposed sewer main in a location yet to be determined.***
22. ***The plan of subdivision must be referred to Barwon Water in accordance with the Subdivision Act 1988 and any subsequent amendments to the plan provided to Barwon Water.***

Water

23. ***The provision and installation of individual water services to all lots in the subdivision in accordance with Barwon Water's requirements and Victorian Plumbing Regulations. A dimensioned plan showing location of all services relative to the allotment boundaries is to be submitted.***
24. ***The payment of New Customer Contributions for each additional lot created and/or each additional metered connection for water supply within the subdivision.***
25. ***Tappings are to be supplied to service the proposed development. Note that tappings and services are not to be located under existing or proposed driveways.***

Sewer

26. ***The provision of sewerage services to all lots in the subdivision in accordance with Barwon Water's requirements and Victorian Plumbing Regulations. Individual allotment house connection drains are to be provided for and extend into each allotment. Note that if any common drain or drain from another allotment crosses under a proposed dwelling, a 'modification to consent' is to be obtained from the Victorian Building Authority and presented to Barwon Water with the required drainage plan.***
27. ***The payment of New Customer Contributions for sewer for each additional lot created and/or each additional metered connection within the subdivision.***
28. ***Reticulated sewer main extension is required to service the proposed development.***
29. ***The provision of a separate sewer connection branch to all lots within the subdivision in accordance with Barwon Water's requirements, Victorian Plumbing Regulations, and all relative statutory regulations. Note that sewer connection branches are to be provided by a Barwon Water approved confined space plumber. A list of approved plumbers can be provided upon request.***
30. ***Any existing house connection branch that is to be utilised for additional connections or altered to serve the development is to be CCTV inspected with the report and/or video submitted to Barwon Water for condition assessment. If it is deemed by Barwon Water that the branch is unsatisfactory for use, it is to be removed and replaced at the developer's expense. If the branch being replaced is greater than 4.0 metres deep, a new sewer manhole or maintenance shaft is to be constructed with the new branch connected to this structure. Also, any existing house connection drain that traverses through the proposed allotments shall be relocated so not to inhibit future development.***

Powercor conditions

31. ***The plan of subdivision submitted for certification under the Subdivision Act 1988 shall be referred to Powercor Australia Ltd in accordance with Section 8 of that Act.***

32. The applicant shall:

- a) ***Provide an electricity supply to all lots in the subdivision in accordance with Powercor's requirements and standards, including the extension, augmentation or re-arrangement of any existing electricity supply system, as required by Powercor. (A payment to cover the cost of such work will be required.) In the event that a supply is not provided the applicant shall provide a written undertaking to Powercor Australia Ltd that prospective purchasers will be so informed.***
- b) ***Where buildings or other installations exist on the land to be subdivided and are connected to the electricity supply, they shall be brought into compliance with the Service and Installation Rules issued by the Victorian Electricity Supply Industry. You shall arrange compliance through a Registered Electrical Contractor.***
- c) ***Any buildings must comply with the clearances required by the Electricity Safety (Installations) Regulations.***
- d) ***Any construction work must comply with Energy Safe Victoria's 'No Go Zone' rules.***
- e) ***Set aside on the plan of subdivision for the use of Powercor Australia Ltd reserves and/or easements satisfactory to Powercor Australia Ltd where any electric substation (other than a pole mounted type) is required to service the subdivision.***

Alternatively, at the discretion of Powercor Australia Ltd a lease(s) of the site(s) and for easements for associated powerlines, cables and access ways shall be provided. Such a lease shall be for a period of 30 years at a nominal rental with a right to extend the lease for a further 30 years. Powercor Australia Ltd will register such leases on the title by way of a caveat prior to the registration of the plan of subdivision.

- f) ***Provide easements satisfactory to Powercor Australia Ltd, where easements have not been otherwise provided, for all existing Powercor Australia Ltd electric lines on the land and for any new powerlines required to service the lots and adjoining land, save for lines located, or to be located, on public roads set out on the plan. These easements shall show on the plan as easement(s) in favour of 'Powercor Australia Ltd' for 'Powerline Purposes' pursuant to Section 88 of the Electricity Industry Act 2000.***
- g) ***Obtain for the use of Powercor Australia Ltd any other easement external to the subdivision required to service the lots.***
- h) ***Adjust the position of any existing easement(s) for powerlines to accord with the position of the line(s) as determined by survey.***
- i) ***Obtain Powercor Australia Ltd's approval for lot boundaries within any area affected by an easement for a powerline and for the construction of any works in such an area.***
- j) ***Provide to Powercor Australia Ltd a copy of the version of the plan of subdivision submitted for certification, which shows any amendments which have been required.***

Country Fire Authority conditions**Mandatory Condition**

33. Before the statement of compliance is issued under the Subdivision Act 1988 the owner must enter into an agreement with the responsible authority under Section 173 of the Planning and Environment Act 1987. The agreement must:

- **State that it has been prepared for the purpose of an exemption from a planning permit under Clause 44.06-1 of the Colac Otway Planning Scheme.**
- **Incorporate the plan prepared in accordance with Clause 52.47-2.4 of this planning scheme and approved under this permit.**
- **State that if a dwelling is constructed on the land without a planning permit that the bushfire mitigation measures set out in the plan incorporated into the agreement must be implemented and maintained to the satisfaction of the responsible authority on a continuing basis.**

The land owner must pay the reasonable costs of the preparation, execution and registration of the Section 173 Agreement.

Bushfire Management Plan

34. The Bushfire Management Plan (Attachment 3 – Bushfire Management Plan & Attachment 4 – Draft Planning Permit Conditions) must be endorsed to form part of the permit, be included as an annexure to the section 173 agreement and must not be altered unless otherwise agreed in writing by the CFA and the Responsible Authority.

Maintenance of Defendable Space

35. Before the Statement of Compliance is issued under the Subdivision Act 1988 defendable space on every lot in the subdivision must be implemented and maintained as specified on the Bushfire Management Plan, unless otherwise agreed in writing by the CFA and the Responsible Authority.

Expiry

36. This permit will expire if one of the following circumstances applies:

- a) **The plan of subdivision is not certified within two years of the date of the permit.**
- b) **A statement of compliance is not issued within five years of the date of certification of the Plan.**

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

Notes

1. **It is recommended that, at an early date, the applicant commences negotiations with Powercor for supply of electricity in order that supply arrangements can be worked out in detail, so prescribed information can be issued once all electricity works are completed (the release to the municipality enabling a Statement of Compliance to be issued).**

Prospective purchasers of lots in this subdivision should contact Powercor Australia Ltd to determine the availability of a supply of electricity. Financial contributions may be required.

- 2. The developer is to apply to Barwon Water for details relating to costs and conditions required for the provision of water supply and sewerage services to the subdivision. It would be appreciated if all communication between the developer/agent and Barwon Water quote Barwon Water reference number L011356.*
- 3. Barwon Water has recommended that a consulting engineer is engaged to ensure that the sewer main extension and the required retaining wall are structurally designed in conjunction with one another.*

Alternate Resolution

MOVED Cr Stephen Hart seconded Cr Frank Buchanan That Council's Planning Committee resolve to issue a Notice of Decision to Grant a Planning Permit for a Seven (7) Lot Subdivision, Removal of Native Vegetation (11 trees) and Associated Works at 20-26 Old Coach Road (CA13 SEC 3A) subject to the following conditions:

Endorsed Plans

- 1. The layout and site dimensions of the subdivision hereby permitted, as shown on the endorsed plan/s, must not be altered or modified without the written consent of the Responsible Authority. There are no requirements to alter or modify the endorsed plan if a plan is certified under the provisions of the Subdivision Act 1988 that is generally in accordance with the endorsed plan/s.*
- 2. The development and removal of native vegetation must be in accordance with the endorsed plan to the satisfaction of the Responsible Authority.*

Creation of Easements

- 3. Prior to the certification of the plan of subdivision under the Subdivision Act 1988, all easements deemed necessary to protect existing or future drainage lines within the subject site, and any easements required between the subject site and the nominated legal point of discharge must be created to the satisfaction of the Responsible Authority.*

Open Space

- 4. Prior to the issue of a statement of compliance under the Subdivision Act 1988, the applicant or owner must pay to the Responsible Authority a cash contribution equivalent to 4.4% of the site value of all land in the subdivision.*

Creation of Reserve

- 5. Prior to the issue of a statement of compliance under the Subdivision Act 1988, details of works required to create a concrete footpath from Vista Avenue to Muller Road including, but not limited to, long and cross sections, elevations and any additional construction of the footpath must be submitted to and approved by the Responsible Authority.*

6. ***Prior to the issue of a statement of compliance under the Subdivision Act 1988, Reserve No. 1, as shown on PS719586H between Vista Avenue and Muller Road, must be constructed in accordance with the details approved under condition 5 to the satisfaction of the Responsible Authority.***

Compliance with Geotechnical Assessment

7. ***The approved development must be carried out on the site in accordance with the recommendations of the Geotechnical Assessment by 2020 Engineering (reference ES13149, dated 05/08/2013) and associated addendum letters dated 08 January 2015 and 12 August 2015, or any Geotechnical Practitioner engaged to review those assessments submitted with the application.***

Vegetation

7. ***In order to offset the removal of 0.252 hectares of native vegetation approved as part of this permit, the applicant must provide a native vegetation offset that meets the following requirements, and is in accordance with the 'Permitted Clearing of Native Vegetation – Biodiversity Assessment Guidelines' and the 'Native Vegetation Gain Scoring Manual'.***

The offset must:

- a) ***contribute a gain of 0.039 general biodiversity equivalence units,***
 - b) ***be located within the Corangamite Catchment Management Authority boundary or Colac Otway municipal district,***
 - c) ***have a strategic biodiversity score of at least 0.398.***
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 - a) ***a security agreement, to the required standard, for the offset site or sites, including a 10 year offset management plan.***
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 - a) ***Prior to vegetation removal, an offset plan showing appropriate offsets to compensate for the losses must be submitted to and approved by the Responsible Authority. Three copies of the plan must be provided. When approved, the plan will be endorsed and will then form part of this permit.***
 - b) ***Every year, for ten years after the Responsible Authority has approved the offset management plan, the applicant must provide notification to the Responsible Authority of the management actions undertaken towards the implementation of the offset management plan. An offset site condition statement, including photographs must be included in this notification.***
 10. ***Vegetation removal and disposal must not cause damage to vegetation stands to be retained, to the satisfaction of the Responsible Authority.***

11. ***Prior to commencement of the vegetation removal, the boundaries of all vegetation stands to be removed and retained must be clearly marked on the ground or marked with tape or temporary fencing to the satisfaction of the Responsible Authority.***
12. ***Unless otherwise approved in writing by the Responsible Authority, no trenching, soil excavation, storage or dumping of equipment or waste is to occur within areas of existing native vegetation on the site.***

Drainage

13. ***Each lot on the endorsed plan must be drained to the satisfaction of the Responsible Authority.***
14. ***Prior to commencement of any works associated with the subdivision, a stormwater management plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The plans must be drawn to scale with dimensions and three copies must be provided. The stormwater plan must show how the developed site will be effectively drained without causing any detrimental downstream effects. The plan must also show detailed design levels for the access to Lot 7 and the drainage area affecting lot 7. When approved, the plans will be endorsed and will form part of the planning permit. All works must be undertaken in accordance with the endorsed stormwater management plan.***
15. ***Prior to the issue of a statement of compliance under the Subdivision Act 1988, an underground drain must be constructed on the northern side of Treetops Terrace, to the satisfaction of the Responsible Authority.***
16. ***Prior to the issue of a statement of compliance under the Subdivision Act 1988, the open drain on the northern side of Treetops Terrace must be filled and constructed as pavement to the satisfaction of the Responsible Authority. Kerb and channel must be provided in this location to the satisfaction of the Responsible Authority. Detailed construction plans for this work must be submitted to and approved by the Responsible Authority prior to any works being undertaken.***
17. ***Prior to the issue of a statement of compliance under the Subdivision Act 1988, the following drawings and information must be submitted to the Responsible Authority:***
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 - b) ***Survey enhanced digital data for the drainage information component of the subdivision, in accordance with the current version of D-Spec. The preferred formats are MID/MIF or shape file.***

Access

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Telecommunication Services

19. ***The owner of the land must enter into an agreement with:***

- a telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and***
- a suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.***

20. ***Before the issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:***

- a telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and***
- a suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrated that the land is in an area where the National Broadband Network will not be provided by optical fibre.***

Barwon Water conditions***General***

21. ***The owner shall create easements for Pipelines or Ancillary Purposes in Favour of Barwon Region Water Corporation over all existing and proposed sewers located within the subdivision. The width of these easements shall be 5.9m over the existing main along the north east boundary and the proposed sewer main in a location yet to be determined.***

22. ***The plan of subdivision must be referred to Barwon Water in accordance with the Subdivision Act 1988 and any subsequent amendments to the plan provided to Barwon Water.***

Water

23. ***The provision and installation of individual water services to all lots in the subdivision in accordance with Barwon Water's requirements and Victorian Plumbing Regulations. A dimensioned plan showing location of all services relative to the allotment boundaries is to be submitted.***

24. ***The payment of New Customer Contributions for each additional lot created and/or each additional metered connection for water supply within the subdivision.***

25. *Tappings are to be supplied to service the proposed development. Note that tappings and services are not to be located under existing or proposed driveways.*

Sewer

26. *The provision of sewerage services to all lots in the subdivision in accordance with Barwon Water's requirements and Victorian Plumbing Regulations. Individual allotment house connection drains are to be provided for and extend into each allotment.
Note that if any common drain or drain from another allotment crosses under a proposed dwelling, a 'modification to consent' is to be obtained from the Victorian Building Authority and presented to Barwon Water with the required drainage plan.*
27. *The payment of New Customer Contributions for sewer for each additional lot created and/or each additional metered connection within the subdivision.*
28. *Reticulated sewer main extension is required to service the proposed development.*
29. *The provision of a separate sewer connection branch to all lots within the subdivision in accordance with Barwon Water's requirements, Victorian Plumbing Regulations, and all relative statutory regulations. Note that sewer connection branches are to be provided by a Barwon Water approved confined space plumber. A list of approved plumbers can be provided upon request.*
30. *Any existing house connection branch that is to be utilised for additional connections or altered to serve the development is to be CCTV inspected with the report and/or video submitted to Barwon Water for condition assessment. If it is deemed by Barwon Water that the branch is unsatisfactory for use, it is to be removed and replaced at the developer's expense. If the branch being replaced is greater than 4.0 metres deep, a new sewer manhole or maintenance shaft is to be constructed with the new branch connected to this structure. Also, any existing house connection drain that traverses through the proposed allotments shall be relocated so not to inhibit future development.*

Powercor conditions

31. *The plan of subdivision submitted for certification under the Subdivision Act 1988 shall be referred to Powercor Australia Ltd in accordance with Section 8 of that Act.*
32. *The applicant shall:*
- a) *Provide an electricity supply to all lots in the subdivision in accordance with Powercor's requirements and standards, including the extension, augmentation or re-arrangement of any existing electricity supply system, as required by Powercor. (A payment to cover the cost of such work will be required.) In the event that a supply is not provided the applicant shall provide a written undertaking to Powercor Australia Ltd that prospective purchasers will be so informed.*
 - b) *Where buildings or other installations exist on the land to be subdivided and are connected to the electricity supply, they shall be brought into compliance with the*

Service and Installation Rules issued by the Victorian Electricity Supply Industry. You shall arrange compliance through a Registered Electrical Contractor.

- c) Any buildings must comply with the clearances required by the Electricity Safety (Installations) Regulations.***
- d) Any construction work must comply with Energy Safe Victoria's 'No Go Zone' rules.***
- e) Set aside on the plan of subdivision for the use of Powercor Australia Ltd reserves and/or easements satisfactory to Powercor Australia Ltd where any electric substation (other than a pole mounted type) is required to service the subdivision.***

Alternatively, at the discretion of Powercor Australia Ltd a lease(s) of the site(s) and for easements for associated powerlines, cables and access ways shall be provided. Such a lease shall be for a period of 30 years at a nominal rental with a right to extend the lease for a further 30 years. Powercor Australia Ltd will register such leases on the title by way of a caveat prior to the registration of the plan of subdivision.

- f) Provide easements satisfactory to Powercor Australia Ltd, where easements have not been otherwise provided, for all existing Powercor Australia Ltd electric lines on the land and for any new powerlines required to service the lots and adjoining land, save for lines located, or to be located, on public roads set out on the plan. These easements shall show on the plan as easement(s) in favour of 'Powercor Australia Ltd' for 'Powerline Purposes' pursuant to Section 88 of the Electricity Industry Act 2000.***
- g) Obtain for the use of Powercor Australia Ltd any other easement external to the subdivision required to service the lots.***
- h) Adjust the position of any existing easement(s) for powerlines to accord with the position of the line(s) as determined by survey.***
- i) Obtain Powercor Australia Ltd's approval for lot boundaries within any area affected by an easement for a powerline and for the construction of any works in such an area.***
- j) Provide to Powercor Australia Ltd a copy of the version of the plan of subdivision submitted for certification, which shows any amendments which have been required.***

Country Fire Authority conditions

Mandatory Condition

33. Before the statement of compliance is issued under the Subdivision Act 1988 the owner must enter into an agreement with the responsible authority under Section 173 of the Planning and Environment Act 1987. The agreement must:

- State that it has been prepared for the purpose of an exemption from a planning permit under Clause 44.06-1 of the Colac Otway Planning Scheme.***

- Incorporate the plan prepared in accordance with Clause 52.47-2.4 of this planning scheme and approved under this permit.*
- State that if a dwelling is constructed on the land without a planning permit that the bushfire mitigation measures set out in the plan incorporated into the agreement must be implemented and maintained to the satisfaction of the responsible authority on a continuing basis.*

The land owner must pay the reasonable costs of the preparation, execution and registration of the Section 173 Agreement.

Bushfire Management Plan

- 34. *The Bushfire Management Plan (Attachment 3 – Bushfire Management Plan & Attachment 4 – Draft Planning Permit Conditions) must be endorsed to form part of the permit, be included as an annexure to the section 173 agreement and must not be altered unless otherwise agreed in writing by the CFA and the Responsible Authority.***

Maintenance of Defendable Space

- 35. *Before the Statement of Compliance is issued under the Subdivision Act 1988 defendable space on every lot in the subdivision must be implemented and maintained as specified on the Bushfire Management Plan, unless otherwise agreed in writing by the CFA and the Responsible Authority.***

Expiry

- 36. *This permit will expire if one of the following circumstances applies:***

- a) *The plan of subdivision is not certified within two years of the date of the permit.***
- b) *A statement of compliance is not issued within five years of the date of certification of the Plan.***

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

- 37. *Prior to certification, a plan of subdivision shall be lodged to, and endorsed by, the Responsible Authority showing building envelopes on Lot 1 and 2 as restrictions on title as per the plans lodged with the application to the satisfaction of the Responsible Authority.***

Notes

- 1. *It is recommended that, at an early date, the applicant commences negotiations with Powercor for supply of electricity in order that supply arrangements can be worked out in detail, so prescribed information can be issued once all electricity works are completed (the release to the municipality enabling a Statement of Compliance to be issued).***

Prospective purchasers of lots in this subdivision should contact Powercor Australia Ltd to determine the availability of a supply of electricity. Financial contributions may be required.

- 2. *The developer is to apply to Barwon Water for details relating to costs and conditions required for the provision of water supply and sewerage services to the subdivision. It would be appreciated if all communication between the developer/agent and Barwon Water quote Barwon Water reference number L011356.***
- 3. *Barwon Water has recommended that a consulting engineer is engaged to ensure that the sewer main extension and the required retaining wall are structurally designed in conjunction with one another.***

CARRIED 6 : 0

Cr Michael Delahunty returned to Council Chambers 11.16am

PC151811-2 CONSTRUCTION OF SUPERMARKET AND SHOPS, CREATION/ALTERATION OF ACCESS TO RDZ1, REDUCTION IN CAR PARKING AND BICYCLE FACILITIES, AND REALIGNMENT OF A TITLE BOUNDARY AT 140-158 BROMFIELD STREET, 66-70 QUEEN STREET AND ROAD RESERVE, COLAC (PP247/2013-1).

AUTHOR:	Ian Williams	ENDORSED:	Brydon King
DEPARTMENT:	Development & Community Services	FILE REF:	F13/9762

Having declared a conflict of interest in this item, Cr Hart left the meeting at 11.18am.

Cr Hart :	PC151811-2 Construction of Supermarket and Shops, Creation / Alteration of access to RDZ1, reduction in car parking and bicycle facilities, and realignment of a title boundary at 140-158 Bromfield Street, 66-70 Queen Street and Road Reserve, Colac (PP247/2013-1)
Nature of Disclosure:	Indirect Interest
Type of Indirect Interest:	78A
Nature of Interest:	Indirect financial interest application is for a Coles Supermarket. Coles is owned by Wesfarmers. Own Wesfarmers Shares.

Having declared a conflict of interest in this item, Cr Russell left the meeting at 11.18am.

Cr Russell :	PC151811-2 Construction of Supermarket and Shops, Creation / Alteration of access to RDZ1, reduction in car parking and bicycle facilities, and realignment of a title boundary at 140-158 Bromfield Street, 66-70 Queen Street and Road Reserve, Colac (PP247/2013-1)
Nature of Disclosure:	Indirect Interest
Type of Indirect Interest:	78A
Nature of Interest:	Own Wesfarmers shares – Wesfarmers own Coles Supermarket.

Original Recommendation(s)

That Council's Planning Committee resolves to issue a Notice of Decision to Issue a Planning Permit for Buildings and Works Comprising Construction of Supermarket (4,300sqm) and Four Shops (1,100sqm), Creation and Alteration of Access to a Road in a Road Zone Category 1, Reduction in Car Parking (69 spaces) and Bicycle Facilities, and Realignment of a Title Boundary at 66, 68, 70 Queen Street, 140-144, 146-150, 152 & 158 Bromfield Street and Road Reserve, COLAC (Lot 1 TP514557, Lot 1 TP343261, Lot 1 TP399740, Lot B LP202154, PC: 161552, C/A: 3 SEC: 17 and Lot 1 TP681251 Parish of Colac) subject to the following conditions:

Amended plans

- 1. Prior to commencement of the use and/or 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 must be provided. The plans must be generally in accordance with the plans submitted with the application, but modified to show:

- (a) Stormwater measures in accordance with the Stormwater Management Plan endorsed under condition 25 of this permit.***
 - (b) The trolley bay shown in the road reserve area moved to an alternate location within the privately owned land.***
 - (c) A 1.8m high fence along the boundary with the railway line, extending from the building line to the rear boundary of No. 76 Queen Street, to prevent pedestrian access to the railway line.***
- 2. *Prior to certification of the plan of subdivision under the Subdivision Act 1988, 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 plans submitted with the application, but modified to show:***
- (a) A plan of subdivision accurately depicting the application site, i.e. Lot 1 TP514557, Lot 1 TP343261, Lot 1 TP399740, Lot B LP202154, PC: 161552, C/A: 3 SEC: 17 and Lot 1 TP681251, and including as part of the application site that section of the Bromfield Street road reserve proposed for discontinuance (on which part of the supermarket would be constructed). The site boundaries on all development plans must accord with the endorsed subdivision plan.***

Endorsed Plans

- 3. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.***
- 4. The layout and site dimensions of the subdivision hereby permitted, as shown on the endorsed plan/s, must not be altered or modified without the written consent of the Responsible Authority. There are no requirements to alter or modify the endorsed plan if a plan is certified under the provisions of the Subdivision Act 1988 that is generally in accordance with the endorsed plan/s.***

Road Discontinuance and Consolidation of land

- 5. Prior to commencement of the development hereby permitted, that section of the application site within the Bromfield Street road reserve on which part of the proposed building would be constructed must be formally discontinued and consolidated with Lot 1 TP514557 (Volume/Folio: 03898/534), Lot 1 TP343261 (V/F: 04972/213), Lot 1 TP399740 (V/F: 04510/882), Lot B LP202154 (V/F: 09654/974), PC: 161552 (V/F: 09665/071), C/A: 3 SEC: 17 (V/F: 05710/813) and Lot 1 TP681251 (V/F: 05919/662) under the provisions of the Subdivision Act 1988, to the satisfaction of the Responsible Authority.***

Contaminated Land

- 6. Prior to the commencement of the development hereby permitted, an Environmental Report prepared by an independent expert for the application site must be submitted to the Council. The report must confirm that the site has been suitably remediated to Health Screening Level-D for Commercial/Industrial Land Use (HSL-D) to the satisfaction of the Responsible Authority.***

Amenity

7. ***Prior to the commencement of the development hereby permitted, a management plan to control the impact on the amenity of surrounding properties during and after construction must be submitted and approved by the Responsible Authority. The management plan must address:***
- Noise, particularly during construction (refer to EPA publication 1254)***
 - Dust during construction***
 - Ongoing litter management***
 - Community engagement and complaint resolution***
8. ***Prior to the commencement of development, or such other timeframe as is agreed in writing by the Responsible Authority, acoustic fencing along the boundaries shared with Nos. 72, 74 and 76 Queen Street must be erected in accordance with the endorsed plans. The acoustic fencing must thereafter be so maintained to the satisfaction of the Responsible Authority.***
9. ***Prior to the commencement of development, details of fencing around the electrical sub-station adjacent to Queen Street must be submitted to and approved by the Responsible Authority. Within one month of the installation of the sub-station, or such other time as is agreed in writing by the Responsible Authority, the fencing must be erected in accordance with the approved details. The fencing must thereafter be maintained in accordance with the approved details to the satisfaction of the Responsible Authority.***
10. ***All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.***
11. ***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 must be connected to a security service.***
12. ***The soundproofing of plant equipment must be undertaken in accordance with relevant Australian standards.***
13. ***External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land, to the satisfaction of the Responsible Authority.***

Landscaping

14. ***Prior to commencement of the development, a 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 landscape concept plan dated 18 June 2015 prepared by John Patrick Pty Ltd, except that the plan must show:***
- (a) a survey (including botanical names) of all existing vegetation to be retained and/or removed;***
 - (b) details of surface finishes of pathways and driveways;***
 - (c) a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, sizes at maturity, and quantities of each plant;***
 - (d) landscaping and planting within all open areas of the site, including the proposed bio-retention basin;***

- (e) details of the planting on the timber feature wall on the northern elevation of the building, including ongoing maintenance;*
- (f) details of the links between WSUD features and the landscaping proposed.*

An in-ground irrigation system is to be provided to all landscaped areas. All species selected must be to the satisfaction of the Responsible Authority.

- 15. Prior to occupation of the development, or by such later date as is approved by the Responsible Authority in writing, the landscaping works shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority. The landscaping must thereafter be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.*
- 16. Vegetation removal and disposal must not cause damage to vegetation to be retained, to the satisfaction of the Responsible Authority.*
- 17. Unless otherwise approved in writing by the Responsible Authority, no trenching, soil excavation, storage or dumping of equipment or waste is to occur within areas of existing native vegetation on or near the site.*
- 18. Prior to the commencement of development, a plan showing improvements to land within CA 6 SEC 16 (being the land to the north and east of the application site adjacent to Barongarook Creek) must be submitted to and approved by the Responsible Authority in consultation with the Department of Environment, Land, Water and Planning. The plan must include the following improvements, unless otherwise agreed in writing by the Responsible Authority in consultation with the Department of Environment, Land, Water and Planning:*
 - (a) Improvements to the footpath from Queen Street to the creek, which encourages people to use it and recognise that this pathway is not just an entry to the supermarket and Crowe Horwath. The improvements should include wayfinding signage to Council's specifications, hardwood bollards to distinguish the footpath from the car park, and lighting.*
 - (b) Creation of a 'pocket park' in the area to the north of the site, including a linear wetland (which would help address the stormwater requirements of the development), landscaping (including potential elm removal and new shade planting), seating or similar street furniture, a drinking fountain, interpretive signage and public art.*
 - (c) Landscaping and environmental improvements in the area to the east of the proposed development, to mitigate the potential visual impact of the proposed development and to act as a buffer between the supermarket and residential properties to the east.*
 - (d) Upgrade of existing public path along Barongarook Creek to provide a concrete 2.5m wide shared path linking the footpath along the north of the Bromfield Street road reserve through to Murray Street.*
 - (e) Increased surveillance of/safety measures for the reserve and public footpaths in this area, e.g. through the provision of CCTV cameras within the site and/or lighting.*

The approved improvements must be carried out in a specified timeframe to the satisfaction of the Responsible Authority, at the developer's expense.

Traffic Management

- 19. Prior to the commencement of any works associated with this permit, an updated Traffic Management Report by TraffixGroup, showing the mid-block exit point from Queen Street as 'left exit only', must be submitted to both VicRoads and Council for endorsement under this permit. Infrastructure and signage preventing right turn exit movements must be designed and placed to the satisfaction of both VicRoads and Council prior to the initial occupation of any of the shops hereby permitted.***
- 20. Prior to the initial occupation of any of the shops hereby permitted, the roundabout at the intersection of Bromfield Street and Queen Street must be designed and constructed to the satisfaction of both the Responsible Authority and VicRoads.***
- 21. Prior to the initial occupation of any of the shops hereby permitted, the onsite car parking area must be constructed in accordance with the endorsed Traffic Management Plan and approved Stormwater Management Plan.***
- 22. Prior to commencement of works, a Construction Management Plan which sets out controls and timelines to be implemented for the construction of the road improvement works proposed under the endorsed Traffic Management Plan for Queen Street and Bromfield Street must be submitted to and approved by the Responsible Authority.***
- 23. Prior to the initial occupation of any of the shops hereby permitted, Bromfield Street must be constructed in accordance with the Traffic Management Plan and Construction Management Plan at the developer's expense.***

Section 173 Agreement

- 24. Prior to the commencement of development, the owner of the land must enter into an agreement under Section 173 of the Planning and Environment Act 1987 with the Responsible Authority. The agreement must be in a form to the satisfaction of the Responsible Authority, and the applicant must be responsible for the expense of the preparation and registration of the agreement, including the Responsible Authority's reasonable costs and expenses (including legal expenses) incidental to the preparation, registration and enforcement of the agreement. The agreement must contain covenants to be registered on the Title of the property so as to run with the land, and must provide for the following:***

- a) The owner(s) is responsible for all maintenance of, and liability for, infrastructure associated with the development within the Bromfield Street road reserve, including surfacing, line-marking and drainage***

The agreement will be registered on Title in accordance with Section 181 of the Planning and Environment Act 1987.

Water Sensitive Urban Design

- 25. Prior to the commencement of the development hereby permitted, a 'Stormwater Management Plan' for the management and operation of the development hereby permitted must be submitted to and approved by the Responsible Authority, and incorporated in engineering design plans and construction management plans.***

Once approved and endorsed the 'Stormwater Management Plan' will form part of the permit. The development must at all times be operated in accordance with the endorsed plan. The plan must be prepared in accordance with 'Water Sensitive Urban Design Principles' (WSUD) and 'Best Practice Environmental Management Guidelines for Stormwater Management' and should address, but not necessarily be limited to, the following:

- (a) A site plan clearly showing the site layout, including site boundaries, finished contours, existing vegetation and existing and proposed drainage pathways showing discharge points;**
- (b) Measures addressing increased runoff and potential peak flows including integrated landscaping plan;**
- (c) Details of effective control of chemicals, sediments or gross pollutants on the site and prevention of their discharge into drainage systems and waterways both during construction and use. This must also include details on the specific locations of works (e.g. re-vegetation, cut and fill, run-off diversions, sediment control, stockpile management, hazardous material management, access protection, litter management, litter trap locations etc.). The timeframes for measures to be implemented must be stated;**
- (d) Procedures for maintenance of stormwater quality protection measures, including specific timeframes. All maintenance associated with the development's drainage infrastructure on and off site is the responsibility of the proprietor. All drainage infrastructure must be maintained in accordance with industry standards;**
- (e) Details of a 'Spills Contingency Plan' to prevent any spilled chemicals or waste entering the stormwater drainage system from the loading and storage area to the rear of the development.
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. Details must include key contacts at appropriate agencies to contact in case of chemical spillage.**
- (f) No polluted and/or sediment laden run-off is to be discharged directly or indirectly into Colac Otway Shire drains and/or watercourses at any time during construction or operation to the satisfaction of the Responsible Authority.**
- (g) Measures for ensuring that all stored wastes will be kept in designated areas or covered containers to prevent escape into the stormwater system during construction and operations.**

All measures for stormwater quality protection relating to the protection of the creek during construction must be in place prior to the commencement of construction, and all other stormwater quality protection measures required must be in place prior to the initial occupation of any of the shops hereby permitted. 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 appropriate vegetation suitable to reduce erosion from the site.

Department of Environment, Land, Water and Planning condition

26. **Before the development commences, a Construction Management Plan 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 Construction Management plan must provide details of:**

- a) **Location of the construction zone.**
- b) **Measures to control sediment and sediment laden water run-off including design detail of any structures.**
- c) **Measures to control pollutants, including oils and pollutant laden water run-off including design detail of any structures.**
- d) **Where equipment, machinery and earth is to be stored/stockpiled during construction.**
- e) **Location of any temporary structures for construction purposes.**

VicRoads conditions

27. **Before the use approved by this permit commences, the following road works on Queen Street (Colac-Forrest Road) must be completed at no cost to and to the satisfaction of the Roads Corporation:**

- i. **Roundabout at Bromfield Street intersection**
- ii. **Right Turn Lane at secondary access point**

28. **Before all works within the road reserve commences, the developer must enter into an agreement with VicRoads confirming the following:**

- i. **Construction design plans approval processes**
- ii. **Construction works specification and tender approval processes**
- iii. **Fees and associated services obligations**
- iv. **Field surveillance methods and cost recovery processes.**

CCMA conditions

29. **The applicant must demonstrate to the satisfaction of Corangamite CMA that the flood storage from the Barongarook Creek in the proposed staff car park area is maintained to current volume over the property. This will require the finished surface level of the car park to have a maximum level of 120.55 metres AHD.**

30. **Detailed cut and fill works must be provided and be to the satisfaction of Corangamite CMA and demonstrate no net loss in floodplain storage.**

31. **No fill shall be permitted in areas of the floodplain where depth of flooding exceeds half a metre.**

32. **Cut and fill must be taken from the same hydraulic level within the floodplain to ensure no alterations to the flood regime.**

EPA condition

33. **Construction and post construction activities must be in accordance with EPA Publication 275 Construction Techniques for Sediment Pollution Control 1991 or as amended.**

Utility Providers

34. ***The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity and gas services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.***
35. ***All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.***
36. ***The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.***

Expiry

37. ***This permit will expire if one of the following circumstances applies:***
 - a) ***The plan of subdivision is not certified within two years of the date of the permit.***
 - b) ***The development is not commenced within two years of the date of this permit.***
 - c) ***The development is not completed within four years of the date of this permit.***
 - d) ***A statement of compliance is not issued within five years of the date of certification of the Plan.***

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires or within six (6) months afterwards, or if the request for the extension of time is made within 12 months after the permit expires and the development started lawfully before the permit expired.

Notes

1. ***All Aboriginal Cultural Heritage is protected under the Aboriginal Heritage Act 2006. If Aboriginal Cultural Heritage is encountered during development, works must cease in the area and the Office of Aboriginal Affairs Victoria (OAAV) must be contacted.***
2. ***The pruning, lopping or removal of the existing tree on CA6 SEC16 has not been assessed under this application and does not form part of this permit. The pruning, lopping or removal of this tree would require separate consent from the landowner and may require separate planning approval from the Responsible Authority.***
3. ***This permit does not authorise the commencement of any building works. Prior to commencement of the development, it will be necessary to apply for and obtain building approval for the proposed works specified under this permit.***
4. ***The Department of Environment, Land, Water and Planning (DELWP) has advised that consent for the use of the adjacent Crown Land (Barongarook Creek Water Frontage) has not been granted. In view of this, stockpiling or spillage or storage of materials or equipment is not permitted on Crown Land.***

5. **Barwon Water has advised that the proposed development does not conform with its Asset Protection policy and that a water main realignment and a shortening of the sewer main will be required. Apply to Barwon Water for details relating to costs and conditions, quoting Barwon Water reference number L012634.**

6. **VicTrack has advised that:**
 - **No entry onto railway land is permitted without the written consent of the Rail Operator, and is subject to the Rail Operator's Site Access Procedures and Conditions.**
 - **No drainage, effluent, waste, soil or other materials must enter or be directed to railway land or stored or deposited on railway land.**
 - **No lighting is to be erected (permanent or temporary) that spills light onto the railway tracks or which interferes with the visibility of signals and rail lines by train drivers.**
 - **Plant and tree species must be of the type that will not cause any future overhang onto VicTrack land or disturbance of railway operations.**

MOTION – MOVED Cr Chris Smith

That Council Committee defers this item for removal of some or all shops.

The motion lapsed due to lack of a seconder.

Resolution**MOVED Cr Frank Buchanan seconded Cr Terry Woodcroft**

That Council's Planning Committee resolves to issue a Notice of Decision to Issue a Planning Permit for Buildings and Works Comprising Construction of Supermarket (4,300sqm) and Four Shops (1,100sqm), Creation and Alteration of Access to a Road in a Road Zone Category 1, Reduction in Car Parking (69 spaces) and Bicycle Facilities, and Realignment of a Title Boundary at 66, 68, 70 Queen Street, 140-144, 146-150, 152 & 158 Bromfield Street and Road Reserve, COLAC (Lot 1 TP514557, Lot 1 TP343261, Lot 1 TP399740, Lot B LP202154, PC: 161552, C/A: 3 SEC: 17 and Lot 1 TP681251 Parish of Colac) subject to the following conditions:

Amended plans

1. **Prior to commencement of the use and/or 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 must be provided. The plans must be generally in accordance with the plans submitted with the application, but modified to show:**
 - (a) **Stormwater measures in accordance with the Stormwater Management Plan endorsed under condition 25 of this permit.**
 - (b) **The trolley bay shown in the road reserve area moved to an alternate location within the privately owned land.**
 - (c) **A 1.8m high fence along the boundary with the railway line, extending from the building line to the rear boundary of No. 76 Queen Street, to prevent pedestrian access to the railway line.**

2. ***Prior to certification of the plan of subdivision under the Subdivision Act 1988, 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 plans submitted with the application, but modified to show:***
 - (a) ***A plan of subdivision accurately depicting the application site, i.e. Lot 1 TP514557, Lot 1 TP343261, Lot 1 TP399740, Lot B LP202154, PC: 161552, C/A: 3 SEC: 17 and Lot 1 TP681251, and including as part of the application site that section of the Bromfield Street road reserve proposed for discontinuance (on which part of the supermarket would be constructed). The site boundaries on all development plans must accord with the endorsed subdivision plan.***

Endorsed Plans

3. ***The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.***
4. ***The layout and site dimensions of the subdivision hereby permitted, as shown on the endorsed plan/s, must not be altered or modified without the written consent of the Responsible Authority. There are no requirements to alter or modify the endorsed plan if a plan is certified under the provisions of the Subdivision Act 1988 that is generally in accordance with the endorsed plan/s.***

Road Discontinuance and Consolidation of land

5. ***Prior to commencement of the development hereby permitted, or within such other timeframe as is agreed in writing by the Responsible Authority, that section of the application site within the Bromfield Street road reserve on which part of the proposed building would be constructed must be formally discontinued and consolidated with Lot 1 TP514557 (Volume/Folio: 03898/534), Lot 1 TP343261 (V/F: 04972/213), Lot 1 TP399740 (V/F: 04510/882), Lot B LP202154 (V/F: 09654/974), PC: 161552 (V/F: 09665/071), C/A: 3 SEC: 17 (V/F: 05710/813) and Lot 1 TP681251 (V/F: 05919/662) under the provisions of the Subdivision Act 1988, to the satisfaction of the Responsible Authority.***

Contaminated Land

6. ***Prior to the commencement of the development hereby permitted, an Environmental Report prepared by an independent expert for the application site must be submitted to the Council. The report must confirm that the site has been suitably remediated to Health Screening Level-D for Commercial/Industrial Land Use (HSL-D) to the satisfaction of the Responsible Authority.***

Amenity

7. ***Prior to the commencement of the development hereby permitted, a management plan to control the impact on the amenity of surrounding properties during and after construction must be submitted and approved by the Responsible Authority. The management plan must address:***
 - ***Noise, particularly during construction (refer to EPA publication 1254)***
 - ***Dust during construction***
 - ***Ongoing litter management***
 - ***Community engagement and complaint resolution***

8. ***Prior to the commencement of development, or such other timeframe as is agreed in writing by the Responsible Authority, acoustic fencing along the boundaries shared with Nos. 72, 74 and 76 Queen Street must be erected in accordance with the endorsed plans. The acoustic fencing must thereafter be so maintained to the satisfaction of the Responsible Authority.***
9. ***Prior to the installation of the electrical substation associated with the development hereby approved, details of screening around the electrical substation adjacent to Queen Street must be submitted to and approved by the Responsible Authority. Within one month of the installation of the sub-station, or such other time as is agreed in writing by the Responsible Authority, the screening must be erected in accordance with the approved details. The screening must thereafter be maintained in accordance with the approved details to the satisfaction of the Responsible Authority.***
10. ***All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.***
11. ***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 must be connected to a security service.***
12. ***The soundproofing of plant equipment must be undertaken in accordance with relevant Australian standards.***
13. ***External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land, to the satisfaction of the Responsible Authority.***

Landscaping

14. ***Prior to commencement of the development, a 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 landscape concept plan dated 18 June 2015 prepared by John Patrick Pty Ltd, except that the plan must show:***
 - (a) ***a survey (including botanical names) of all existing vegetation to be retained and/or removed;***
 - (b) ***details of surface finishes of pathways and driveways;***
 - (c) ***a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, sizes at maturity, and quantities of each plant;***
 - (d) ***landscaping and planting within all open areas of the site;***
 - (e) ***details of the planting on the timber feature wall on the northern elevation of the building, including ongoing maintenance;***
 - (f) ***details of the links between WSUD features and the landscaping proposed.***

An in-ground irrigation system is to be provided to all landscaped areas. All species selected must be to the satisfaction of the Responsible Authority.

15. ***Prior to occupation of the development, or by such later date as is approved by the Responsible Authority in writing, the landscaping works shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority. The landscaping must thereafter be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.***

16. **All landscaping works forming part of the endorsed plans must be maintained at the expense of the developer for a minimum period of 24 months from the time that the last of the approved landscaping works have been completed, including that any dead, diseased or damaged plants are to be replaced to the satisfaction of the Responsible Authority.**

If the landscaping works forming part of the endorsed plans are not commenced or completed to the satisfaction of the Responsible Authority prior to occupation of the development, or by such later date as is approved by the Responsible Authority in writing, the approved landscaping works must be appropriately bonded or covered by a bank guarantee. Where the landscape works are bonded, the maintenance period will commence from the time that the landscape works have been inspected and completed to the satisfaction of the Responsible Authority.

17. **Vegetation removal and disposal must not cause damage to vegetation to be retained, to the satisfaction of the Responsible Authority.**
18. **Unless otherwise approved in writing by the Responsible Authority, no trenching, soil excavation, storage or dumping of equipment or waste is to occur within areas of existing native vegetation on or near the site.**
19. **Prior to the commencement of development, a plan showing improvements to land within CA 6 SEC 16 (being the land to the north and east of the application site adjacent to Barongarook Creek) must be submitted to and approved by the Responsible Authority in consultation with the Department of Environment, Land, Water and Planning. The plan must include the following improvements, unless otherwise agreed in writing by the Responsible Authority in consultation with the Department of Environment, Land, Water and Planning:**

- (a) **Improvements to the footpath from Queen Street to the creek, which encourages people to use it and recognise that this pathway is not just an entry to the supermarket and Crowe Horwath.**

The improvements should include wayfinding signage to Council's specifications, hardwood bollards to distinguish the footpath from the car park, and lighting.

- (b) **Creation of a 'pocket park' in the area to the north of the site, including a linear wetland (which would help address the stormwater requirements of the development), landscaping (including potential elm removal and new shade planting), seating or similar street furniture and interpretive signage.**
- (c) **Landscaping and environmental improvements in the area to the east of the proposed development, to mitigate the potential visual impact of the proposed development and to act as a buffer between the supermarket and residential properties to the east.**
- (d) **Upgrade of existing public path along Barongarook Creek to provide a concrete 2.5m wide shared path linking the footpath along the north of the Bromfield Street road reserve through to Murray Street.**

The approved improvements must be carried out in a specified timeframe to the satisfaction of the Responsible Authority, at the developer's expense.

Traffic Management

20. ***Prior to the commencement of any works associated with this permit, an updated Traffic Management Report by TraffixGroup, showing the mid-block exit point from Queen Street as 'left exit only', must be submitted to both VicRoads and Council for endorsement under this permit. Infrastructure and signage preventing right turn exit movements must be designed and placed to the satisfaction of both VicRoads and Council prior to the initial occupation of any of the shops hereby permitted.***
21. ***Prior to the initial occupation of any of the shops hereby permitted, the roundabout at the intersection of Bromfield Street and Queen Street must be designed and constructed to the satisfaction of both the Responsible Authority and VicRoads.***
22. ***Prior to the initial occupation of any of the shops hereby permitted, the onsite car parking area must be constructed in accordance with the endorsed Traffic Management Plan and approved Stormwater Management Plan.***
23. ***Prior to commencement of works, a Construction Management Plan which sets out controls and timelines to be implemented for the construction of the road improvement works proposed under the endorsed Traffic Management Plan for Queen Street and Bromfield Street must be submitted to and approved by the Responsible Authority.***
24. ***Prior to the initial occupation of any of the shops hereby permitted, Bromfield Street must be constructed in accordance with the Traffic Management Plan and Construction Management Plan at the developer's expense.***

Section 173 Agreement

25. ***Prior to the commencement of development, the owner of the land must enter into an agreement under Section 173 of the Planning and Environment Act 1987 with the Responsible Authority.***

The agreement must be in a form to the satisfaction of the Responsible Authority, and the applicant must be responsible for the expense of the preparation and registration of the agreement, including the Responsible Authority's reasonable costs and expenses (including legal expenses) incidental to the preparation, registration and enforcement of the agreement. The agreement must contain covenants to be registered on the Title of the property so as to run with the land, and must provide for the following:

- a) ***The owner(s) is responsible for all maintenance of, and liability for, infrastructure associated with the development within the Bromfield Street road reserve, including surfacing, line-marking and drainage.***
- b) ***Ongoing maintenance of all offsite stormwater quality and infrastructure relating to this development.***

The agreement will be registered on Title in accordance with Section 181 of the Planning and Environment Act 1987.

Water Sensitive Urban Design

26. ***Prior to the commencement of the development hereby permitted, a 'Stormwater Management Plan' for the management and operation of the development hereby permitted must be submitted to and approved by the Responsible Authority, and incorporated in engineering design plans and construction management plans. Once approved and endorsed the 'Stormwater Management Plan' will form part of the permit. The development must at all times be operated in accordance with the endorsed plan. The plan must be prepared in accordance with 'Water Sensitive Urban Design Principles' (WSUD) and 'Best Practice Environmental Management Guidelines for Stormwater Management' and should address, but not necessarily be limited to, the following:***

- (a) A site plan clearly showing the site layout, including site boundaries, finished contours, existing vegetation and existing and proposed drainage pathways showing discharge points;***
- (b) Measures addressing increased runoff and potential peak flows including integrated landscaping plan;***
- (c) Details of effective control of chemicals, sediments or gross pollutants on the site and prevention of their discharge into drainage systems and waterways both during construction and use. This must also include details on the specific locations of works (e.g. re-vegetation, cut and fill, run-off diversions, sediment control, stockpile management, hazardous material management, access protection, litter management, litter trap locations etc.). The timeframes for measures to be implemented must be stated;***
- (d) Procedures for maintenance of stormwater quality protection measures, including specific timeframes. All maintenance associated with the development's drainage infrastructure on and off site is the responsibility of the proprietor. All drainage infrastructure must be maintained in accordance with industry standards;***
- (e) A plan to address any potential spills from the site or vehicles using the site from 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. Details must include key contacts at appropriate agencies to contact in case of chemical spillage.***
- (f) No polluted and/or sediment laden run-off is to be discharged directly or indirectly into Colac Otway Shire drains and/or watercourses at any time during construction or operation to the satisfaction of the Responsible Authority.***
- (g) Measures for ensuring that all stored wastes will be kept in designated areas or covered containers to prevent escape into the stormwater system during construction and operations.***

All measures for stormwater quality protection relating to the protection of the creek during construction must be in place prior to the commencement of construction, and all other stormwater quality protection measures required must be in place prior to the initial occupation of any of the shops hereby permitted. 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 appropriate vegetation suitable to reduce erosion from the site.

Department of Environment, Land, Water and Planning condition

27. Before the development commences, a Construction Management Plan 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 Construction Management plan must provide details of:

- a) Location of the construction zone.***
- b) Measures to control sediment and sediment laden water run-off including design detail of any structures.***
- c) Measures to control pollutants, including oils and pollutant laden water run-off including design detail of any structures.***
- d) Where equipment, machinery and earth is to be stored/stockpiled during construction.***
- e) Location of any temporary structures for construction purposes.***

VicRoads conditions

28. Before the use approved by this permit commences, the following road works on Queen Street (Colac-Forrest Road) must be completed at no cost to and to the satisfaction of the Roads Corporation:

- i. Roundabout at Bromfield Street intersection***
- ii. Right Turn Lane at secondary access point***

29. Before all works within the road reserve commences, the developer must enter into an agreement with VicRoads confirming the following:

- i. Construction design plans approval processes***
- ii. Construction works specification and tender approval processes***
- iii. Fees and associated services obligations***
- iv. Field surveillance methods and cost recovery processes.***

CCMA conditions

30. The applicant must demonstrate to the satisfaction of Corangamite CMA that the flood storage from the Barongarook Creek in the proposed staff car park area is maintained to current volume over the property. This will require the finished surface level of the car park to have a maximum level of 120.55 metres AHD.

31. Detailed cut and fill works must be provided and be to the satisfaction of Corangamite CMA and demonstrate no net loss in floodplain storage.

32. No fill shall be permitted in areas of the floodplain where depth of flooding exceeds half a metre.

33. Cut and fill must be taken from the same hydraulic level within the floodplain to ensure no alterations to the flood regime.

EPA condition

34. **Construction and post construction activities must be in accordance with EPA Publication 275 Construction Techniques for Sediment Pollution Control 1991 or as amended.**

Utility Providers

35. **The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity and gas services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.**
36. **All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.**
37. **The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.**

Expiry

38. **This permit will expire if one of the following circumstances applies:**
- a) **The plan of subdivision is not certified within two years of the date of the permit.**
 - b) **The development is not commenced within two years of the date of this permit.**
 - c) **The development is not completed within four years of the date of this permit.**
 - d) **A statement of compliance is not issued within five years of the date of certification of the Plan.**

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires or within six (6) months afterwards, or if the request for the extension of time is made within 12 months after the permit expires and the development started lawfully before the permit expired.

Notes

1. **All Aboriginal Cultural Heritage is protected under the Aboriginal Heritage Act 2006. If Aboriginal Cultural Heritage is encountered during development, works must cease in the area and the Office of Aboriginal Affairs Victoria (OAAV) must be contacted.**
2. **The pruning, lopping or removal of the existing tree on CA6 SEC16 has not been assessed under this application and does not form part of this permit. The pruning, lopping or removal of this tree would require separate consent from the landowner and may require separate planning approval from the Responsible Authority.**
3. **This permit does not authorise the commencement of any building works. Prior to commencement of the development, it will be necessary to apply for and obtain building approval for the proposed works specified under this permit.**
4. **The Department of Environment, Land, Water and Planning (DELWP) has advised that consent for the use of the adjacent Crown Land (Barongarook Creek Water Frontage) has not been granted.**

In view of this, stockpiling or spillage or storage of materials or equipment is not permitted on Crown Land.

- 5. *Barwon Water has advised that the proposed development does not conform with its Asset Protection policy and that a water main realignment and a shortening of the sewer main will be required. Apply to Barwon Water for details relating to costs and conditions, quoting Barwon Water reference number L012634.***
- 6. *VicTrack has advised that:***
 - No entry onto railway land is permitted without the written consent of the Rail Operator, and is subject to the Rail Operator's Site Access Procedures and Conditions.***
 - No drainage, effluent, waste, soil or other materials must enter or be directed to railway land or stored or deposited on railway land.***
 - No lighting is to be erected (permanent or temporary) that spills light onto the railway tracks or which interferes with the visibility of signals and rail lines by train drivers.***
 - Plant and tree species must be of the type that will not cause any future overhang onto VicTrack land or disturbance of railway operations.***

CARRIED 5 : 0

**Cr Stephen Hart returned to Council Chambers at 11.44am
Cr Lyn Russell returned to Council Chambers at 11.44am**

Cr Terry Woodcroft left Council Chambers at 11.44am

PC151811-3 RESTAURANT WITH ANCILLARY CHOCOLATE PRODUCTION AND SALES, CAR PARK, SIGNAGE, LIQUOR LICENCE, AND REDUCTION OF CAR PARKING AT 73 GRANT STREET AND ADJACENT ROAD RESERVE, FORREST (PP164/2015-1)

AUTHOR:	Francis Wong	ENDORSED:	Brydon King
DEPARTMENT:	Development & Community Services	FILE REF:	F15/7493

Cr Michael Delahunty left Council Chambers at 11.45am

Cr Delahunty :	PC151811-1 Seven (7) Lot subdivision, removal of native vegetation (11 trees) and associated works at 20-26 Old Coach Road, Skenes Road (PP144/2013)
Nature of Disclosure:	Indirect Interest
Type of Indirect Interest:	78B
Nature of Interest:	Produced bushfire GEO reports for development.

Cr Terry Woodcroft returned to Council Chambers at 11.47am.

Original Recommendation

That Council's Planning Committee resolves to issue a Notice of Decision to Grant a Planning Permit for the Use and Development of the Land for a Restaurant with Ancillary Chocolate Production and Takeaway Sales, Use and Development of Adjoining Land within the Road Reserve Land for a Car Park, Display of Business Identification Signage, Restaurant and Café Liquor Licence, Reduction of 28 Car Parking Spaces and Waiver of Loading/Unloading Requirements at 73 Grant Street and adjacent road reserve, Forrest subject to the following conditions:

Endorsed plans

- 1. The use and development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.***
- 2. The area in which liquor is allowed to be consumed or supplied under a licence hereby permitted must not be altered without the written consent of the Responsible Authority.***
- 3. The location and details of the signage and any supporting structures, as shown on the endorsed plans, must not be altered without the written consent of the Responsible Authority.***

Hours of operation

- 4. The use hereby permitted must operate only between the hours of 10am and 6pm daily.***
- 5. Liquor may only be served, sold and consumed on the premises between 10am and 6pm daily.***

Delivery times

6. ***Unless otherwise approved in writing by the Responsible Authority, deliveries to and from the site (including waste collection) must only take place between the hours of 7am and 10am Monday to Friday inclusive.***

Maximum seating

7. ***No more than eighty (80) seats may be made available at any one time to patrons on the premises, and no more than 30 may be seated outdoors, unless otherwise approved in writing by the Responsible Authority. All seating must be within the areas shown on the endorsed plans.***

Signage

8. ***The signage must not be illuminated by external or internal light except with the written consent of the Responsible Authority.***
9. ***The signage must be constructed and maintained to the satisfaction of the Responsible Authority.***

Car and Bicycle Parking

10. ***Prior to commencement of development, a Car Parking Plan must be submitted to and approved by the Responsible Authority and VicRoads. The Car Parking Plan must provide detail of access and egress to the site, loading/unloading areas, specify dimensions and meet the requirements of AS2890 in terms of disability parking. When approved, this plan will be endorsed and will then form part of the permit.***
11. ***Prior to the commencement of the use hereby permitted, the areas set aside for the parking of vehicles, access lanes and bicycle racks must be constructed in accordance with the endorsed plans.***

Loading and unloading

12. ***The loading and unloading of goods from service vehicles must only be carried out in the designated car park and must not disrupt the circulation and parking of vehicles in the car park to the satisfaction of the Responsible Authority.***

Stormwater runoff

13. ***All runoff from stormwater, including overflow from water storage, must be taken to a legal point of discharge to the satisfaction of the Responsible Authority.***

Compliance with Geotechnical Assessment

14. ***The approved development must be carried out on the site in accordance with the recommendations of the Geotechnical Assessment by 2020 Engineering Solutions (Report No. ES14197 dated 10/11/14) or any Geotechnical Practitioner engaged to review the assessment submitted with the application.***

Waste Disposal

15. ***An all waste septic tank disposal system must be constructed concurrently with the new building, so that all liquid waste is at all times contained within the curtilage of the title. The design and installation of any wastewater disposal system for any building on the land must comply with the Septic Tanks Code of Practice, (On-site Domestic Wastewater Management), February, 2013, (Publication No 891.3) published by the Environment Protection Authority, to the satisfaction of the Responsible Authority.***

Amenity

16. **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; and**
 - d) **presence of vermin.**
17. **The owner/operator must take all responsible measures to ensure that patrons consuming alcohol remain within the licensed area, so as not to breach conditions of the liquor licence, and that patrons' behaviour is acceptable, so as not to create a nuisance to pedestrians or road users.**
18. **Prior to the commencement of development, a litter and waste management plan must be submitted to and approved by the Responsible Authority. The plan must include details of the location and method of storage of waste and recyclable materials from the restaurant use; rubbish collection arrangements; and the provision of a litter bin within the site near the entrance for use by customers. The litter and waste management plan must be implemented on an ongoing basis in accordance with the approved details to the satisfaction of the Responsible Authority.**
19. **Noise levels emanating from the premises must not exceed those required to be met under State Environment Protection Policy (Control of Music Noise from Public Premises), No. N-2.**
20. **No external sound amplification equipment or loudspeakers are to be used for the purpose of announcement, broadcast, playing of music or similar purpose.**
21. **Any external lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land, to the satisfaction of the Responsible Authority.**

Country Fire Authority (CFA) conditions

22. **The bushfire mitigation measures forming part of this permit or shown on the endorsed plans, including those relating to construction standards, defensible space, water supply and access, must be maintained to the satisfaction of the responsible authority and the relevant fire authority on a continuing basis. This condition continues to have force and effect after the development authorised by this permit has been completed.**
23. **The Bushfire Management Plan (Figure 8 on page 19, including Table 3 on pages 19-21 & Appendix 5 Bushfire Emergency Management Plan, in report by South Coast Bushfire Consultants, dated 22nd September 2015) must be endorsed to form part of the permit and must not be altered unless otherwise agreed in writing by the CFA and the Responsible Authority.**

VicRoads conditions

24. **The developer shall enter into a Licence agreement with VicRoads to allow the occupation of the road reserve for the purposes of a car park. Contact Peter Gstrein (ph 5561 9214) to commence this process.**

25. *The crossover to the proposed car park shall be designed and constructed to VicRoads' satisfaction.*
26. *All advertising and business identification signage shall be wholly located within the property boundary and comply with the VicRoads 10 Point Safety Checklist.*

Expiry

27. *This permit will expire if one of the following circumstances applies:*
 - a) *The development has not commenced within two years of the date of this permit.*
 - b) *The signage is not completed within four years of the date of this permit.*
 - c) *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 six (6) months afterwards, or if the request for the extension of time is made within 12 months after the permit expires and the development started lawfully before the permit expired.

Notes

1. *This permit does not authorise the commencement of any building works. Prior to commencement of development, it will be necessary to apply for and obtain building approval.*
2. *Monitoring of water use must be carried out. If water usage is more than 1200 litres per day averaged over a seven day period, then an additional effluent disposal area may be required. For further information, liaise with Council's Health Protection Unit.*
3. *The consumption of liquor within the development hereby permitted must not commence until such time as a Liquor Licence has been issued by the Victorian Commission for Gambling and Liquor Regulation (VCGLR), pursuant to the Liquor Control Reform Act 1988, as amended.*
4. *Attention is drawn to the fact that the manufacture and takeaway sales of chocolate products may only be carried out on an ancillary basis to the restaurant use. These activities cannot become the predominant uses on the land, as they would then be prohibited in the Rural Living Zone.*

Resolution

MOVED Cr Frank Buchanan seconded Cr Terry Woodcroft

That Council's Planning Committee resolves to issue a Notice of Decision to Grant a Planning Permit for the Use and Development of the Land for a Restaurant with Ancillary Chocolate Production and Takeaway Sales, Use and Development of Adjoining Land within the Road Reserve Land for a Car Park, Display of Business Identification Signage, Restaurant and Café Liquor Licence, Reduction of 28 Car Parking Spaces and Waiver of Loading/Unloading Requirements at 73 Grant Street and adjacent road reserve, Forrest subject to the following conditions:

Endorsed plans

1. ***The use and development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.***
2. ***The area in which liquor is allowed to be consumed or supplied under a licence hereby permitted must not be altered without the written consent of the Responsible Authority.***
3. ***The location and details of the signage and any supporting structures, as shown on the endorsed plans, must not be altered without the written consent of the Responsible Authority.***

Hours of operation

4. ***The use hereby permitted must operate only between the hours of 10am and 6pm daily.***
5. ***Liquor may only be served, sold and consumed on the premises between 10am and 6pm daily.***

Delivery times

6. ***Unless otherwise approved in writing by the Responsible Authority, deliveries to and from the site (including waste collection) must only take place between the hours of 7am and 10am Monday to Friday inclusive.***

Maximum seating

7. ***No more than eighty (80) seats may be made available at any one time to patrons on the premises, and no more than 30 may be seated outdoors, unless otherwise approved in writing by the Responsible Authority. All seating must be within the areas shown on the endorsed plans.***

Signage

8. ***The signage must not be illuminated by external or internal light except with the written consent of the Responsible Authority.***
9. ***The signage must be constructed and maintained to the satisfaction of the Responsible Authority.***

Car and Bicycle Parking

10. ***Prior to commencement of development, a Car Parking Plan must be submitted to and approved by the Responsible Authority and VicRoads. The Car Parking Plan must provide detail of access and egress to the site, loading/unloading areas, specify dimensions and meet the requirements of AS2890 in terms of disability parking. When approved, this plan will be endorsed and will then form part of the permit.***
11. ***Prior to the commencement of the use hereby permitted, the areas set aside for the parking of vehicles, access lanes and bicycle racks must be constructed in accordance with the endorsed plans.***

Loading and unloading

12. ***The loading and unloading of goods from service vehicles must only be carried out in the designated car park and must not disrupt the circulation and parking of vehicles in the car park to the satisfaction of the Responsible Authority.***

Stormwater runoff

13. **All runoff from stormwater, including overflow from water storage, must be taken to a legal point of discharge to the satisfaction of the Responsible Authority.**

Compliance with Geotechnical Assessment

14. **The approved development must be carried out on the site in accordance with the recommendations of the Geotechnical Assessment by 2020 Engineering Solutions (Report No. ES14197 dated 10/11/14) or any Geotechnical Practitioner engaged to review the assessment submitted with the application.**

Waste Disposal

15. **An all waste septic tank disposal system must be constructed concurrently with the new building, so that all liquid waste is at all times contained within the curtilage of the title. The design and installation of any wastewater disposal system for any building on the land must comply with the Septic Tanks Code of Practice, (On-site Domestic Wastewater Management), February, 2013, (Publication No 891.3) published by the Environment Protection Authority, to the satisfaction of the Responsible Authority.**

Amenity

16. **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; and**
 - d) **presence of vermin.**
17. **The owner/operator must take all responsible measures to ensure that patrons consuming alcohol remain within the licensed area, so as not to breach conditions of the liquor licence, and that patrons' behaviour is acceptable, so as not to create a nuisance to pedestrians or road users.**
18. **Prior to the commencement of development, a litter and waste management plan must be submitted to and approved by the Responsible Authority. The plan must include details of the location and method of storage of waste and recyclable materials from the restaurant use; rubbish collection arrangements; and the provision of a litter bin within the site near the entrance for use by customers. The litter and waste management plan must be implemented on an ongoing basis in accordance with the approved details to the satisfaction of the Responsible Authority.**
19. **Noise levels emanating from the premises must not exceed those required to be met under State Environment Protection Policy (Control of Music Noise from Public Premises), No. N-2.**
20. **No external sound amplification equipment or loudspeakers are to be used for the purpose of announcement, broadcast, playing of music or similar purpose.**
21. **Any external lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land, to the satisfaction of the Responsible Authority.**

Country Fire Authority (CFA) conditions

22. **The bushfire mitigation measures forming part of this permit or shown on the endorsed plans, including those relating to construction standards, defensible space, water supply and access, must be maintained to the satisfaction of the responsible authority and the relevant fire authority on a continuing basis. This condition continues to have force and effect after the development authorised by this permit has been completed.**
23. **The Bushfire Management Plan (Figure 8 on page 19, including Table 3 on pages 19-21 & Appendix 5 Bushfire Emergency Management Plan, in report by South Coast Bushfire Consultants, dated 22nd September 2015) must be endorsed to form part of the permit and must not be altered unless otherwise agreed in writing by the CFA and the Responsible Authority.**

VicRoads conditions

24. **The developer shall enter into a Licence agreement with VicRoads to allow the occupation of the road reserve for the purposes of a car park. Contact Peter Gstrein (ph 5561 9214) to commence this process.**
25. **The crossover to the proposed car park shall be designed and constructed to VicRoads' satisfaction.**
26. **All advertising and business identification signage shall be wholly located within the property boundary and comply with the VicRoads 10 Point Safety Checklist.**

Expiry

27. **This permit will expire if one of the following circumstances applies:**
 - a) **The development has not commenced within two years of the date of this permit.**
 - b) **The signage is not completed within four years of the date of this permit.**
 - c) **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 six (6) months afterwards, or if the request for the extension of time is made within 12 months after the permit expires and the development started lawfully before the permit expired.

Notes

1. **This permit does not authorise the commencement of any building works. Prior to commencement of development, it will be necessary to apply for and obtain building approval.**
2. **Monitoring of water use must be carried out. If water usage is more than 1200 litres per day averaged over a seven day period, then an additional effluent disposal area may be required. For further information, liaise with Council's Health Protection Unit.**
3. **The consumption of liquor within the development hereby permitted must not commence until such time as a Liquor Licence has been issued by the Victorian Commission for Gambling and Liquor Regulation (VCGLR), pursuant to the Liquor Control Reform Act 1988, as amended.**

- 4. *Attention is drawn to the fact that the manufacture and takeaway sales of chocolate products may only be carried out on an ancillary basis to the restaurant use. These activities cannot become the predominant uses on the land, as they would then be prohibited in the Rural Living Zone.***

CARRIED 6 : 0

Cr Michael Delahunty returned to Council Chambers at 11.59am

PC151811-4 PLANNING & BUILDING STATISTICAL REPORT

AUTHOR:	Melanie Duve	ENDORSED:	Brydon King
DEPARTMENT:	Development & Community Services	FILE REF:	F11/2683

Recommendation(s)

That Council notes the Planning and Building statistical reports for the months of August, September and October 2015.

MOTION – MOVED Cr Chris Smith

Council notes that there may be some discrepancies in the tally of the report that will be investigated by the officers.

The motion lapsed due to lack of a seconder.

Resolution

MOVED Cr Frank Buchanan seconded Cr Lyn Russell

That Council notes the Planning and Building statistical reports for the months of August, September and October 2015.

CARRIED 5 : 2

Division called by Cr Chris Smith

For the Motion: Cr Stephen Hart, Cr Brian Crook, Cr Terry Woodcroft, Cr Lyn Russell, Cr Frank Buchanan

Against the Motion: Cr Chris Smith, Cr Michael Delahunty

PC151811-5

PLANNING MEETINGS SCHEDULED FOR 2016

AUTHOR:	Jane Preston-Smith	ENDORSED:	Brydon King
DEPARTMENT:	Development & Community Services	FILE REF:	F11/2702

Resolution

MOVED Cr Frank Buchanan seconded Cr Lyn Russell That Council's Planning Committee confirm the meeting dates, times and venues of 2016 Planning Committee meetings, if required, as:

- ***10 February 2016 at 10.30am at COPACC, Colac***
- ***9 March 2016 at 10.30am at COPACC, Colac***
- ***13 April 2016 at 10.30am at COPACC, Colac***
- ***11 May 2016 at 10.30am at COPACC, Colac***
- ***8 June 2016 at 10.30am at COPACC, Colac***
- ***13 July 2016 at 10.30am at COPACC, Colac***
- ***10 August 2016 at 10.30am at COPACC, Colac***
- ***14 September 2016 at 10.30am at COPACC, Colac***
- ***12 October 2016 at 10.30am at COPACC, Colac***
- ***9 November 2016 at 10.30am at COPACC, Colac***
- ***14 December 2016 at 10.30am at COPACC, Colac***

CARRIED 7 : 0

