



PLANNING COMMITTEE MEETING

MINUTES

Wednesday 10 June 2020

at 4:00 pm

COPACC

95 - 97 Gellibrand Street, Colac



COLAC OTWAY SHIRE COUNCIL PLANNING COMMITTEE MEETING

Wednesday 10 June 2020

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COLAC OTWAY SHIRE COUNCIL PLANNING COMMITTEE MEETING

MINUTES of the **PLANNING COMMITTEE MEETING OF THE COLAC OTWAY SHIRE COUNCIL** held at
COPACC on Wednesday 10 June 2020 at 4:00 pm.

MINUTES

1 DECLARATION OF OPENING OF MEETING

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
Cr Stephen Hart
Cr Joe McCracken (Deputy Mayor)
Cr Chris Potter
Cr Chris Smith

Peter Brown, Chief Executive
Tony McGann, General Manager, Infrastructure & Leisure Services
Ian Seuren, General Manager, Development & Community Services
Sarah McKew, Manager, Governance & Communications
Doug McNeill, Manager, Planning, Building & Health
Bláithín Butler, Coordinator, Statutory Planning
Helen Evans, Senior Statutory Planner
Vikram Kumar, Statutory Planner
Sarah Osborne, Communications Officer
Lyndal Redford, Governance Officer

3 APOLOGIES AND LEAVES OF ABSENCE

Cr Jason Schram (Mayor)
Cr Kate Hanson
Errol Lawrence, General Manager, Corporate Services

4 WELCOME AND ACKNOWLEDGEMENT OF COUNTRY

Colac Otway Shire acknowledges the original custodians and law makers of this land, their elders past, present and emerging and welcomes any descendants here today.

Please note: All Council and Committee meetings will be audio recorded and live streamed, with the exception of matters identified as confidential items in the Agenda. This includes the public participation sections of the meetings.

By participating in open Council meetings, individuals consent to the use and disclosure of the information they share at the meeting (including any personal and/or sensitive information).

Audio recordings of meetings will be available to the public on Council's website as soon as practicable following the meeting and may be circulated by other means also. Audio recordings are also taken to facilitate the preparation of the minutes of open Council and Committee meetings and to ensure their accuracy. Original audio recordings will be retained by Council for a period of four years.

As stated in Local Law 4, other than an official Council recording, no video or audio recording of proceedings of Council Meetings will be permitted without specific approval by resolution of the relevant Council Meeting.

In response to the COVID-19 pandemic and in accordance with the Stay at Home and Restricted Activities Directions issued by the Chief Health Officer of Victoria that were in place at the time of the publication of this agenda, only Councillors, Council staff and people who were directly related to an item or who needed to personally address the Committee for an item on the agenda were permitted to attend this Planning Committee meeting.

5 DECLARATIONS OF INTEREST

Nil

6 CONFIRMATION OF MINUTES

RESOLUTION

MOVED Cr Stephen Hart, SECONDED Cr Chris Potter

That the Planning Committee confirm the minutes of the Planning Committee Meeting held on 8 April 2020.

CARRIED 5 : 0

7 VERBAL SUBMISSIONS FROM APPLICANTS/OBJECTORS

Item 8.1 : PP258/2019-1 - 295 Deans Creek Road, Elliminyt - Proposed Dwelling

Applicant: Michelle and Todd Jamieson

Item: 8.1

PP258/2019-1 - 295 Deans Creek Road, Elliminyt - Proposed Dwelling

ADDRESS AND PROPERTY DETAILS	295 Deans Creek Road Elliminyt	APPLICATION NUMBER	PP258/2019-1
PROPOSAL	Use and Development of the Land for a Dwelling		
PERMIT TRIGGERS	<p>Clause 35.07-1 - Farming Zone – Use of the land for a dwelling.</p> <p>Clause 35.07-4 - Farming Zone – Building and works associated with a Section 2 (permit required) use.</p> <p>Clause 42.01 - Environment Significance Overlay, Schedule 2 (ESO2) - Construction of a building or construction or carrying out of works.</p> <p>Clause 44.04 - Land Subject to Inundation (LSIO) - Construction of a building or construction or carrying out of works.</p>		
TRIGGER FOR DETERMINATION BY COMMITTEE	Officer recommendation for refusal of an application for a dwelling in the Farming Zone		
ZONE	Farming Zone (FZ)	OVERLAYS	<p>Land Subject to Inundation Overlay (LSIO)</p> <p>Environmental Significance Overlay, Schedule 2 (ESO2)</p>
COVENANTS	Nil		
CULTURAL HERITAGE	The site is within an area of cultural heritage sensitivity; however, the proposal is not classed as a high impact activity.		
OFFICER	Vikram Kumar	GENERAL MANAGER	Ian Seuren
DIVISION	Development & Community Services		
ATTACHMENTS	PP258/2019-1 – 295 Deans Creek Road ELLIMINYT – Planning Permit Application		

RECOMMENDATION

That Council resolves to Refuse to Grant a Permit for the use and development of the land for a dwelling at 295 Deans Creek Road Elliminyt on the following grounds:

- 1. The proposal to use and develop the land for residential purposes is premature, prior to the approval of changes to the Colac Otway Planning Scheme proposed under planning scheme amendment C97cola, which seek to implement the strategic land use directions of the Colac 2050 Growth Plan 2018, and a subsequent planning scheme amendment to rezone the land for residential purposes.*
- 2. The proposed development has potential to undermine future planning for urban residential development on this site and adjoining land as entertained under the Colac 2050 Growth Plan by fragmenting it and prejudicing the location of future roads, open space, drainage and other infrastructure to support urban development that might occur if the land was rezoned. It has potential to act as a precedent for development of similar sized allotments in the Farming Zone to the north, which would further prejudice future planning for the area.*
- 3. The proposal does not accord with the decision guidelines of Clause 21.05-1 of the Colac Otway Planning Scheme, which require applications to adequately demonstrate that a dwelling is genuinely required to carry out a long term agricultural activity on land having regard to the size of the lot, intensity and ongoing nature of the proposed agricultural activity.*
- 4. The proposal does not accord with the purpose and relevant decision guidelines of the Farming Zone (FZ) set out in Clause 35.07 of the Planning Scheme, given that:*
 - The proposal would permanently remove land from agricultural production.*
 - The applicant has not proposed any agricultural activity of note.*
 - The development has the potential to limit the operation and expansion of adjoining and nearby agricultural activity.*
 - The application has not demonstrated that a dwelling would not lead to a concentration or proliferation of dwellings in the area, which would impact on the use of the land for agriculture.*
- 5. The proposal does not accord with Council's adopted Rural Land Strategy 2007 or its Rural Living Strategy 2011, not being within an area nominated in these documents for rural living purposes.*

ALTERNATIVE MOTION

MOVED Cr Chris Smith, SECONDED Cr Stephen Hart

That Council resolves to Grant a Permit for the Use and Development of the Land at 295 Deans Creek Road Elliminyt (Lot 1 TP409644M, V/F 08641/006) for a Dwelling, 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.*

Drainage

2. *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.*
3. *The site must be developed and managed to ensure there is no stormwater pollution through the contamination of runoff by chemicals, sediments, wastes or pollutants in accordance with 'Best Practice Environmental Management Guidelines for Stormwater Management and Construction Techniques for Sediment Pollution Control' (EPA) at any time during construction or operation, to the satisfaction of the Responsible Authority.*

Access

4. *Prior to the commencement of development, vehicular access from the roadway to the property boundary must be constructed to the satisfaction of the Responsible Authority.*
5. *Prior to the commencement of the use of the dwelling, the driveway must be constructed to an all-weather standard to the satisfaction of the Responsible Authority and must have a minimum width of 3 metres.*

Wastewater

6. *All works and development associated with this permit must be carried out in conformity with the Land Capability Assessment prepared by Provincial Geotechnical Pty. Ltd. (Ref. 13788A, dated 21/02/2019) or as otherwise agreed in writing by the Responsible Authority.*
7. *A domestic wastewater management system must be constructed concurrently with the dwelling hereby permitted, so that all liquid waste is at all times contained within the curtilage of the lot. The design and installation of any wastewater disposal system for any building on the land must comply with the septic tanks 'Code of Practice - Onsite Wastewater Management', July 2016 (EPA Publication No. 891.4, or as amended), to the satisfaction of the Responsible Authority.*

Corangamite Catchment Management Authority (CCMA) condition

8. *Finished floor levels must be constructed no lower than 133.5 metres to Australian Height Datum (1% AEP flood level plus 0.3 metres freeboard).*

Prior to the issue of an Occupancy Permit, a certified survey plan, showing finished floor levels (as constructed) reduced to the Australian Height Datum, must be submitted to Corangamite Catchment Management Authority to demonstrate that the floor levels have been constructed in accordance with Corangamite Catchment Management Authority's requirements.

Department of Environment Land Water and Planning (DELWP) conditions

9. *Soil erosion control measures must be employed throughout the construction stage of the development (in accordance with Construction Techniques for Sediment Pollution Control, EPA 1991) to the satisfaction of the responsible authority.*
10. *No polluted and/or sediment laden run-off is to be discharged directly or indirectly into drains or tributaries of Deans Creek. To this end, pollution or litter traps must be provided on site.*

Expiry

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

- a) *The development is not commenced within three years of the date of this permit.*
- b) *The development is not completed, and use is not commenced, within five years of the date of this permit.*

In accordance with section 69 of the Planning and Environment Act 1987, an application may be made to the Responsible Authority to extend the periods referred to in this condition.

Notes:

1. *This permit does not authorise the commencement of any building works. Prior to the commencement of development, it will be necessary to apply for and obtain building approval for the proposed dwelling.*
2. *Prior to preparing drainage plans, a legal point of discharge (LPOD) must be obtained in accordance with Building Regulation 133. A copy of the LPOD, which incurs a fee in accordance with the Building Regulations, must be submitted with the engineering plans.*
3. *A works within road reserve permit is required prior to any works being undertaken on Council managed road reserves within the Colac Otway Shire.*
4. *A separate application to install a domestic wastewater management system must be submitted to and approved by Council's Health Protection Unit prior to the commencement of works.*

CARRIED 3 : 2

DIVISION

For the motion: Cr Stephen Hart, Cr Joe McCracken, Cr Chris Smith

Against the motion: Cr Chris Potter, Cr Brian Crook

Peter Brown left the meeting at 4:16pm.

Peter Brown returned to the meeting at 4:21pm.

Item: 8.2

PP98/2005-4 - 112-116 Bromfield Street Colac - Amendment to Existing Permit - Extensions to an existing supermarket, reduction in car parking, changes to signage and a liquor licence

ADDRESS AND PROPERTY DETAILS	112-116 Bromfield Street, Colac	APPLICATION NUMBER	PP98/2005-4
PROPOSAL	<p>Use and Development of Supermarket and Associated Illuminated Signage</p> <p>Amendment: Extension to Building, Reduction in Parking, Alterations to Signage and to a Crossover, Packaged Liquor Licence and Associated Works</p>		
PERMIT TRIGGERS	<p>Clause 34.01 - Commercial 1 Zone (C1Z) – buildings and works</p> <p>Clause 52.06 - Car Parking – reduction in parking from specified standard</p> <p>Clause 52.05 - Signs – alterations to signage</p> <p>Clause 43.02 – Design and Development Overlay, Schedule 8 (DDO8) – buildings and works</p> <p>Clause 52.27 – Licensed Premises – packaged liquor licence</p>		
TRIGGER FOR DETERMINATION BY COMMITTEE	Reduction in parking by more than 5 spaces		
ZONE	Commercial 1 Zone (C1Z)	OVERLAYS	<p>Parking Overlay, Schedule 1 (PO1)</p> <p>Design and Development Overlay, Schedule 8 (DDO8)</p>
COVENANTS	The site is subject to a Section 173 Agreement (reference AE233569J, 10/03/2006)		
CULTURAL HERITAGE	The site is not within an area of cultural heritage sensitivity.		
OFFICER	Helen Evans	GENERAL MANAGER	Ian Seuren
DIVISION	Development & Community Services		
ATTACHMENTS	1. PP98/2005-4 - Copy of Application [8.2.1 - 9 pages]		

RECOMMENDATION

Note: In accordance with Section 73(2) of the *Planning and Environment Act 1987* (the Act), if the Responsible Authority decides to grant an amendment to a permit subject to conditions, the conditions must relate to the amendment to the permit. The original conditions must also remain on the permit as written, unless directly affected by the amendment.

That Council resolves to Grant an Amended Permit for the Use and Development of a Supermarket and Associated Illuminated, Non-Illuminated and Digital Signage, Reduction in Parking from Specified Rate, Use of Land for the Sale of Packaged Liquor and Associated Works at 112-116 Bromfield Street Colac, known as Lot 1 PS610300 V/F: 11192/478 Parish of Colac, subject to the following conditions:

- 1. Prior to the commencement of the use, all land contained in titles Vol 3360 Fol 954, Vol 5572 Fol 322, Vol 5645 Fol 978, Vol 3391 Fol 124, Vol 2727 Fol 334, Vol 9863 Fol 149, Vol 2158 Fol 412, Vol 1801 Fol 083, Vol 9815 Fol 069 and Vol 9815 Fol 070 must be consolidated in accordance with Planning Permit PP141/05 including the removal of the sewerage easement described on Volume 9863 Folio 149 and the removal of carriageway easement on Volume 9815 Folio 070.*
- 2. Prior to the commencement of the development, a copy of the Environmental Audit Certificate approved by the Environment Protection Authority must be forwarded to the Responsible Authority.*
- 3. This permit will expire if one of the following circumstances applies:*
 - a) The development is not started within two (2) years of the date of this permit.*
 - b) The development, and liquor licence use, allowed by amended permit PP98/2005-4 are not commenced within three (3) years of the date of that amended permit.*
 - c) The development is not completed within four years of the date of this permit.*
 - d) The development allowed by amended permit PP98/2005-4 is not completed within five (5) years of the date of that amended permit.*

In accordance with section 69 of the Planning and Environment Act 1987, an application may be made to the Responsible Authority to extend the periods referred to in this condition.

- 4. The use and/or development, including the area in which packaged liquor is allowed to be sold, as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.*
- 5. Within 3 months of the date of issue of amended permit PP98/2005-4, unless an alternate timeframe is agreed in writing by the Responsible Authority, the agreement under section 173 of the Planning and Environment Act 1987 on the title of this property, being registered instrument No. AE233569J dated 10.03.06, must be amended to provide that:*
 - o at Clause 1.2, 'Permit' is defined as:*
Permit No. 98/05A and Permit No. 99/05A issued on 24 June 2005 including the plans endorsed under Permit No. 98/05A and Permit No. 99/05A and as amended from time to time.

○ at Clause 2.1:

- *The car spaces, driveways and access points provided on the site will not be segregated by any form of fence or other physical barrier to prevent the sharing of the car parking area and access points as approved in accordance with the Permit.*
- *The car spaces, driveways and access points associated with the development approved by the Permit will permanently be made available for the patrons and occupants of the businesses approved by the Permit.*

The applicant must be responsible for the expense of amending the agreement, including the Responsible Authority's reasonable costs and expenses (including legal expenses).

6. *The exterior materials and finishes of the building hereby permitted must be constructed in accordance with the application being:*

- *Roofing – 'Colorbond Woodland Grey'*
- *Exterior Walls – Face brick in Boral 'Nevada Cream', or a similar material and finish*

to the satisfaction of the Responsible Authority.

7. *Access onto and within the property must be constructed to the satisfaction of the Responsible Authority.*

The crossover allowed by amended permit PP98/2005-4, and the associated relocation of the bus stop outside the site in Hesse Street, must be undertaken in accordance with the plans endorsed under PP98/2005-4, and at the same time as the extension to the building and alteration to the car park allowed by that permit are being undertaken.

8. *All vehicle crossovers must enter the roadway perpendicular to the roads centre line and be in a safe location for users, pedestrians, cyclists and motorists by consideration of both vertical and horizontal sight distance to the satisfaction of the Responsible Authority.*

9. *All vehicle crossovers must be constructed to a concrete or similar surface to the satisfaction of the Responsible Authority.*

10. *Any disused vehicle crossovers must be removed and the site re-instated to the satisfaction of the Responsible Authority.*

Prior to the commencement of the development allowed by amended permit PP98/2005-4, unless otherwise agreed in writing by the Responsible Authority, the redundant vehicular crossing must be reinstated to kerb and channel, footpath and nature strip to the satisfaction of the Responsible Authority.

11. *Prior to the initial occupation of the extension allowed by amended permit PP98/2005-4, areas set aside for parked vehicles and access lanes as shown on the endorsed plans must be:*

- *Constructed to the satisfaction of the Responsible Authority.*
- *Properly formed to such levels that they can be used in accordance with the plans.*

- *Surfaced with concrete, asphalt or similar hard surface to the satisfaction of the Responsible Authority.*
- *Drained and maintained to the satisfaction of the Responsible Authority.*
- *Line-marked to indicate each car space and all access lanes to the satisfaction of the Responsible Authority.*
- *Clearly marked to show the direction of traffic along access lanes and driveways.*
- *Properly illuminated for both pedestrians and vehicles, with lighting designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land.*

The areas must be constructed and drained to prevent diversion of flood or drainage waters, and maintained in a continuously useable condition to the satisfaction of the Responsible Authority.

Parking areas and access lanes must be kept available for these purposes at all times.

- 12. In areas set aside for car parking, measures must be taken to the satisfaction of the Responsible Authority to prevent damage to fences or landscaped areas.*
- 13. Concrete kerbs or other barriers must be provided to the satisfaction of the Responsible Authority to prevent direct vehicle access to an adjoining road other than by a vehicle crossing.*
- 14. Vehicles under the control of the operator of the use or the operator's staff must not be parked on Rae, Bromfield, Queen or Hesse Street.*
- 15. Following completion of the building and works permitted by amended permit PP98/2005-4, no fewer than 56 car parking spaces must be provided on the lot, including 2 spaces clearly identified as disabled car parking spaces.*
- (a) Prior to commencement of the development, a stormwater detention system designed by a qualified engineer must be lodged with the Responsible Authority verifying that post development stormwater discharge volume from the land does not exceed pre-development stormwater discharge volume to the satisfaction of the Responsible Authority, once approved such design must be endorsed and must form part of the permit issue. The stormwater detention system must address water sensitive urban design (WSUD) principles and stormwater runoff from buildings and the carpark area to the satisfaction of the Responsible Authority.*
 - (b) Prior to the commencement of the development (excluding preliminary site works for which the prior approval of Council is obtained, such as the removal of landscaping, kerbing and pavement, but excluding any construction works and site trenching) allowed by amended permit PP98/2005-4, a Stormwater Management Plan relating to the development proposed under PP98/2005-4 to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Stormwater Management Plan must show how the developed site will be effectively drained without causing detrimental downstream effects. When approved, the Stormwater Management Plan will be endorsed and will form part of the planning permit.*

All works must be undertaken in accordance with the endorsed Stormwater Management Plan to the satisfaction of the Responsible Authority.

- 17. All run off from stormwater must be taken to a legal point of discharge to the satisfaction of the Responsible Authority.*
- 18. During construction, care should be taken to minimise the amount of mud, dirt, sand, soil, clay or stones deposited by vehicles on the abutting roads when vehicles are leaving the premises.*
- 19. During construction, ensure that no mud, dirt, sand, soil, clay or stones are washed into or allowed to enter the stormwater drainage system.*
- 20. Prior to the commencement of any works relating to the development (excluding preliminary site works for which the prior approval of Council is obtained, such as the removal of landscaping, kerbing and pavement, but excluding any construction works and site trenching) allowed by amended permit PP98/2005-4, a 'Construction Management Plan' must be submitted to and approved by the Responsible Authority. The plan must describe the erosion and sediment control techniques that will be used, detail how the site will be managed prior to and during the construction period, and must set out requirements for managing:*
 - Erosion and sediment.*
 - The deposit of any sediment or other material by vehicles on the abutting roads.*
 - Dust.*
 - Runoff.*
 - Litter, concrete and other construction wastes.*
 - Chemical contamination.*
 - Vegetation and natural features planned for retention.*

The plan must include a photographic record of the road reserve in the vicinity of the site.

- 21. All works associated with amended permit PP98/2005-4 must be undertaken in accordance with the approved Construction Management Plan. The developer must ensure that all contractors are aware of the requirements of the approved Construction Management Plan and understand how to implement them. No polluted and/or sediment laden runoff 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.*
- 22. During the construction of the development, methods to control sediment laden runoff as described under 'Best Practice Environmental Management Guidelines for Urban Stormwater' or similar must be implemented and used to minimise sediment laden runoff and stormwater pollution from leaving the land to the satisfaction of the Responsible Authority.*
- 23. Loading and unloading of all goods, materials and items must be carried out on the site within the defined loading bay on the endorsed plan to the satisfaction of the Responsible Authority.*

24. *The loading bay is to be effectively screened from adjoining properties and roadways to the satisfaction of the Responsible Authority.*
25. *During and after completion of the buildings and works permitted under PP98/2005-4, the loading bay area must remain free and available for this purpose at all times to the satisfaction of the Responsible Authority.*
26. *The street trees to be removed must be replaced with four advanced trees (minimum of two metres high at time of planting), of a species and in a location that are to the satisfaction of the Responsible Authority.*
- If any street trees are required to be removed to implement planning permit PP98/2005-4, each must be replaced by an advanced tree (minimum of two metres high at time of planting), of a species and in a location that are to the satisfaction of the Responsible Authority, unless otherwise agreed in writing by the Responsible Authority.*
27. *The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.*
28. *The landscaping in accordance with the endorsed plan must be established within 2 months of commencement of the use hereby permitted and must be maintained to the satisfaction of the Responsible Authority.*
29. *Prior to commencement of the development permitted under PP98/2005-4, a landscape plan addressing the alterations to the car parking area 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 must show:*
- a. details of surface finishes of pathways and driveways*
 - b. a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, sizes at maturity, and quantities of each plant*
 - c. landscaping and planting within all open areas of the site that are primarily drought tolerant species*
- All species selected must be to the satisfaction of the Responsible Authority.*
30. *Prior to initial occupation of the extension permitted under PP98/2005-4, 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.*
31. *External lighting must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land.*
32. *The location and details of the signs and their structure as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.*
33. *All signs must be constructed and maintained to the satisfaction of the Responsible Authority.*

34. *External sign lighting must be designed baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land or adjacent roads/streets.*
35. *The signs may only be illuminated during the hours of business trading.*
36. *Noise levels emanating from the premises must not exceed those required to be met under State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade), No. N-1.*
37. *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 be connected to a security service.*
38. *No external sound amplification equipment or loud speakers are to be used for the purpose of announcement, broadcast, playing of music or similar purpose.*
39. *All external plant and equipment must be acoustically treated or placed in sound proof housing to reduce noise to a level satisfactory to the responsible authority.*

Transport for Victoria conditions

40. *Before the development starts, or such other time agreed to in writing by the Head, Transport for Victoria, amended plans to the satisfaction of the Head, Transport for Victoria 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 digital copies must be provided. The plans must be generally in accordance with the plans submitted with the application (dated March 2019, Revision D prepared by Select Architects) but modified to show:*
 - a) *Provision of bus stop identification in the form of an "X" yellow line-marked rectangle to identify the bus stop zone*
 - b) *Installation of tactile indicators on either side of the southern and northern crossovers along the extent of the cross overs connecting to the existing footpath*
 - c) *Provision of 'zebra' or 'high-visibility' style road markings across the southern and northern cross overs to clearly identify potential pedestrian paths*
 - d) *All designs must comply with the Disability Discrimination Act – Disability Standards for Accessible Public Transport 2002*
 - e) *All works must be to the satisfaction of the Head, Transport for Victoria*
41. *Prior to the occupation of the development all works outlined on the endorsed plans must be completed to the satisfaction of the Head, Transport for Victoria at the full cost of the permit holder.*
42. *The permit holder must ensure that public transport infrastructure is not damaged. Any damage to public transport infrastructure must be rectified to the satisfaction of the Head, Transport for Victoria at full cost to the permit holder.*
43. *The demolition and/or construction of the development must not disrupt bus operations on Hesse Street without the prior written consent of the Head, Transport for Victoria.*

44. Any request for written consent to disrupt bus operations on Hesse Street during the demolition and/or construction of the development must be submitted to the Head, Transport for Victoria not later than 8 weeks prior to the planned disruption and must detail measures that will occur to mitigate the impact of the planned disruption.

NOTES

1. An application to construct a vehicle crossing must be lodged and approved by the Responsible Authority prior to the commencement of works.
2. The holder of this permit must obtain the necessary Building and Health Approvals prior to the commencement of any buildings and works.
3. Permission from Colac Otway Shire is required prior to the erection of any safety fencing on road reserve during construction.
4. No site facilities are to be located or erected on the road reserve during construction.

THIS PERMIT HAS BEEN AMENDED AS FOLLOWS:

Date of amendment	Brief description of amendment	Name of responsible authority that approved the amendment
22 July 2005	To alter the wording of condition 6 by deleting 'Windspray' and replacing it with 'Woodland Grey'	Colac Otway Shire
10 June 2020	a) Title details updated b) Amended plans endorsed c) Conditions 3, 4, 5, 6, 7, 11 and 15 amended d) Original condition 16 re-numbered 16(a), and 16(b) inserted e) Conditions 20, 21 and 22 inserted, and subsequent conditions re-numbered f) Condition 25 (original condition 22) amended g) Conditions 29 and 30 inserted, and subsequent conditions re-numbered h) Conditions 40 to 44 inserted	Colac Otway Shire

ALTERNATIVE MOTION

MOVED Cr Chris Smith

That Council refuses to Grant an Amended Permit for the Use and Development of a Supermarket at 112-116 Bromfield Street Colac, known as Lot 1 PS610300 V/F: 11192/478 Parish of Colac, primarily on the basis of the Reduction in Parking from Specified Rate.

LAPSED due to no seconder

RESOLUTION

MOVED Cr Brian Crook, SECONDED Cr Chris Potter

That Council resolves to Grant an Amended Permit for the Use and Development of a Supermarket and Associated Illuminated, Non-Illuminated and Digital Signage, Reduction in Parking from Specified Rate, Use of Land for the Sale of Packaged Liquor and Associated Works at 112-116 Bromfield Street Colac, known as Lot 1 PS610300 V/F: 11192/478 Parish of Colac, subject to the following conditions:

- 1. Prior to the commencement of the use, all land contained in titles Vol 3360 Fol 954, Vol 5572 Fol 322, Vol 5645 Fol 978, Vol 3391 Fol 124, Vol 2727 Fol 334, Vol 9863 Fol 149, Vol 2158 Fol 412, Vol 1801 Fol 083, Vol 9815 Fol 069 and Vol 9815 Fol 070 must be consolidated in accordance with Planning Permit PP141/05 including the removal of the sewerage easement described on Volume 9863 Folio 149 and the removal of carriageway easement on Volume 9815 Folio 070.*
- 2. Prior to the commencement of the development, a copy of the Environmental Audit Certificate approved by the Environment Protection Authority must be forwarded to the Responsible Authority.*
- 3. This permit will expire if one of the following circumstances applies:*
 - a) The development is not started within two (2) years of the date of this permit.*
 - b) The development, and liquor licence use, allowed by amended permit PP98/2005-4 are not commenced within three (3) years of the date of that amended permit.*
 - c) The development is not completed within four years of the date of this permit.*
 - d) The development allowed by amended permit PP98/2005-4 is not completed within five (5) years of the date of that amended permit.*

In accordance with section 69 of the Planning and Environment Act 1987, an application may be made to the Responsible Authority to extend the periods referred to in this condition.

- 4. The use and/or development, including the area in which packaged liquor is allowed to be sold, as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.*
- 5. Within 3 months of the date of issue of amended permit PP98/2005-4, unless an alternate timeframe is agreed in writing by the Responsible Authority, the agreement under section 173 of the Planning and Environment Act 1987 on the title of this property, being registered instrument No. AE233569J dated 10.03.06, must be amended to provide that:*
 - at Clause 1.2, 'Permit' is defined as:*

Permit No. 98/05A and Permit No. 99/05A issued on 24 June 2005 including the plans endorsed under Permit No. 98/05A and Permit No. 99/05A and as amended from time to time.
 - at Clause 2.1:*
 - The car spaces, driveways and access points provided on the site will not be segregated by any form of fence or other physical barrier to prevent the sharing of the car parking area and access points as approved in accordance with the Permit.*

- *The car spaces, driveways and access points associated with the development approved by the Permit will permanently be made available for the patrons and occupants of the businesses approved by the Permit.*

The applicant must be responsible for the expense of amending the agreement, including the Responsible Authority's reasonable costs and expenses (including legal expenses).

6. *The exterior materials and finishes of the building hereby permitted must be constructed in accordance with the application being:*

- *Roofing – 'Colorbond Woodland Grey'*
- *Exterior Walls – Face brick in Boral 'Nevada Cream', or a similar material and finish*

to the satisfaction of the Responsible Authority.

7. *Access onto and within the property must be constructed to the satisfaction of the Responsible Authority.*

The crossover allowed by amended permit PP98/2005-4, and the associated relocation of the bus stop outside the site in Hesse Street, must be undertaken in accordance with the plans endorsed under PP98/2005-4, and at the same time as the extension to the building and alteration to the car park allowed by that permit are being undertaken.

8. *All vehicle crossovers must enter the roadway perpendicular to the roads centre line and be in a safe location for users, pedestrians, cyclists and motorists by consideration of both vertical and horizontal sight distance to the satisfaction of the Responsible Authority.*
9. *All vehicle crossovers must be constructed to a concrete or similar surface to the satisfaction of the Responsible Authority.*
10. *Any disused vehicle crossovers must be removed and the site re-instated to the satisfaction of the Responsible Authority.*

Prior to the commencement of the development allowed by amended permit PP98/2005-4, unless otherwise agreed in writing by the Responsible Authority, the redundant vehicular crossing must be reinstated to kerb and channel, footpath and nature strip to the satisfaction of the Responsible Authority.

11. *Prior to the initial occupation of the extension allowed by amended permit PP98/2005-4, areas set aside for parked vehicles and access lanes as shown on the endorsed plans must be:*

- *Constructed to the satisfaction of the Responsible Authority.*
- *Properly formed to such levels that they can be used in accordance with the plans.*
- *Surfaced with concrete, asphalt or similar hard surface to the satisfaction of the Responsible Authority.*
- *Drained and maintained to the satisfaction of the Responsible Authority.*
- *Line-marked to indicate each car space and all access lanes to the satisfaction of the Responsible Authority.*
- *Clearly marked to show the direction of traffic along access lanes and driveways.*

- Properly illuminated for both pedestrians and vehicles, with lighting designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land.

The areas must be constructed and drained to prevent diversion of flood or drainage waters, and maintained in a continuously useable condition to the satisfaction of the Responsible Authority.

Parking areas and access lanes must be kept available for these purposes at all times.

- In areas set aside for car parking, measures must be taken to the satisfaction of the Responsible Authority to prevent damage to fences or landscaped areas.*
- Concrete kerbs or other barriers must be provided to the satisfaction of the Responsible Authority to prevent direct vehicle access to an adjoining road other than by a vehicle crossing.*
- Vehicles under the control of the operator of the use or the operator's staff must not be parked on Rae, Bromfield, Queen or Hesse Street.*
- Following completion of the building and works permitted by amended permit PP98/2005-4, no fewer than 56 car parking spaces must be provided on the lot, including 2 spaces clearly identified as disabled car parking spaces.*
- (a) Prior to commencement of the development, a stormwater detention system designed by a qualified engineer must be lodged with the Responsible Authority verifying that post development stormwater discharge volume from the land does not exceed pre-development stormwater discharge volume to the satisfaction of the Responsible Authority, once approved such design must be endorsed and must form part of the permit issue. The stormwater detention system must address water sensitive urban design (WSUD) principles and stormwater runoff from buildings and the carpark area to the satisfaction of the Responsible Authority.*
 - (b) Prior to the commencement of the development (excluding preliminary site works for which the prior approval of Council is obtained, such as the removal of landscaping, kerbing and pavement, but excluding any construction works and site trenching) allowed by amended permit PP98/2005-4, a Stormwater Management Plan relating to the development proposed under PP98/2005-4 to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Stormwater Management Plan must show how the developed site will be effectively drained without causing detrimental downstream effects. When approved, the Stormwater Management Plan will be endorsed and will form part of the planning permit.*

All works must be undertaken in accordance with the endorsed Stormwater Management Plan to the satisfaction of the Responsible Authority.

- All run off from stormwater must be taken to a legal point of discharge to the satisfaction of the Responsible Authority.*

18. *During construction, care should be taken to minimise the amount of mud, dirt, sand, soil, clay or stones deposited by vehicles on the abutting roads when vehicles are leaving the premises.*
19. *During construction, ensure that no mud, dirt, sand, soil, clay or stones are washed into or allowed to enter the stormwater drainage system.*
20. *Prior to the commencement of any works relating to the development (excluding preliminary site works for which the prior approval of Council is obtained, such as the removal of landscaping, kerbing and pavement, but excluding any construction works and site trenching) allowed by amended permit PP98/2005-4, a 'Construction Management Plan' must be submitted to and approved by the Responsible Authority. The plan must describe the erosion and sediment control techniques that will be used, detail how the site will be managed prior to and during the construction period, and must set out requirements for managing:*
 - *Erosion and sediment.*
 - *The deposit of any sediment or other material by vehicles on the abutting roads.*
 - *Dust.*
 - *Runoff.*
 - *Litter, concrete and other construction wastes.*
 - *Chemical contamination.*
 - *Vegetation and natural features planned for retention.*

The plan must include a photographic record of the road reserve in the vicinity of the site.

21. *All works associated with amended permit PP98/2005-4 must be undertaken in accordance with the approved Construction Management Plan. The developer must ensure that all contractors are aware of the requirements of the approved Construction Management Plan and understand how to implement them. No polluted and/or sediment laden runoff 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.*
22. *During the construction of the development, methods to control sediment laden runoff as described under 'Best Practice Environmental Management Guidelines for Urban Stormwater' or similar must be implemented and used to minimise sediment laden runoff and stormwater pollution from leaving the land to the satisfaction of the Responsible Authority.*
23. *Loading and unloading of all goods, materials and items must be carried out on the site within the defined loading bay on the endorsed plan to the satisfaction of the Responsible Authority.*
24. *The loading bay is to be effectively screened from adjoining properties and roadways to the satisfaction of the Responsible Authority.*
25. *During and after completion of the buildings and works permitted under PP98/2005-4, the loading bay area must remain free and available for this purpose at all times to the satisfaction of the Responsible Authority.*

26. *The street trees to be removed must be replaced with four advanced trees (minimum of two metres high at time of planting), of a species and in a location that are to the satisfaction of the Responsible Authority.*

If any street trees are required to be removed to implement planning permit PP98/2005-4, each must be replaced by an advanced tree (minimum of two metres high at time of planting), of a species and in a location that are to the satisfaction of the Responsible Authority, unless otherwise agreed in writing by the Responsible Authority.

27. *The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.*
28. *The landscaping in accordance with the endorsed plan must be established within 2 months of commencement of the use hereby permitted and must be maintained to the satisfaction of the Responsible Authority.*
29. *Prior to commencement of the development permitted under PP98/2005-4, a landscape plan addressing the alterations to the car parking area 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 must show:*
- a. details of surface finishes of pathways and driveways*
 - b. a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, sizes at maturity, and quantities of each plant*
 - c. landscaping and planting within all open areas of the site that are primarily drought tolerant species*

All species selected must be to the satisfaction of the Responsible Authority.

30. *Prior to initial occupation of the extension permitted under PP98/2005-4, 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.*
31. *External lighting must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land.*
32. *The location and details of the signs and their structure as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.*
33. *All signs must be constructed and maintained to the satisfaction of the Responsible Authority.*
34. *External sign lighting must be designed baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land or adjacent roads/streets.*
35. *The signs may only be illuminated during the hours of business trading.*

36. *Noise levels emanating from the premises must not exceed those required to be met under State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade), No. N-1.*
37. *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 be connected to a security service.*
38. *No external sound amplification equipment or loud speakers are to be used for the purpose of announcement, broadcast, playing of music or similar purpose.*
39. *All external plant and equipment must be acoustically treated or placed in sound proof housing to reduce noise to a level satisfactory to the responsible authority.*

Transport for Victoria conditions

40. *Before the development starts, or such other time agreed to in writing by the Head, Transport for Victoria, amended plans to the satisfaction of the Head, Transport for Victoria 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 digital copies must be provided. The plans must be generally in accordance with the plans submitted with the application (dated March 2019, Revision D prepared by Select Architects) but modified to show:*
 - a) *Provision of bus stop identification in the form of an "X" yellow line-marked rectangle to identify the bus stop zone*
 - b) *Installation of tactile indicators on either side of the southern and northern crossovers along the extent of the cross overs connecting to the existing footpath*
 - c) *Provision of 'zebra' or 'high-visibility' style road markings across the southern and northern cross overs to clearly identify potential pedestrian paths*
 - d) *All designs must comply with the Disability Discrimination Act – Disability Standards for Accessible Public Transport 2002*
 - e) *All works must be to the satisfaction of the Head, Transport for Victoria*
41. *Prior to the occupation of the development all works outlined on the endorsed plans must be completed to the satisfaction of the Head, Transport for Victoria at the full cost of the permit holder.*
42. *The permit holder must ensure that public transport infrastructure is not damaged. Any damage to public transport infrastructure must be rectified to the satisfaction of the Head, Transport for Victoria at full cost to the permit holder.*
43. *The demolition and/or construction of the development must not disrupt bus operations on Hesse Street without the prior written consent of the Head, Transport for Victoria.*
44. *Any request for written consent to disrupt bus operations on Hesse Street during the demolition and/or construction of the development must be submitted to the Head, Transport for Victoria not later than 8 weeks prior to the planned disruption and must detail measures that will occur to mitigate the impact of the planned disruption.*

NOTES

1. An application to construct a vehicle crossing must be lodged and approved by the Responsible Authority prior to the commencement of works.
2. The holder of this permit must obtain the necessary Building and Health Approvals prior to the commencement of any buildings and works.
3. Permission from Colac Otway Shire is required prior to the erection of any safety fencing on road reserve during construction.
4. No site facilities are to be located or erected on the road reserve during construction.

THIS PERMIT HAS BEEN AMENDED AS FOLLOWS:

Date of amendment	Brief description of amendment	Name of responsible authority that approved the amendment
22 July 2005	To alter the wording of condition 6 by deleting 'Windspray' and replacing it with 'Woodland Grey'	Colac Otway Shire
10 June 2020	<ul style="list-style-type: none">a) Title details updatedb) Amended plans endorsedc) Conditions 3, 4, 5, 6, 7, 11 and 15 amendedd) Original condition 16 re-numbered 16(a), and 16(b) insertede) Conditions 20, 21 and 22 inserted, and subsequent conditions re-numberedf) Condition 25 (original condition 22) amendedg) Conditions 29 and 30 inserted, and subsequent conditions re-numberedh) Conditions 40 to 44 inserted	Colac Otway Shire

CARRIED 4 : 1

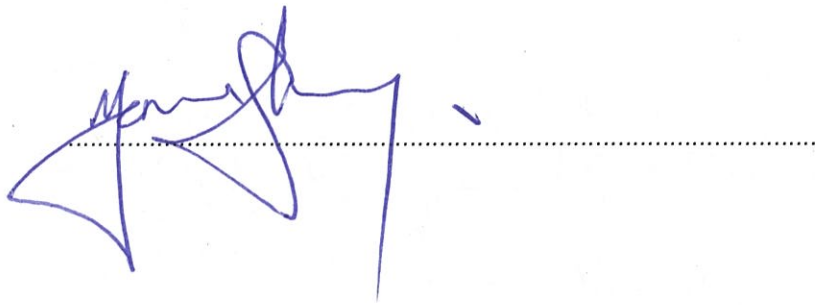
DIVISION

For the motion: Cr Stephen Hart, Cr Joe McCracken, Cr Chris Potter, Cr Brian Crook

Against the motion: Cr Chris Smith

The meeting was declared closed at 4:53pm.

CONFIRMED AND SIGNED at the meeting held on 12 August 2020

A handwritten signature in blue ink is written over a horizontal dotted line. The signature is stylized and appears to be a name followed by a surname. The line extends to the right of the signature.