



Colac Otway
SHIRE

PLANNING COMMITTEE MEETING

MINUTES

Wednesday 10 November 2021

at 2:00 PM

COPACC

95 - 97 Gellibrand Street, Colac



COLAC OTWAY SHIRE COUNCIL PLANNING COMMITTEE MEETING

Wednesday 10 November 2021

TABLE OF CONTENTS

1 Declaration of Opening of Meeting	3
2 Present.....	3
3 Apologies and Leaves of Absence	3
4 Welcome and Acknowledgement of Country	4
5 Declarations of Interest	4
6 Confirmation of Minutes	4
7 Verbal Submissions from applicants/objectors	5
8 Officer Planning Reports.....	6
8.1 Colac West Development Plan Submissions	6
8.2 PP258/2016-3 – Part 465 & 475 Great Ocean Road, Apollo Bay – Amendment to Allow Restaurant Use and Liquor Licence, and to Alter the Hours of Operation and Maximum Patron Numbers	7

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 November 2021 at 2:00 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 Kate Hanson (Mayor)
Cr Graham Costin (Deputy Mayor)
Cr Stephen Hart
Cr Joe McCracken
Cr Chris Potter
Cr Margaret White

Anne Howard, Chief Executive Officer
Errol Lawrence, General Manager Corporate Services
Tony McGann, General Manager Environment and Infrastructure
Ian Seuren, General Manager Development and Community Services
Marlo Emmitt, Manager Governance and Communications
Lyndal Redford, Governance Officer
Doug McNeill, Manager Planning, Building and Health
Bláithín Butler, Coordinator Statutory Planning
Simon Clarke, Coordinator Strategic Planning and Major Projects

3 APOLOGIES AND LEAVES OF ABSENCE

RESOLUTION

MOVED Cr Stephen Hart, SECONDED Cr Margaret White

That Council grants Cr Jamie Bell a Leave of Absence for the 10 November 2021 Colac Otway Shire Planning Committee Meeting.

CARRIED 6 : 0

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.

RECORDING AND PUBLICATION OF MEETINGS

Please note: This Planning Committee meeting was livestreamed with the exception of matters identified as confidential items. This included the public participation sections of the meetings.

As soon as practicable following the open Council and Planning Committee meetings, the recording of the live stream will be accessible on Council's website. Recordings are also made to facilitate the preparation of the minutes of open Council and Committee meetings and to ensure their accuracy. Recordings will be retained by Council for a period of four years.

As stated in the Governance Rules, other than an official Council recording, no video or audio recording of proceedings of Planning Committee meetings are permitted without specific approval by resolution of the relevant Planning Meeting.

5 DECLARATIONS OF INTEREST

Cr Graham Costin	Item 8.2 - PP258/2016-3 – Part 465 & 475 Great Ocean Road, Apollo Bay – Amendment to Allow Restaurant Use and Liquor Licence, and to Alter the Hours of Operation and Maximum Patron Numbers
Nature of Disclosure	General conflict of interest
Nature of interest	I received a disclosable gift in the form of an election campaign donation from the Apollo Bay Chamber of Commerce, which made a submission in relation to this item.

6 CONFIRMATION OF MINUTES

- Planning Committee meeting held on 13 October 2021.

RESOLUTION

MOVED Cr Stephen Hart, SECONDED Cr Graham Costin

That the Planning Committee confirm the minutes of the Planning Committee meeting held on 13 October 2021.

CARRIED 6 : 0

7 VERBAL SUBMISSIONS FROM APPLICANTS/OBJECTORS

Item 8.1: Colac West Development Plan Submissions

Submitter: Michael Evans (Colac Rifle Club Inc.)

Item 8.2: PP258/2016-3 – Part 465 & 475 Great Ocean Road, Apollo Bay – Amendment to Allow Restaurant Use and Liquor Licence, and to Alter the Hours of Operation and Maximum Patron Numbers

Objectors: Michelle Hayat
Brett Morrison
Alan Nicholls
David Hume

Applicant: Kirsten Kilpatrick (Novo Planning)
Lizzie Corke

Item: 8.1

Colac West Development Plan Submissions

OFFICER	Simon Clarke
GENERAL MANAGER	Ian Seuren
DIVISION	Development & Community Services
INTERNAL ATTENDEES	Doug McNeill, Erin Sonego
EXTERNAL ATTENDEES	Submitters (to be advised)
ATTACHMENTS	<ol style="list-style-type: none">1. Colac West Submissions [8.1.1 - 12 pages]2. Attachment 1 to Submission 6 [8.1.2 - 35 pages]3. Attachment 2 to Submission 6 [8.1.3 - 36 pages]
PURPOSE	To provide submitters an opportunity to present their submissions to Council.

RESOLUTION

MOVED Cr Chris Potter, SECONDED Cr Stephen Hart

That the Planning Committee:

- 1. Acknowledges the written submissions received on the Draft Colac West Development Plan.*
- 2. Acknowledges and notes the verbal comments made in support of written submissions.*
- 3. Thanks the submitters for their submissions.*
- 4. Having heard all persons wishing to speak to their submissions, recommends that Council consider the submissions and the final Colac West Development Plan at a future Council or Planning Committee Meeting.*

CARRIED 6 : 0

Item: 8.2

PP258/2016-3 – Part 465 & 475 Great Ocean Road, Apollo Bay – Amendment to Allow Restaurant Use and Liquor Licence, and to Alter the Hours of Operation and Maximum Patron Numbers

ADDRESS AND PROPERTY DETAILS	465 and 475 Great Ocean Road APOLLO BAY Lot 1 PS: 322603 (V/F: 10240/174) Parish of Krambruk and Reserve 1 PS: 322603X (V/F: 10240/176)	APPLICATION NUMBER	PP258/2016-3
PROPOSAL	Amendment to Allow Restaurant Use and Liquor Licence, and to Alter the Hours of Operation and Maximum Patron Numbers		
PERMIT TRIGGERS	For current amendment application: Clause 35.06-1 (RCZ) - Use of the land Clause 52.27 (Licensed Premises) – Use land to sell or consume liquor		
TRIGGER FOR DETERMINATION BY COMMITTEE	This report is before Council's Planning Committee for a decision as more than 3 objections were received.		
ZONE	Rural Conservation Zone (RCZ) Adjacent Road Zone Category 1 (RDZ1)	OVERLAYS	VPO1 - Significant and Remnant Vegetation SLO3 - Apollo Bay Coastal Valley and Hills Precinct EMO1 - Erosion Management BMO - Bushfire Management Adjoins Heritage Overlay (HO312) - Great Ocean Road
COVENANTS	Section 173 Agreement (AS481064H dated 28/08/2019), relating to Land Management Plan.		

Item: 8.2

PP258/2016-3 – Part 465 & 475 Great Ocean Road, Apollo Bay – Amendment to Allow Restaurant Use and Liquor Licence, and to Alter the Hours of Operation and Maximum Patron Numbers

CULTURAL HERITAGE	A small area along the southern boundary of both lots is within an area of cultural heritage sensitivity. A Preliminary Cultural Heritage Study submitted as part of the original planning application concluded that a mandatory CHMP was not required for the proposed development. As no works are proposed under the current amendment, it is considered that a CHMP is not required.		
OFFICER	Bernadette McGovan	GENERAL MANAGER	Ian Seuren
DIVISION	Development & Community Services		
ATTACHMENTS	1. P P 258 2016-3 - 465 & 475 Great Ocean Road APOLLO BAY - PC Report Attachment - Application Document [8.2.1 - 64 pages]		

Cr Graham Costin declared a general conflict of interest pursuant to section 127 of the *Local Government Act 2020* and left the meeting at 2:20pm prior to discussion taking place.

Cr Graham Costin	Item 8.2 - PP258/2016-3 – Part 465 & 475 Great Ocean Road, Apollo Bay – Amendment to Allow Restaurant Use and Liquor Licence, and to Alter the Hours of Operation and Maximum Patron Numbers
Nature of Disclosure	General conflict of interest
Nature of interest	I received a disclosable gift in the form of an election campaign donation from the Apollo Bay Chamber of Commerce, which made a submission in relation to this item.

RECOMMENDATION

That Council resolves to issue a Notice of Decision to Grant an Amended Planning Permit for the Use and Development of the Land for an Interpretive Native Wildlife Park Incorporating Walking Track, and Ancillary Buildings ('Visitor Entry' Building and 'Field Base'), Use of Land for a Restaurant and the Sale and Consumption of Liquor (Restaurant and Café Licence), Construction of Fence, Removal of Native Vegetation, Earthworks, Display of One Business Identification Sign, Creation and Alteration of Accesses to a Road in a Road Zone Category 1 with Associated Roadworks, and Construction of Track in Reserve at 465 and 475 Great Ocean Road Apollo Bay (Reserve 1 PS: 322603X V/F: 10240/176 and Lot 1 PS: 322603 V/F: 10240/174 Parish of Krambruk), subject to the following conditions:

Amended Plans

1. *Prior to the commencement of the development hereby permitted, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application, but modified to show:*
 - a) *Full details of the proposed nature trail/walking track, including location, materials and elevations showing the height of any elevated sections of boardwalk.*
 - b) *An amended/updated Geotechnical Assessment of the proposed nature trail/walking track in accordance with the requirements of Schedule 1 to the Erosion Management Overlay, demonstrating that the nature trail/walking track would achieve an acceptable level of risk.*
 - c) *Details of the Business Identification Sign, including location, dimensions, height above ground level, materials, colours and any supporting structures.*
 - d) *Elevations of the 'entry/visitors' building' showing the proposed outdoor restaurant/café area.*

Endorsed Plans

2. *The use and development as shown on the endorsed plans, including the area in which liquor is allowed to be consumed or supplied under a licence as shown outlined in red on the plans, must not be altered without the written consent of the Responsible Authority.*
3. *The removal of native vegetation must be in accordance with the endorsed plan to the satisfaction of the Responsible Authority.*
4. *The location and details of the business identification sign and any supporting structures, as shown on the endorsed plans, must not be altered without the written consent of the Responsible Authority.*

Patron Numbers

5. *Unless otherwise approved in writing by the Responsible Authority, no more than 190 visitors/patrons may be present on the land at any time.*
6. *Unless otherwise approved in writing by the Responsible Authority, visitors to the site must only access the interpretive nature trail/walking track in guided tours, and:*
 - a) *no more than one guided tour may operate between 6am and 7am on any day;*
 - b) *the number of patrons in the guided tour group on site prior to 7am must not exceed twenty (20) persons; and*
 - c) *the total number of patrons in guided tour groups on site between 7am and 9pm must not exceed twenty (20) persons in any guided tour group, with no more than three (3) groups undertaking the tour at any time.*

7. *Unless otherwise approved in writing by the Responsible Authority, no more than 110 seats may be made available in the restaurant at any one time to patrons on the premises.*

Hours of operation

8. *Unless otherwise approved in writing by the Responsible Authority:*
- a) *the use hereby permitted must operate only between the hours of 6am to 9pm AEDT and 7am to 9pm AEST, and all patrons must leave the site by 9pm at the latest.*
 - b) *the restaurant must not open to the general public before 8am, and may only operate for patrons in the guided tour groups prior to that time.*
 - c) *external live music, which must be acoustic only, must only be played between 10am and 7pm.*
 - d) *deliveries by truck to the premises must only occur between the hours of 8am and 6pm.*

Use

9. *The use of:*
- a) *the shop and theatre hereby permitted must be solely ancillary to the use of the land as an interpretive nature trail/walking track.*
 - b) *the licensed restaurant must only operate in association with the Interpretive Native Wildlife Park use of the land. Should the Interpretive Native Wildlife Park use cease, the use of the land as a licensed restaurant must also cease at the same time.*

Public Track

10. *The public track from the Great Ocean Road to the coast, annotated as 'Surfer's Trail' on the endorsed plans, must be kept open to the public without obstruction at all times.*

Geotechnical Assessment

11. *The approved development must be carried out on the site in accordance with the recommendations of the Landslide Risk Assessment prepared by P. J. Yttrup & Associates Pty. Ltd. (Report No. 22551, dated 21 January 2019) or any Geotechnical Practitioner engaged to review the assessments submitted with the application.*

Car Park

12. *Prior to the commencement of the use hereby permitted, the area/s set aside for the parking of vehicles and access lanes, as shown on the endorsed plans, must be:*
- a) *Constructed;*
 - b) *Properly formed to such levels that they can be used in accordance with the plans;*
 - c) *Surfaced with an all-weather seal coat;*
 - d) *Drained;*
 - e) *Line-marked to indicate each car space and all access lanes;*
 - f) *Clearly marked to show the direction of traffic along access lanes and driveways;*

to the satisfaction of the Responsible Authority.

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.

Car parking spaces, bus parking spaces, access lanes and driveways must be kept available for these purposes at all times.

- 13. The loading and unloading of goods from service vehicles must only be carried out on the land within the designated loading bay and must not disrupt the circulation and parking of vehicles on the land to the satisfaction of the Responsible Authority.*
- 14. The loading bay must remain free for the purpose of loading and unloading at all times*

Stormwater

- 15. 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.*
- 16. Prior to the commencement of development, a stormwater detention system designed by a qualified engineer must be submitted to and approved by the Responsible Authority. The design must provide for a maximum site discharge rate of 64 litres per second per hectare to the 20 year storm (5% AEP).*
- 17. Stormwater discharge from the approved stormwater detention system must only be distributed across the property by sheet flow (i.e. along a contour) or to a legal point of discharge as approved by the Responsible Authority. No sheet flow discharge point may occur within five metres of the lowest property boundaries and any discharge point must not be located so as to surcharge the septic effluent disposal system.*

Signage

- 18. The business identification sign must be constructed and maintained to the satisfaction of the Responsible Authority.*
- 19. The signage must not be illuminated by external or internal light, or contain flashing lights, except with the written consent of the Responsible Authority.*

Construction Management Plan

- 20. Prior to the commencement of development, a Construction Management Plan must be submitted to and approved by the Responsible Authority. The plan must describe how the site will be managed prior to and during the construction period and must include:*
 - a) Measures to control erosion and sediment laden water runoff;*
 - b) Where any construction wastes, equipment, machinery and/or earth is to be stored/stockpiled during construction;*
 - c) Techniques and intervention levels to prevent a dust nuisance;*
 - d) Techniques to prevent mud and dirt being transported from the site to nearby roads;*
 - e) Measures to ensure that no contaminants, including but not limited to chemicals, sediments, wastes or pollutants, are deposited by vehicles on the abutting roads;*
 - f) Where access to the site for construction vehicle traffic will occur;*
 - g) Tree protection zones and the protection measures to be implemented to preserve any vegetation identified for retention;*

- h) *The location and details of a sign to be erected at the entrance(s) of the site advising contractors that they are entering a 'sensitive site' with a prescribed tree protection zone;*
- i) *The location of any temporary buildings or yards; and*
- j) *Measures designed to ensure the orderly management of the construction site, including complaint procedures and contact details in the event of a received complaint relating directly to construction works.*

All construction works on the land associated with the development hereby permitted must be undertaken in accordance with the approved Construction Management Plan to the satisfaction of the Responsible Authority.

Amenity

- 21. *The external materials of the 'entry visitors' building' hereby permitted must be non-reflective and of muted tones and thereafter must be so maintained.*
- 22. *The use and development must be managed so that the amenity of the area is not detrimentally affected through the:*
 - a) *transport of materials, goods or commodities to or from the land;*
 - b) *appearance of any building, works or materials;*
 - c) *emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;*
 - d) *presence of vermin.*

Information must be displayed within the restaurant at the exit to remind patrons of the sensitive nature of the location and the need to leave the premises in a quiet manner.

- 23. *No external sound amplification equipment or loudspeakers are to be used for the purpose of playing of music or any similar purpose, and noise levels at the site must be in compliance with Environmental Protection Authority (EPA) Publication 1826.4 May 2021 'Noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues'. Activities on site must also comply with Environment Protection Regulations 2021 and Noise Control Guidelines (EPA Publication 1254.2).*
- 24. *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.*
- 25. *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.*
- 26. *Prior to the commencement of the use hereby permitted, the existing building on the land must be altered to remove the bath and any other facilities associated with residential use. This building, and the proposed building, must not be used at any time for the purposes of human habitation.*

Landscaping

- 27. *Prior to the commencement of 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 plan must show:

- a) a survey (including botanical names) of all existing vegetation to be retained and/or removed*
- b) buildings and trees (including botanical names) on neighbouring properties within three metres of the boundary*
- c) details of surface finishes of pathways and driveways*
- d) a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, sizes at maturity, and quantities of each plant*
- e) details of landscaping to minimise the visual impact of the proposed predator fencing*

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

- 28. Prior to commencement of the use hereby permitted, 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.*

Protection of Vegetation

- 29. Vegetation removal and disposal must not cause damage to vegetation stands to be retained, to the satisfaction of the Responsible Authority.*
- 30. 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.*
- 31. 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.*

Land Management Plan

- 32. Prior to commencement of the development, a Land Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. Any plans must be to scale and with dimensions, and three copies of the Land Management Plan must be provided. When approved, the Land Management Plan will be endorsed and will then form part of the permit. The plan must include (but not be limited to):*
- a) Site plan;*
 - b) Site description;*
 - c) List of the objectives for the property;*
 - d) A description of native plant and animals on site and in the area;*
 - e) A description of the site outside the native vegetation areas;*
 - f) Bushfire Management;*
 - g) Identification of Land Management Issues;*
 - h) Goal setting and specification of actions and implementation and monitoring of the identified actions.*
 - i) An Annual Report for the first five years and thereafter at the reasonable request of the relevant authority. Reports are to be submitted prior to the anniversary date of the endorsement of the Land Management Plan. The following must be included:*
 - permit holder*

- *planning permit number*
- *reporting year (1-5)*
- *date report is submitted*
- *who completed the report*
- *condition of site against each management commitment*
- *actions taken during the year to achieve the management commitment*
- *photographs which clearly depict management actions undertaken for the previous year.*

Section 173 Agreement

33. Prior to the commencement of the use hereby permitted, 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:

- The land must be managed in accordance with the Land Management Plan endorsed as part of planning permit PP258/2016-2 to the satisfaction of the Responsible Authority, or in accordance with any amended Land Management Plan subsequently endorsed by the Responsible Authority.*

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

DELWP conditions

34. To offset the removal of 0.374 hectares of native vegetation the permit holder must secure a native vegetation offset, in accordance with the Guidelines for the removal, destruction or lopping of native vegetation (DELWP 2017) as specified below:

A general offset of 0.132 general biodiversity equivalence units with the following attributes:

- *be located within the Corangamite Catchment Management Authority boundary or Colac Otway Shire municipal district*
- *have a strategic biodiversity score of at least 0.615*

35. Before any native vegetation is removed, evidence that the required offset has been secured must be provided to the satisfaction of Responsible Authority. The offset evidence can be:

- *an established first party offset including a security agreement signed by both parties and a management plan detailing the 10 year management actions and ongoing management of the site and/or*
- *credit extract(s) allocated to the permit from the Native Vegetation Credit Register.*

A copy of the offset evidence will be endorsed by the responsible authority and form part of this permit. Within 30 days of endorsement of the offset evidence by the responsible authority, a copy of the endorsed offset evidence must be provided to the Department of Environment, Land, Water and Planning.

36. *In the event that a security agreement is entered into as per condition 35, the applicant must provide the annual offset site report to the Responsible Authority by the anniversary date of the execution of the offset security agreement, for a period of 10 consecutive years. After the tenth year, the landowner must provide a report at the reasonable request of a statutory authority.*
37. *Unless otherwise agreed in writing by the Country Fire Authority and the Department of Environment, Land, Water and Planning, offsets must not be located within the 150 metre BMO assessment area in accordance with the Planning for Bushfire Victoria, Guidelines for Meeting Victoria's Bushfire Planning Requirements (CFA 2012).*
38. *Before the vegetation removal starts, the boundaries of all vegetation to be removed and retained must be clearly marked on the ground with tape or temporary fencing to the satisfaction of the Responsible Authority. Removal must accord with the endorsed plan.*
39. *To prevent damage to remaining vegetation, there must be no temporary or permanent storage of any materials, vehicles or equipment within areas of native vegetation identified to be retained in accordance with the endorsed plans. All storage sites must be restricted to existing cleared areas close to existing roads and tracks, and must not adversely impact upon native vegetation, including the root zones of existing trees. Such sites must not be located on or near erodible surfaces, surface water runoff areas or areas infested with weeds.*
40. *Before works start, the permit holder must advise all persons undertaking the vegetation removal or works on site of all relevant permit conditions and associated statutory requirements or approvals.*

VicRoads conditions

41. *Alterations to the crossovers are to be constructed generally in accordance with VicRoads SD2064 (attached), to the satisfaction of the Roads Corporation and/or the Responsible Authority and at no cost to VicRoads prior to the commencement of the use hereby approved.*
42. *A left turn lane must be installed on the Great Ocean Road at the public access point.*
43. *Prior to the works commencing, the applicant must enter into a works agreement with VicRoads, confirming design plans and works approvals processes, including the determination of fees and the level of VicRoads' service obligations.*

CFA conditions

44. *The bushfire protection measures forming part of this permit or shown on the endorsed plans, including those relating to construction standards, defendable space, water supply and access, must be maintained to the satisfaction of the Responsible Authority on a continuing basis. This condition continues to have force and effect after the development authorised by this permit has been completed.*
45. *Prior to the commencement of development, an amended Bushfire Management Plan (which must generally accord with Attachment 3 on page 18 in the report by Ecology & Heritage Partners, dated January 2017, Final v2, dated 31/01/2017) must be referred to the CFA for assessment and, when approved, must be endorsed to form part of the permit. The endorsed Bushfire Management Plan must not be altered unless agreed in writing by the CFA and the Responsible Authority.*

EPA conditions

46. *(former condition 41) Deleted.*
47. *Offensive odours must not be discharged beyond the boundaries of the premises.*
48. *Nuisance dust must not be discharged beyond the boundaries of the premises.*
49. *Noise emitted from the premises must not exceed the recommended levels as set out in Noise from Industry in Regional Victoria (NIRV; EPA Publication 1411, 2011) or as amended.*
50. *Surface water contaminated with waste must not be discharged from the premises.*
51. *Discharge of wastewater to land must not adversely affect the land.*
52. *A secondary containment system must be provided for liquids which if spilt are likely to cause pollution or pose an environmental hazard, in accordance with the EPA Publication 347 Bunding Guidelines 1992 or as amended.*
53. *Construction and post-construction activities must be in accordance with EPA Publication 275 Construction Techniques for Sediment Pollution Control 1991 or as amended.*
54. *Fill material used during construction should be managed in accordance with EPA Publications 1438, 1439 and 1440 Industrial Waste Fact Sheets No. 2 Fill Material Management, No. 3 Segregation, and No. 4 Engineered/Structural Fill 2012 or as amended.*
55. *Any fill material brought onto the subject land must meet the specifications contained in EPA publication IWRG621, Soil Hazard Categorisation and Management 2009 or as amended.*
56. *All industrial waste generated during construction must be managed in accordance with EPA's Industrial Waste Resource Guidelines 2009.*

Barwon Water conditions

Sewer

57. *The provision and installation of a sewerage service to the development.*
58. *The provision of a new sewer connection(s) point is required. Note that the sewer connection point is to be constructed by a Barwon Water accredited Contractor.*
59. *Private sewer services are required and subject to a Sewer Supply by Separate Written Agreement with Barwon Water. Private services are to comprise of a sewer pump-station within the land, and rising main to the reticulation sewer connection point, and internal sewer mains within the land.*

Expiry

60. *This permit will expire if one of the following circumstances applies:*
 - a) *The development is not commenced within two years of the date of this permit.*
 - b) *The vegetation removal works have not commenced within two years of the date of this permit.*
 - c) *The vegetation removal works have not been completed within four years of the date of this permit.*

- d) *The signage is not completed within four years of the date of this permit.*
- e) *The development is not completed and the use has not commenced within four 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 decision is based on the operation as described in the submitted application and does not purport to allow a zoo, which includes the confinement of animals in enclosures.*
2. *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 development.*
3. *Attention is drawn to the fact that separate permission may be required under the Heritage Act 1995 and/or the Environment Protection and Biodiversity Act EPBC Act 1999.*
4. *Notice must be given to the Responsible Authority of the installation of the stormwater detention system in compliance with the approved design and an inspection must be requested and the written approval of the Responsible Authority obtained.*
5. *The premise is required to comply with all State Legislation, in particular the Food Act 1984. Trading must not commence until the prior approval of Council's Health Protection Unit has been obtained and the registration of the property under the Food Act 1984 has been completed.*
6. *Attention is drawn to the fact that part of the land is within an area of cultural heritage sensitivity and all works must comply with the requirements of the Aboriginal Heritage Act 2006 (as amended) and Aboriginal Heritage Regulations 2007 (as amended). In the event any archaeological features, deposits or artefacts are discovered on site, works in that area will need to cease until authorisation to continue is received. The area of cultural heritage sensitivity has the potential to contain Aboriginal heritage, particularly shell middens. Constructing the 'Surfers Trail' through this area, whether by hand or by machinery, has a high likelihood of harming Aboriginal heritage under the Aboriginal Heritage Act 2006. It is noted that the advice submitted with the application states that if there are options to reduce the impact on the existing dunes marked for the 'Surfers Trail' through this area this may minimise the risk of harm.*
7. *Deleted.*
8. *It will be necessary to liaise with the Corangamite Catchment Authority about works associated with the proposed track in the reserve and the requirement for a works on waterway permit, as Council's mapping indicates that there is a waterway within the reserve. The CCMA has advised that the key will be in the detailed design to ensure the track does not adversely impact on flooding to surrounding properties, and to ensure the physical integrity of the waterway is not jeopardised.*
9. *This permit does not convey any consent to use bore water for the proposed use of the site. It will be necessary to ensure that any consent required to extract bore water for the proposed use is obtained prior to the commencement of the use.*

10. Barwon Water

The developer is to apply to Barwon Water for details relating to servicing requirements and costing for the provision of a potable water supply and where applicable, recycled water and/or sewerage services to the subdivision. It would be appreciated if all communication between the developer/agent and Barwon Water quote Barwon Water reference number L014037.

11. CFA

The CFA recommends that any Emergency Management Plan or Bushfire Emergency Management Plan onsite be reviewed and updated with any new information as a result of amendment PP258/2016-3. Plans should be reviewed annually to ensure they remain current at all times.

12. *Attention is drawn to the limitation on the amount of external signage that can be displayed at this site under the provisions of the Rural Conservation Zone.*

13. *The provision and or consumption of liquor within the development hereby permitted must not commence until such time as a Liquor Licence has been issued, pursuant to the Liquor Control Reform Act 1988, as amended.*

THIS PERMIT HAS BEEN AMENDED AS FOLLOWS:

Date of amendment	Brief description of amendment	Name of responsible authority that approved the amendment
5/3/19	<ul style="list-style-type: none"> • Site description amended • Preamble amended • Condition 9 – typographical error corrected • Condition 10 inserted and subsequent conditions re-numbered • Condition 11 (original condition 10) amended • Condition 33 (original condition 32) updated • Conditions 34 and 35 amended (original conditions 33, 34 and 35) • Conditions 36 - 40 inserted and subsequent conditions renumbered • Condition 44 (former condition 39) updated and condition 45 (former condition 40) amended • Condition 46 (former condition 41) deleted • Conditions 57, 58 and 59 inserted • Expiry condition (previously 52) renumbered • Note 6 amended • Note 7 deleted • Notes 8, 9 and 10 inserted 	Colac Otway Shire
5/12/19	<p>Correction of errors under Section 71 of the Planning and Environment Act 1987:</p> <ul style="list-style-type: none"> • Deletion of 'condition 34' in condition 36 and replacing with 'condition 35' 	
10/11/21	<ul style="list-style-type: none"> • Preamble amended • Amended plans endorsed • Conditions 2, 5, 6, 7, 8, 9, 22 and 23 amended • Notes 11, 12 and 13 added 	

RESOLUTION

MOVED Cr Chris Potter, SECONDED Cr Joe McCracken

That the Planning Committee:

- **Thank submitters for their time and interest today.**
- **Defers consideration of this matter to the Council meeting scheduled to be held on Wednesday 24 November 2021 commencing at 4:00pm (and lists it as the first item on the Agenda).**

CARRIED 5 : 0

The meeting was declared closed at 3:46pm.

CONFIRMED AND SIGNED at the meeting held on 15 December 2021.

.....**MAYOR**