



Colac Otway
SHIRE

13 March 2024

Planning Committee Meeting

Unconfirmed resolutions

Confirmation of Minutes

RESOLUTION

MOVED Cr Stephen Hart, SECONDED Cr Chris Potter

That the Planning Committee confirm the minutes of the:

- ***Planning Committee Meeting – 14 February 2024***
- ***Notes that there is an error in relation to permit number for 28 Hesse Street Colac which has been documented as PP334/2023-1 in the Minutes and the correct permit number is PP334/2022-1. No further errors have been identified.***

CARRIED 7:0

Unconfirmed resolutions

Item: 7.1 - PP219/2021-1 - Staged Development of twenty-seven (27) Dwellings, additions and alterations to existing buildings and associated infrastructure works – 17 Balnagowan Avenue Colac

RESOLUTION

MOVED Cr Kate Hanson, SECONDED Cr Tosh-Jake Finnigan

That the Planning Committee resolves, under s64 of the Planning and Environment Act 1987, to issue a Notice of Decision to Grant a Permit for the staged construction of twenty-seven (27) dwellings, extensions and alterations to a dwelling, and associated works at 17 Balnagowan Avenue, Colac (Lot 1 LP20258 V/F: 8296/621 Parish of Colac), subject to the following conditions:

Amended Plans

- 1. Prior to commencement of the 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, which must be drawn to scale with dimensions, must be generally in accordance with the plans submitted with the application, but modified to show:***
 - a) dwellings annotated as units rather than lots***
 - b) a revised staging plan to include the works to the 'Balnagowan' residence in stage 1***
 - c) dwellings 29 and 30 reduced to 2-bedroom dwellings (with no studies)***
 - d) revised elevation plans for dwellings 13 to 39 specifying the roof finish as being either terracotta or woodland grey Colorbond roofing, and providing details of colours and materials of the external finishes***
 - e) revised elevation and floor plans for dwellings 38 and 39 (as they are mirrored not identical)***
 - f) the orientation on elevation plans***
 - g) the provision of 2 visitor parking spaces in the vicinity of the northern bin collection area, as per the plan submitted to Council on 13/2/24. The car parking spaces must comply with the dimensions specified in Clause 52.06-9 (Design Standards for Car Parking) of the Colac Otway Planning Scheme***
 - h) fencing as identified on plan A335 Project No. LR-TP-01 (dated 3/4/22), which should be 1800mm high and constructed in woodland grey Colorbond or a similar colour***
 - i) storage in accordance with Clause 55.05-6 (Storage Objective - Standard B30) of the planning scheme***
 - j) mailboxes and servicing infrastructure in accordance with Clause 55.06-4 (Site Services Objective - Standard B34) of the planning scheme, including details of any proposed screening of servicing infrastructure***

Endorsed Plans

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

Removal of Notice from Title

3. ***Prior to the commencement of stage 2 of the development, unless an alternate timeframe is agreed in writing by the Responsible Authority, the notice under section 9(1) of the Retirement Villages Act 1986 must be removed from the title of the land. A copy of the title must be submitted to the Responsible Authority once the restriction has been removed.***

Staging of Development

4. ***The development must proceed in order of stages shown on the endorsed plan, unless otherwise agreed in writing by the Responsible Authority.***

Construction Management Plan

5. ***Prior to the commencement of any works relating to the first stage of the development, unless otherwise approved in writing by the Responsible Authority, 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 and detail how the site will be managed prior to and during the construction period, including requirements for managing runoff, dust, construction wastes and litter. 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. The Plan must address the process of implementing these measures in the different stages as proposed.***
6. ***All works 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.***

Traffic Management Plan

7. ***Prior to the commencement of any works allowed by this permit, a Traffic Management Plan in accordance with the Road Management Act 2004 (A Code of Practice for Worksite Safety – Traffic Management), the Road Safety Act 1986 and Australian Standard AS 1742.3 2009 (Traffic Control Devices for Works on Roads), which must address all stages of the development, must be submitted to and approved by the Responsible Authority. All traffic management associated with each stage of the development hereby permitted must be undertaken in accordance with the approved plan.***

Access

8. ***Vehicular access from the roadway to the property boundary of all dwellings within each stage must be constructed to the satisfaction of the Responsible Authority prior to the initial occupation of any of the dwellings hereby permitted within that stage, unless an alternate timeframe is agreed in writing by the Responsible Authority.***
9. ***Vehicular access to the 'Balnagowan' residence must be constructed to the satisfaction of the Responsible Authority prior to the commencement of works associated with the extensions and alterations to that dwelling hereby permitted, unless an alternate timeframe is agreed in writing by the Responsible Authority.***

10. *Prior to the initial occupation of any dwelling in stage 2, the redundant vehicular crossing to that part of the land must be removed and the road reserve must be reinstated to the satisfaction of the Responsible Authority, unless otherwise agreed in writing by the Responsible Authority.*

Detailed Design Plans

11. *Prior to the commencement of works for stage 2, detailed engineering plans must be submitted to and approved by the Responsible Authority, unless otherwise agreed by the Responsible Authority. The Detailed Design Plans, which must be drawn to scale with dimensions, must include the requisite information listed in Appendix I (Information to be Shown on Plans) of the Infrastructure Design Manual (IDM) adopted by Council including:*

- *Existing kerb and channel in Stodart Street to be extended eastwards in front of the development site to join the existing kerb and channel in Balnagowan Avenue, with road pavement widened to join to existing pavement*
- *A concrete footpath to be constructed around all of the site frontage to Stodart Street and Balnagowan Avenue, where a footpath is not already existing.*
- *A staging plan of the proposed footpath construction.*

Kerb and channel and footpath and pavement design must be in accordance with the IDM.

12. *Prior to the commencement of stage 2, the footpath along the street frontage to stage 1 must be constructed to the satisfaction of the Responsible Authority.*
13. *Prior to the initial occupation of any of the dwellings in stage 2, unless otherwise agreed in writing by the Responsible Authority, all works shown on the approved Detailed Design Plans must be completed to the satisfaction of the Responsible Authority.*

Internal Accessways

14. *Prior to the initial occupation of any dwelling in stage 3, the shared accessways must be constructed to an all-weather sealed standard and with a minimum width of 4.60m for the north/south accessway and 4.26m for the east/west accessways, and capable of accommodating a vehicle of 15 tonnes for the trafficable road width, to the satisfaction of the Responsible Authority.*

Visitor Parking Areas

15. *Prior to the initial occupation of any of the dwellings in stage 3 of the development, the visitor parking areas 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 to the satisfaction of the Responsible Authority to prevent dust;*
 - 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;*
- g) *Clearly identified as visitor parking only;*

all to the satisfaction of the Responsible Authority.

Submission of As Constructed Drawings and Information

16. Prior to the initial occupation of any of the dwellings in stage 2 of the development, unless otherwise agreed in writing by the Responsible Authority, the following drawings and information must be submitted to the Responsible Authority in digital formats suitable for integration with existing systems:

- *Digital copies of the as constructed detailed roads and drainage drawings for works in that stage.*
- *Survey enhanced digital data for the asset information component of the works within the road reserve.*

Stormwater

17. All stormwater runoff from the development, including overflow from water storage, must be taken to a legal point of discharge to the satisfaction of the Responsible Authority. The stormwater drainage must take account of the impacts relevant to the staging of the development.

18. 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 to the satisfaction of the Responsible Authority.

Stormwater Management Plan

19. Prior to the commencement of any stage of the development, a Stormwater Management Plan must be submitted to and approved by the Responsible Authority. The Stormwater Management Plan must show how the developed stages of the site will be effectively drained without causing detrimental downstream effects. The plans must provide for a maximum site discharge rate that accords with the Infrastructure Design Manual (IDM) adopted by Council (2019, Local Government Infrastructure Design Association, or as amended). All works, including the stormwater detention system, must be undertaken in accordance with the approved Stormwater Management Plan to the satisfaction of the Responsible Authority.

20. Within five (5) business days of the installation of the stormwater detention system for each stage, notice of its installation must be given to the Responsible Authority and an inspection must be requested. The written approval of the Responsible Authority must be obtained for the stormwater detention system for each stage prior to the initial occupation of any dwellings in that stage.

Landscaping

21. ***Prior to commencement of any 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, which must be drawn to scale with dimensions, 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) landscaping along the eastern and western sides of the main vehicular entrance to the site from Stodart Street, including the retention of existing trees near that entrance or replacement planting***
 - f) landscaping and planting within all open areas of the site excluding the area identified as 'Lot 40' ('Balnagowan' residence) on the master plan***
 - g) a minimum of 20 medium height canopy trees located amongst dwellings 1 to 39***
 - h) a minimum of 6 street trees along Stodart Street***
 - i) a minimum of 6 street trees along Balnagowan Avenue***
 - j) landscaping and finishes to screen the servicing equipment in common property 1 and near the vehicular entrance to the site***

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.

22. ***Prior to the initial occupation of any of the dwellings in stage 2, unless otherwise agreed in writing by the Responsible Authority, all street trees must be planted at the full cost of the developer/permit holder in accordance with the detail shown on the endorsed landscape plan.***

A landscaping bond of \$150 per street tree must be lodged with the Responsible Authority at the time of planting, for the maintenance of the street trees in accordance with the endorsed plan for a two year period.

Upon completion of the two year maintenance period to the satisfaction of the Responsible authority, the Responsible Authority may refund the landscaping bond after receiving a written request from the applicant. In the event that the street trees are not maintained to the satisfaction of the Responsible Authority, the Responsible Authority may complete or maintain the street trees planting and deduct the cost thereof, including supervision fee, from any security deposit lodgement.

23. *Prior to the initial occupation of any of the dwellings in each stage, or by such later date as is approved by the Responsible Authority in writing, the landscaping works within the development site shown on the endorsed plans for that stage 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.*

Lighting

24. *External lighting within the development must be designed, baffled and located so as to prevent any adverse effect on adjoining land, to the satisfaction of the Responsible Authority.*

Fire hydrants

25. *Prior to the initial occupation of any of the dwellings in stage 3 of the development operable hydrants, above or below ground, must be provided to satisfaction of CFA. The maximum distance between these hydrants and the rear of all buildings must be 120m and hydrants must be no more than 200m apart. Hydrants must be identified as specified in 'Identification of Street Hydrants for Firefighting purposes' available under publications on the Country Fire Authority website (www.cfa.vic.gov.au).*

26. *Prior to the commencement of development, a Waste Management 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. All waste management on the land must comply with the endorsed plan. The plan must include details of:*
- a) arrangements for access to the waste storage areas*
 - b) the capacity of the waste storage bins*
 - c) movement and collection of the 4 waste stream bins*
 - d) how the waste management aligns with Council's Environmental Sustainability Strategy*

Expiry

27. *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) All stages of the development are not completed 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 also be necessary to obtain a building permit for the proposed development.*
- 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. At least seven (7) days before any works start, an Asset Protection Permit must be obtained from Council. Council infrastructure must be maintained in a safe condition during the construction period. Any damage caused by these works to Council assets must be reinstated to the satisfaction of the Council prior to the completion of works.**

CARRIED 4:3

DIVISION

For the motion: Cr Kate Hanson, Cr Margaret White, Cr Tosh-Jake Finnigan, Cr Chris Potter

Against the motion: Cr Max Arnott, Cr Graham Costin, Cr Stephen Hart

Unconfirmed resolutions

Item: 7.2 - Development of Retail, Apartments, Waiver of Car Parking, Liquor Licence and provision of Public Toilets at 10 & 14 Pascoe Street, 51-53 & 55 Great Ocean Road, Apollo Bay

RESOLUTION

MOVED Cr Chris Potter, SECONDED Cr Graham Costin

That the Planning Committee resolves, under s64 of the Planning and Environment Act 1987, to issue a Notice of Decision to Grant a Permit for the construction of buildings containing three (3) retail premises, five (5) dwellings and public toilets, a reduction in parking from the specified rate, the use of land for the sale of liquor (packaged liquor licence) and the display of illuminated business identification signage at 10 and 14 Pascoe Street and 51-53 and 55 Great Ocean Road, Apollo Bay (Lot 1 TP: 700001 V/F: 8411/100, Lot 2 PS442273 V/F 10680/381, Lot 1 TP: 694892 V/F: 7377/337, and Lot 1 TP: 694887 V/F: 7351/015 Parish of Krambruk), subject to the following conditions:

Endorsed Plans

- 1. The 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 sold 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, and must be constructed and maintained to the satisfaction of the Responsible Authority.***

Consolidation of Titles

- 4. Prior to the commencement of development, Lot 1 TP: 700001 V/F: 8411/100, Lot 1 TP: 694892 V/F: 7377/337 and Lot 1 TP: 694887 V/F: 7351/015 Parish of Krambruk commonly identified as 10 Pascoe Street, Apollo Bay and 51-53 and 55 Great Ocean Road, Apollo Bay must be consolidated under the provisions of the Subdivision Act 1988 to the satisfaction of the Responsible Authority. A copy of the title must be provided to the Responsible Authority upon consolidation of the land.***

Section 173 Agreement – Parking Overlay Requirements

- 5. Within six months of 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 title so as to run with the land, and must provide for the following:***
 - i. Within six months of the commencement of development, unless an alternate timeframe is agreed in writing by the Responsible Authority, an obligation under clause 4.0 of***

schedule 2 to the Parking Overlay to make a payment in lieu of the provision of nineteen car parking spaces required but not provided on the land will be met in through a payment made in accordance with the rate specified in clause 4.0 of schedule 2 to the Parking Overlay (as indexed).

or

- ii. Public toilets will be provided on the land in accordance with the plans endorsed under planning permit PP308/2022-1 (or as amended).*
- iii. The owner will lease the public toilets shown on the plans endorsed under PP308/2022-1 (or as amended) to the Responsible Authority for a sum of money and a period of time agreed with the Responsible Authority. In the event the details of the lease are not agreed, the payment in lieu of parking required under section (i) will be made to the Responsible Authority.*
- iv. Details of matters such as maintenance responsibilities and hours of opening of the toilets will be addressed in the lease.*
- v. The owner will be responsible for all costs associated with the preparation of the lease, including the Responsible Authority's reasonable costs and expenses (including legal expenses).*
- vi. Unless otherwise agreed by the Responsible Authority, no part of the development permitted under planning permit PP308/2022-1 (or as amended) will be brought into use until the public toilets shown on the plans endorsed under that permit have been provided on the land and leased to the Responsible Authority.*
- vii. In the event the Responsible Authority agrees, under the provisions of section (vi), to part of the development being brought into use prior to the public toilets being provided on the land and leased to the Responsible Authority, a payment equivalent to the number of car parking spaces required but not provided on the land for that part of the development will be made in accordance with the rate specified in clause 4.0 of schedule 2 to the Parking Overlay (as indexed), unless the Responsible Authority agrees to a reduced rate due to exceptional circumstances applicable at that time.*

If within 5 years of the date of planning permit PP308/2022-1 (or as amended) the public toilets have been completed and leased to Council, any money paid under this section will be returned to the owner.

- viii. In the event the public toilets are not constructed, a payment in lieu of the provision of nineteen car parking spaces required but not provided on the land will be made in accordance with the rate specified in clause 4.0 of schedule 2 to the Parking Overlay (as indexed).*

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

Construction Management Plan

6. ***Prior to the commencement of any works relating to the development, unless otherwise approved in writing by the Responsible Authority, 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 and detail how the site will be managed prior to and during the construction period, including requirements for managing runoff, dust, construction wastes and litter. 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.***
7. ***All works 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.***

Traffic Management Plan

8. ***Prior to the commencement of any works relating to the development allowed by this permit, a Traffic Management Plan in accordance with the Road Management Act 2004 (A Code of Practice for Worksite Safety – Traffic Management), the Road Safety Act 1986 and Australian Standard AS 1742.3 2009 (Traffic Control Devices for Works on Roads) must be submitted to and approved by the Responsible Authority. All traffic management associated with the development hereby permitted must be undertaken in accordance with the approved plan.***

Access

9. ***Prior to the commencement of development, unless otherwise agreed in writing by the Responsible Authority, vehicular access from the roadway to the property boundary must be to the satisfaction of the Responsible Authority.***
10. ***Access from the public car park to the site, as shown on the endorsed plans, must not be provided until construction works have been completed, unless otherwise agreed in writing by the Responsible Authority.***
11. ***Prior to the commencement of development, unless an alternate timeframe is agreed in writing by the Responsible Authority, all redundant vehicular crossings to the site must be removed and the road reserve/s must be reinstated to the satisfaction of the Responsible Authority.***

Car Park

12. ***Unless otherwise agreed by the Responsible Authority, prior to any of the retail units or dwellings hereby permitted being brought into use, the area/s set aside for the parking of vehicles and access lanes, including access from the public car park, 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 to the satisfaction of the Responsible Authority to prevent dust;***
 - 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;*
- g) Properly illuminated for both pedestrians and vehicles, with lighting designed, baffled and located to prevent any adverse effect on adjoining land;*

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

On-Street Line-Marking

- 13. Prior to any part of the development hereby permitted being brought into use, unless otherwise agreed in writing by the Responsible Authority, any line-marking required to alter or provide on-street parking in front of the site on Pascoe Street or the Great Ocean Road must be completed at the full cost of the developer to the satisfaction of the Responsible Authority and the Department of Transport and Planning.**

Loading/Unloading

- 14. 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.**

Deliveries

- 15. Deliveries and waste collection must occur within the hours of 7am to 10pm Monday to Saturday (except public holidays) and must not occur at night (10pm to 7am the following day, as prescribed in Regulation 116 of the Environment Protection Regulations 2021) unless with the prior written consent of the Responsible Authority.**

Stormwater

- 16. All stormwater runoff from the development, including overflow from water storage, must be taken to a legal point of discharge to the satisfaction of the Responsible Authority.**
- 17. During construction works, 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 (Environment Protection Authority)) to the satisfaction of the Responsible Authority.**

Stormwater Management Plan

- 18. Prior to the commencement of development, a Stormwater Management Plan 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. The plans must provide for a maximum site discharge rate that accords with the Infrastructure Design Manual (IDM) adopted by Council (2019, Local Government**

Infrastructure Design Association, or as amended). All works, including the stormwater detention system, must be undertaken in accordance with the approved Stormwater Management Plan to the satisfaction of the Responsible Authority.

19. *Within five (5) business days of the installation of the stormwater detention system, notice of its installation must be given to the Responsible Authority and an inspection must be requested. The written approval of the Responsible Authority must be obtained to the stormwater detention system prior to any part of the development being brought into use.*

Signs

20. *The signage must not contain any flashing lights, and must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land and/or adjacent roads/streets.'*

Liquor Licence

21. *The sale of alcohol hereby permitted must only be between the following hours unless with the prior written consent of the Responsible Authority:*
- *Sunday - between 10am and 10pm.*
 - *ANZAC Day - between 12 noon and 10pm.*
 - *Christmas Day - between 9am and 10pm.*
 - *Good Friday - between 10am and 10pm.*
 - *On any other day - between 9am and 10pm.*

Noise

22. *Prior to any part of the development hereby permitted being brought into use, the Acoustic Report produced by Renzo Tonnin & Associates (reference ME106-01F01, dated 13th April 2023) must be updated to include an assessment of mechanical plant noise and, where applicable, demonstrate noise attenuation measures to be implemented to protect amenity impacts and prevent unreasonable noise. The updated report must be submitted to the Responsible Authority and the development must be undertaken in accordance with the recommendations of the report.*
23. *All external plant and equipment must be acoustically treated or placed in soundproofed housing to reduce noise to a level satisfactory to the Responsible Authority.*
24. *No commercial plant must be mounted to the Unit 4 rooftop.*

Landscaping

25. *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, which must be drawn to scale with dimensions, must show:*
- a) *landscaping both within the site and within the landscape strip in the neighbouring public car park immediately adjacent to the northern boundary of the site/to the proposed pedestrian walkway*

- 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*

Unless otherwise approved in writing by the Responsible Authority, 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.

- 26. Prior to any part of the development being brought into use, 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.*

General Amenity

- 27. The management of waste must be carried out in accordance with the Waste Management Plan prepared by Ration, dated 30 September 2022, unless otherwise approved in writing by the Responsible Authority.*
- 28. Prior to any part of the development permitted being brought into use, unless otherwise approved in writing by the Responsible Authority, the lighting of the public walkway and rear parking area as shown on the endorsed plans must be installed to the satisfaction of the Responsible Authority. The lighting must thereafter be so maintained to the satisfaction of the Responsible Authority.*
- 29. Prior to the completion of any part of the development adjacent to the public walkway, a plan showing CCTV locations along the public walkway and rear parking area must be submitted to and approved in writing by the Responsible Authority. Unless otherwise approved by the Responsible Authority, the CCTVs must be installed in accordance with the endorsed plan prior any part of the development hereby permitted being brought into use and must thereafter be so maintained to the satisfaction of the Responsible Authority.*
- 30. 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.*
- 31. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority pursuant to Clause 34.01-4 of the Colac Otway Planning Scheme.*
- 32. The 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, wastewater, waste products, grit or oil;*

- d) *presence of vermin.*

Expiry

33. 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 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 a building permit for the proposed development. The development must meet the requirements of the Building Act 1993, Building Regulations 2018 and National Construction Code.**
- 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. At least seven (7) days before any works start, an Asset Protection Permit must be obtained from Council. Council infrastructure must be maintained in a safe condition during the construction period. Any damage caused by these works to Council assets must be reinstated to the satisfaction of the Council prior to the completion of works.**
- 5. Compliance is required with the Environment Protection Regulations 2021 and EPA Publication 1826.4: Noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises, outdoor events and entertainment venues.**

CARRIED 7:0