

**1. OPENING PRAYER**

*Almighty God, we seek your blessing and guidance in our deliberations on behalf of the people of the Colac Otway Shire. Enable this Council's decisions to be those that contribute to the true welfare and betterment of our community.*

**AMEN**

**2. PRESENT**

Cr Frank Buchanan (Mayor)  
Cr Brian Crook  
Cr Michael Delahunty  
Cr Stephen Hart  
Cr Chris Smith  
Cr Terry Woodcroft

Sue Wilkinson, Chief Executive Officer  
Mark Lyons, General Manager, Corporate Services  
Ingrid Bishop, General Manager, Infrastructure & Leisure Services  
Brydon King, General Manager, Development & Community Services  
Jennifer Wood, Manager, Governance & Customer Service  
Jane Preston-Smith, Executive Officer

**3. APOLOGIES**

Cr Lyn Russell

**4. MAYORAL STATEMENT**

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

Colac Otway Shire encourages active community input and participation in Council decisions. Council meetings provide one of these opportunities as members of the community may ask questions to Council either verbally at the meeting or in writing.

Please note that some questions may not be able to be answered at the meeting, these questions will be taken on notice. Council meetings also enable Councillors to debate matters prior to decisions being taken.

I ask that we all show respect to each other and respect for the office of an elected representative.

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

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

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

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

## 5. DECLARATION OF INTEREST

Cr Stephen Hart	PC160903-1 Building and works comprising the erection of a Telecommunications facility (35 metre high monopole) and associated works at 61 Gellibrand River Road, Carlisle River
Nature of Disclosure:	Indirect Interest
Type of Indirect Interest:	78A
Nature of Interest:	Telstra is the applicant and has a direct interest for that reason. I own Telstra shares so that means I have an indirect financial interest. s78A

## 6. CONFIRMATION OF MINUTES

- Planning Committee held on the 09/12/15.

### Resolution

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

***CARRIED 5 : 1***

## 7. VERBAL SUBMISSIONS FROM APPLICANTS/OBJECTORS

PC160903-2	Phil Edge (on behalf of objectors)	Objector
PC160903-2	Adam Brown	Applicant

**Sue Wilkinson**  
**Chief Executive Officer**

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**PC160903-1 BUILDINGS AND WORKS COMPRISING THE ERECTION OF A TELECOMMUNICATIONS FACILITY (35 METRE HIGH MONOPOLE) AND ASSOCIATED WORKS AT 61 GELLIBRAND RIVER ROAD, CARLISLE RIVER (PP305/2015-1)**

AUTHOR:	Helen Evans	ENDORSED:	Brydon King
DEPARTMENT:	Development & Community Services	FILE REF:	F15/13158

Having declared a conflict of interest Cr Stephen Hart left the Council Chambers at 10:33am.

Cr Stephen Hart	PC160903-1 Building and works comprising the erection of a Telecommunications facility (35 metre high monopole) and associated works at 61 Gellibrand River Road, Carlisle River
Nature of Disclosure:	Indirect Interest
Type of Indirect Interest:	78A
Nature of Interest:	Telstra is the applicant and has a direct interest for that reason. I own Telstra shares so that means I have an indirect financial interest. s78A

**Original Recommendation(s)**

***That Council's Planning Committee resolves to issue a Planning Permit for Buildings and Works Comprising the Erection of a Telecommunications Facility (35 Metre High Monopole) and Associated Works at 61 Gellibrand River Road, Carlisle River (Lot 1 TP392335 Parish of Newlingbrook) subject to the following conditions:***

***Amended Plans***

- 1. Prior to the commencement of development, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application, but modified to show:***
  - a) Annotations confirming the monopole would be its natural concrete colour and the triangular headframe would be its natural steel colour.***

***Endorsed Plans***

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

***Amenity***

- 3. The nature and colour of building materials employed in the construction of the structures hereby permitted must be non-reflective to the satisfaction of the Responsible Authority.***
- 4. The permitted telecommunications facility and associated equipment must be maintained in good condition to the satisfaction of the Responsible Authority.***

**Removal of Facility**

5. *In the event that the telecommunications facility hereby permitted ceases to be operational, the facility must be decommissioned and removed from the site in its entirety within 12 months of the use ceasing, and the land must be reinstated, all to the satisfaction of the Responsible Authority.*

**VicRoads conditions**

6. *The crossover and driveway are to be upgraded to the satisfaction of the Roads Corporation and the Responsible Authority and at no cost to the Roads Corporation.*
7. *The driveway must be maintained in a fit and proper state so as not to compromise the ability of vehicles to enter and exit the site in a safe manner or compromise operational efficiency of the road or public safety (e.g. by spilling gravel onto the roadway).*

**Wannon Water conditions**

8. *Movement of soil, sediment and nutrients from the property during development and use of the property must be minimised.*
9. *The developer is to ensure the 100mm AC water main located along the front of the property is protected from damage likely to be caused by the passage of heavy machinery over it during construction of the Telecommunications Facility.*

**Expiry**

10. *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 development is not completed within four years of the date of this permit.*

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

**Note**

1. *VicRoads has advised, in relation to condition 6, that the crossover must be treated with an all-weather seal or some other durable surface.*

**Amended Recommendation**

**MOVED** Cr Michael Delahunty seconded Cr Terry Woodcroft

*That Council's Planning Committee resolves to issue a Planning Permit for Buildings and Works Comprising the Erection of a Telecommunications Facility (35 Metre High Monopole) and Associated Works at 61 Gellibrand River Road, Carlisle River (Lot 1 TP392335 Parish of Newlingrook) subject to the following conditions:*

**Amended Plans**

1. *Prior to the commencement of development, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application, but modified to show:*
  - a) *Annotations confirming the monopole would be its finished concrete colour and the triangular headframe would be its galvanised steel colour.*

**Endorsed Plans**

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

**Amenity**

3. *The nature and colour of building materials employed in the construction of the structures hereby permitted must be non-reflective to the satisfaction of the Responsible Authority.*
4. *The permitted telecommunications facility and associated equipment must be maintained in good condition to the satisfaction of the Responsible Authority.*

**Removal of Facility**

5. *In the event that the telecommunications facility hereby permitted ceases to be operational, the facility must be decommissioned and removed from the site in its entirety within 12 months of the use ceasing, and the land must be reinstated, all to the satisfaction of the Responsible Authority.*

**VicRoads conditions**

6. *The crossover and driveway are to be upgraded to the satisfaction of the Roads Corporation and the Responsible Authority and at no cost to the Roads Corporation.*
7. *The driveway must be maintained in a fit and proper state so as not to compromise the ability of vehicles to enter and exit the site in a safe manner or compromise operational efficiency of the road or public safety (e.g. by spilling gravel onto the roadway).*

**Wannon Water conditions**

8. *Movement of soil, sediment and nutrients from the property during development and use of the property must be minimised.*
9. *The developer is to ensure the 100mm AC water main located along the front of the property is protected from damage likely to be caused by the passage of heavy machinery over it during construction of the Telecommunications Facility.*

**Expiry**

10. *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 development is not completed within four years of the date of this permit.*

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

**Note**

- 1. VicRoads has advised, in relation to condition 6, that the crossover must be treated with an all-weather seal or some other durable surface.*

**CARRIED 5 : 0**

**Cr Stephen Hart returned to the Council Chambers at 10:42am.**

**PC160903-2 RESUBDIVISION OF THE LAND , USE AND DEVELOPMENT OF LAND FOR A CAMPING AND CARAVAN PARK, ALTERATION OF ACCESS AND DISPLAY OF ILLUMINATED BUSINESS IDENTIFICATION SIGN AT 15 & 17 IRREWILLIPE ROAD ELLIMINYT (PP100/2015)**

AUTHOR:	Helen Evans	ENDORSED:	Brydon King
DEPARTMENT:	Development & Community Services	FILE REF:	F15/3859

**Original Recommendation(s)**

*That Council's Planning Committee resolves to issue a Notice of Decision to Grant a Planning Permit for the Re-Subdivision of the Land into Two (2) Lots, Use and Development of One Lot (No. 17) as a Camping and Caravan Park, Alteration to Access to a Road in a Road Zone Category 1, and Display of an Externally Illuminated Business Identification Sign at 15 and 17 Irrewillipe Road Elliminyt (Lot 2 PS449041 and Lot 1 PS309192) 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 signage (with maximum dimensions of 1200mm x 900mm and 1200mm x 250mm, and a total height of 3m), including wording, size, design, siting and lighting detail.*
  - b) *Elevations and floor plans of the proposed buildings (moveable dwellings/cabins, amenities room etc.)*
  - c) *A site plan showing solid fencing around side and rear boundary to a height of 1.8m (excluding the first 10m of the side boundaries at the Irrewillipe Road frontage)*
  - d) *A 'Stage 2 Layout Plan' of the site, showing the Camping and Caravan Park layout post road construction, which provides an indicative Stage 2 site layout of the proposed caravan park showing the locations of uses and buildings, setbacks to the road, and any safety, acoustic, crossing and/or other measures required to facilitate the ongoing use.*
  - e) *A documented complaint management process to deal with potential neighbourhood amenity impacts such as patron noise and waste management.*

**Endorsed plans**

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



- 
3. *The location and details of the signage and any supporting structures, as shown on the endorsed plans, must not be altered without the written consent of the Responsible Authority.*

**Creation of Title**

4. *Prior to the commencement of the development hereby permitted, the land must be re-subdivided in accordance with this permit under the provisions of the Subdivision Act 1988 to the satisfaction of the Responsible Authority, and a copy of the new title must be submitted to the Responsible Authority.*

**Amenity**

5. *The Camping and Caravan Park hereby permitted must be managed in accordance with the endorsed Park Rules and conditions.*
6. *The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:*
- *transport of materials, goods or commodities to or from the land;*
  - *appearance of any building, works or materials;*
  - *emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.*
  - *storage and collection of waste/rubbish*
7. *At all times during the operation of the use, there must be present on the premises a person over the age of 18 years who is responsible for ensuring that the activities on the premises and the conduct of persons attending the premises do not have a detrimental impact on the amenity of the locality to the satisfaction of the Responsible Authority.*
8. *Noise levels emanating from the premises must not exceed those required to be met under State Environment Protection Policy (Control of Music Noise from Public Premises), No. N-2.*
9. *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.*
10. *No external sound amplification equipment or loudspeakers are to be used for the purpose of announcement, broadcast, playing of music or similar purpose.*
11. *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.*

**Signage**

12. *The signage must be constructed and maintained to the satisfaction of the Responsible Authority.*
13. *The signage hereby permitted must not contain any flashing lights, and must only be illuminated between dusk and 10.30pm.*

**Landscaping**

14. *Prior to the commencement of the development hereby permitted, 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 survey (including botanical names) of all existing vegetation to be retained and/or removed*
- *buildings and trees (including botanical names) on neighbouring properties within three metres of the boundary*
- *details of surface finishes of pathways and driveways*
- *a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, sizes at maturity, and quantities of each plant*
- *landscaping and planting within all open areas of the site*

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

15. *Prior to the initial occupation of any part of the development hereby permitted, with the exception of the existing dwelling as a single unit of accommodation, 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.*

**Stormwater Management**

16. *Prior to the commencement of the development hereby permitted, a stormwater management plan showing how the site would be drained without cause of nuisance to neighbouring properties must be submitted to and approved by the Responsible Authority. The plan must consider onsite reuse or detention of stormwater. All drainage must be engineer designed to ensure that the onsite capacity of the drainage system will be more than adequate to cater for the expected runoff as a result of this development. Once approved to the satisfaction of the Responsible Authority, the plan will be endorsed and form part of the permit.*

17. *Prior to the commencement of the use, the site must be drained in accordance with the endorsed plans to the satisfaction of the Responsible Authority.*

**Car Parking and Access Lanes**

18. *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:*

- *Constructed;*
- *Properly formed to such levels that they can be used in accordance with the plans;*
- *Surfaced with an all-weather seal coat or cement stabilised where there is a gravel finish to guard against loss of amenity;*

- *Drained;*
- *Properly illuminated with lighting designed, baffled and located to prevent any adverse effect on adjoining land.*

*Car spaces, access lanes and driveways must be kept available, in a continuously useable condition and drained to prevent diversion of flood or drainage waters, for these purposes at all times.*

*All to the satisfaction of the Responsible Authority.*

#### **S173 Agreement**

19. *Prior to the commencement of the development, the owner of proposed Lot 1 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 Lot 1 so as to run with the land, and must provide for the following:*

- *The road is to be constructed to the standard of a local road to the satisfaction of Council at the happening of one of the following events:*
    - a) *The land the subject of the permit is developed for multi-lot residential purposes; or*
    - b) *The land adjacent to the site is developed for multi-lot residential purposes in accordance with (i) or (ii) below:*
      - i. *The road is constructed to the western boundary of subject land and the land on the eastern side of the subject site has approval for development and a road is not constructed to that site from the north direction*
      - ii. *The road is constructed to the eastern boundary of subject land and the land on the western side of the subject site has approval for development and the road is not constructed from the west direction*
- and the Responsible Authority considers the road is necessary or appropriate to continue a length of road to provide access to the relevant parcel of adjoining land to be developed.*
- *The road must be constructed within 12 months of the giving of written notice by Council of one of the triggering events. The Responsible authority may, at its discretion, grant a further extension to this time upon receipt of a written request from the owner explaining why the timeframe cannot be satisfied.*

- *In the event that the notice to construct the road is given by Council in accordance with this agreement the Owner must, within three months of the triggering of the event, reconfigure the caravan park in accordance with plans to be submitted to the responsible authority, which plans must be generally in accordance with the Stage 2 layout plan under condition 1 of the permit.*
- *The owner is to bear the cost of all actions required to give effect to the redesign of the site and the construction of the road.*
- *The owner is to vest the constructed road in Council, without cost to Council.*

*This agreement will end:*

- a) *In accordance of the provisions of the Act; or*
- b) *In the event the approved 'Area 4' plan to Schedule 2 to the Development Plan Overlay is amended by the responsible authority so as to remove the requirement for a road to be constructed through the subject land; or*
- c) *At the cessation of the use and development of the land for a Camping and Caravan Park.*

*The agreement will be registered on Title of proposed Lot 1 in accordance with Section 181 of the Planning and Environment Act 1987.*

#### **Servicing Authorities**

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

#### **VicRoads conditions**

- 23. *The crossovers and driveways are to be constructed generally in accordance with the 'Site Plan Proposed Caravan Park V3', dated 29.04.2015, to the satisfaction of the Roads Corporation and the Responsible Authority and at no cost to the Roads Corporation prior to the commencement of the use hereby approved.*
- 24. *Prior to the commencement of the use hereby approved, the driveways, crossovers and associated works must be provided and available for use and be:*

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- a) *Formed to such levels and drained so that they can be used in accordance with the plan.*
  - b) *Treated with an all-weather seal or some other durable surface.*
25. *Driveways must be maintained in a fit and proper state so as to not compromise the ability of vehicles to enter and exit the site in a safe manner nor compromise the operational efficiency of the road or public safety (e.g. by spilling gravel onto the roadway).*
  26. *Signage shall be wholly located within the property and shall be designed and constructed (including illumination) so as to avoid the possibility of distracting or dazzling drivers.*

**Expiry**

27. *This permit will expire if one of the following circumstances applies:*
  - *The plan of subdivision is not certified within two years of the date of the permit.*
  - *The development, including signage, and/or use has not commenced within two years of the date of this permit.*
  - *The development, including signage, is not completed within four years of the date of this permit.*
  - *A statement of compliance is not issued within five years of the date of certification of the Plan.*

*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 commencement of the development, it will be necessary to apply for and obtain building approval.*
2. *The use of the land as a caravan park requires registration with Council under Residential Tenancies Act 1997, and must comply with Caravan Parks and Movable Dwellings Registration and Standards Regulations 2000.*
3. *As there is a swimming pool associated with the use and development allowed by this permit, there may be specific obligations under Public Health and Wellbeing Regulation 2009 relating to Aquatic Facilities.*
4. *The proposed development requires the construction of a crossover. Separate approval under the Road Management Act for this activity may be required from VicRoads (the Roads Corporation), which should be contacted prior to commencing any works.*
5. *The applicant is advised, in relation to condition 16 site has access to a drainage easement which currently has no infrastructure placed in it which runs to the east towards Main Street. Any land to the north of the site which cannot fall to Irrewillipe Road can fall to infrastructure placed in this easement.*

**Amended Recommendation**

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

**That Council's Planning Committee resolves to issue a Notice of Decision to Grant a Planning Permit for the Re-Subdivision of the Land into Two (2) Lots, Use and Development of One Lot (No. 17) as a Camping and Caravan Park, Alteration to Access to a Road in a Road Zone Category 1, and Display of an Externally Illuminated Business Identification Sign at 15 and 17 Irrewillipe Road Elliminyt (Lot 2 PS449041 and Lot 1 PS309192) 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 signage (with maximum dimensions of 1200mm x 900mm and 1200mm x 250mm, and a total height of 3m), including wording, size, design, siting and lighting detail.**
  - b) **Elevations and floor plans of the proposed buildings (moveable dwellings/cabins, amenities room etc.)**
  - c) **A site plan showing solid fencing around side and rear boundary to a height of 1.8m (excluding the first 10m of the side boundaries at the Irrewillipe Road frontage)**
  - d) **A 'Stage 2 Layout Plan' of the site, showing the Camping and Caravan Park layout post road construction, which provides an indicative Stage 2 site layout of the proposed caravan park showing the locations of uses and buildings, setbacks to the road, and any safety, acoustic, crossing and/or other measures required to facilitate the ongoing use.**
  - e) **A documented complaint management process to deal with potential neighbourhood amenity impacts such as patron noise and waste management.**

**Endorsed plans**

2. **The use and development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.**
3. **The location and details of the signage and any supporting structures, as shown on the endorsed plans, must not be altered without the written consent of the Responsible Authority.**

**Creation of Title**

4. **Prior to the commencement of the development hereby permitted, the land must be re-subdivided in accordance with this permit under the provisions of the Subdivision Act 1988 to the satisfaction of the Responsible Authority, and a copy of the new title must be submitted to the Responsible Authority.**

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**Amenity**

5. *The Camping and Caravan Park hereby permitted must be managed in accordance with the endorsed Park Rules and conditions.*
6. *The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:*
  - *transport of materials, goods or commodities to or from the land;*
  - *appearance of any building, works or materials;*
  - *emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.*
  - *storage and collection of waste/rubbish*
7. *At all times during the operation of the use, there must be present on the premises a person over the age of 18 years who is responsible for ensuring that the activities on the premises and the conduct of persons attending the premises do not have a detrimental impact on the amenity of the locality to the satisfaction of the Responsible Authority.*
8. *Noise levels emanating from the premises must not exceed those required to be met under State Environment Protection Policy (Control of Music Noise from Public Premises), No. N-2.*
9. *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.*
10. *No external sound amplification equipment or loudspeakers are to be used for the purpose of announcement, broadcast, playing of music or similar purpose.*
11. *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.*

**Signage**

12. *The signage must be constructed and maintained to the satisfaction of the Responsible Authority.*
13. *The signage hereby permitted must not contain any flashing lights, and must only be illuminated between dusk and 10.30pm.*

**Landscaping**

14. *Prior to the commencement of the development hereby permitted, 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 survey (including botanical names) of all existing vegetation to be retained and/or removed*

- *buildings and trees (including botanical names) on neighbouring properties within three metres of the boundary*
- *details of surface finishes of pathways and driveways*
- *a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, sizes at maturity, and quantities of each plant*
- *landscaping and planting within all open areas of the site*

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

15. *Prior to the initial occupation of any part of the development hereby permitted, with the exception of the existing dwelling as a single unit of accommodation, 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.*

#### *Stormwater Management*

16. *Prior to the commencement of the development hereby permitted, a stormwater management plan showing how the site would be drained without cause of nuisance to neighbouring properties must be submitted to and approved by the Responsible Authority. The plan must consider onsite reuse or detention of stormwater. All drainage must be engineer designed to ensure that the onsite capacity of the drainage system will be more than adequate to cater for the expected runoff as a result of this development compliant to ARI 1 to 10 years. Once approved to the satisfaction of the Responsible Authority, the plan will be endorsed and form part of the permit.*
17. *Prior to the commencement of the use, the site must be drained in accordance with the endorsed plans to the satisfaction of the Responsible Authority.*

#### *Car Parking and Access Lanes*

18. *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:*
- *Constructed;*
  - *Properly formed to such levels that they can be used in accordance with the plans;*
  - *Surfaced with an all-weather seal coat or cement stabilised where there is a gravel finish to guard against loss of amenity;*
  - *Drained;*
  - *Properly illuminated with lighting designed, baffled and located to prevent any adverse effect on adjoining land.*

*Car spaces, access lanes and driveways must be kept available, in a continuously useable condition and drained to prevent diversion of flood or drainage waters, for these purposes at all times.*

*All to the satisfaction of the Responsible Authority.*



**S173 Agreement**

19. **Prior to the commencement of the development, the owner of proposed Lot 1 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 Lot 1 so as to run with the land, and must provide for the following:**

- **The road is to be constructed to the standard of a local road to the satisfaction of Council at the happening of one of the following events:**
    - a) **The land the subject of the permit is developed for multi-lot residential purposes; or**
    - b) **The land adjacent to the site is developed for multi-lot residential purposes in accordance with (i) or (ii) below:**
      - i. **The road is constructed to the western boundary of subject land and the land on the eastern side of the subject site has approval for development and a road is not constructed to that site from the north direction**
      - ii. **The road is constructed to the eastern boundary of subject land and the land on the western side of the subject site has approval for development and the road is not constructed from the west direction**
- and the Responsible Authority considers the road is necessary or appropriate to continue a length of road to provide access to the relevant parcel of adjoining land to be developed.**
- **The road must be constructed within 12 months of the giving of written notice by Council of one of the triggering events. The Responsible authority may, at its discretion, grant a further extension to this time upon receipt of a written request from the owner explaining why the timeframe cannot be satisfied.**
  - **In the event that the notice to construct the road is given by Council in accordance with this agreement the Owner must, within three months of the triggering of the event, reconfigure the caravan park in accordance with plans to be submitted to the responsible authority, which plans must be generally in accordance with the Stage 2 layout plan under condition 1 of the permit.**
  - **The owner is to bear the cost of all actions required to give effect to the redesign of the site and the construction of the road.**

- ***The owner is to vest the constructed road in Council, without cost to Council.***

***This agreement will end:***

- a) In accordance of the provisions of the Act; or***
- b) In the event the approved 'Area 4' plan to Schedule 2 to the Development Plan Overlay is amended by the responsible authority so as to remove the requirement for a road to be constructed through the subject land; or***
- c) At the cessation of the use and development of the land for a Camping and Caravan Park.***

***The agreement will be registered on Title of proposed Lot 1 in accordance with Section 181 of the Planning and Environment Act 1987.***

#### ***Servicing Authorities***

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

#### ***VicRoads conditions***

- 23. The crossovers and driveways are to be constructed generally in accordance with the 'Site Plan Proposed Caravan Park V3', dated 29.04.2015, to the satisfaction of the Roads Corporation and the Responsible Authority and at no cost to the Roads Corporation prior to the commencement of the use hereby approved.***
- 24. Prior to the commencement of the use hereby approved, the driveways, crossovers and associated works must be provided and available for use and be:***
  - a) Formed to such levels and drained so that they can be used in accordance with the plan.***
  - b) Treated with an all-weather seal or some other durable surface.***
- 25. Driveways must be maintained in a fit and proper state so as to not compromise the ability of vehicles to enter and exit the site in a safe manner nor compromise the operational efficiency of the road or public safety (e.g. by spilling gravel onto the roadway).***

26. **Signage shall be wholly located within the property and shall be designed and constructed (including illumination) so as to avoid the possibility of distracting or dazzling drivers.**

**Expiry**

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

- **The plan of subdivision is not certified within two years of the date of the permit.**
- **The development, including signage, and/or use has not commenced within two years of the date of this permit.**
- **The development, including signage, is not completed within four years of the date of this permit.**
- **A statement of compliance is not issued within five years of the date of certification of the Plan.**

**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 commencement of the development, it will be necessary to apply for and obtain building approval.**
2. **The use of the land as a caravan park requires registration with Council under Residential Tenancies Act 1997, and must comply with Caravan Parks and Movable Dwellings Registration and Standards Regulations 2000.**
3. **As there is a swimming pool associated with the use and development allowed by this permit, there may be specific obligations under Public Health and Wellbeing Regulation 2009 relating to Aquatic Facilities.**
4. **The proposed development requires the construction of a crossover. Separate approval under the Road Management Act for this activity may be required from VicRoads (the Roads Corporation), which should be contacted prior to commencing any works.**
5. **The applicant is advised, in relation to condition 16 site has access to a drainage easement which currently has no infrastructure placed in it which runs to the east towards Main Street. Any land to the north of the site which cannot fall to Irrewillipe Road can fall to infrastructure placed in this easement.**

**CARRIED 5 : 1**

**DIVISION called by Cr Chris Smith**

**For the Motion: Cr Chris Smith, Cr Stephen Hart, Cr Brian Crook, Cr Michael Delahunty, Cr Frank Buchanan**

**Against the Motion: Cr Terry Woodcroft**

**PC160903-3 BUILDINGS AND WORKS COMPRISING CONSTRUCTION OF DRY STORE BUILDING, CONSTRUCTION OF A REPLACEMENT SKIN SALTING FACILITY, EXTENSIONS TO CHILLERS AND COLD STORAGE AND DISTRIBUTION BUILDING, OFFICE, EXPANSION TO EXISTING LAIRAGES, WAIVER OF 206 CAR PARKING SPACES, INTERNAL ROADS AND ASSOCIATED WORKS AT 1 TRISTANIA DRIVE, COLAC EAST (PP185/2015-2)**

<b>AUTHOR:</b>	Ian Williams	<b>ENDORSED:</b>	Brydon King
<b>DEPARTMENT:</b>	Development & Community Services	<b>FILE REF:</b>	F16/1563

### **Resolution**

***MOVED Cr Brian Crook seconded Cr Terry Woodcroft***

***That Council's Planning Committee resolves to issue an Amended Planning Permit to PP185/2015-2 for Buildings and Works Comprising Construction of Dry Store Building, Construction of a Replacement Skin Salting Facility, Extensions to Chillers and Cold Storage and Distribution Building, Office, Expansion to Existing Lairages, Waiver of 206 Car Parking spaces, Internal Roads and Associated Works at 1 Tristania Drive, Colac East (Lots 1 and 2 on PS413157N, Lot 1 on TP11449C, and Lot 1 on TP562975D) subject to the following conditions:***

#### ***Conditions:***

#### ***Endorsed plans***

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

#### ***Consolidation of title***

- 2. Unless otherwise approved by the Responsible Authority, within six (6) months of the commencement of development, Lot 1 TP562975, Lot 1 TP11449, Lot 1 and Lot 2 PS413157 must be consolidated under the provisions of the Subdivision Act 1988 to the satisfaction of the Responsible Authority.***

#### ***Landscaping***

- 3. Prior to commencement of the development, a landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided.***

***The landscaping plan must be generally in accordance with the Stage 2 Plan (TP1.03.1), except that the plan must show:***

- (a) a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, sizes at maturity, and quantities of each plant adjacent to the western site boundary with Clark Street and within the proposed car parking area.***

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

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

#### **Car Park Construction**

5. *Prior to the commencement of the development hereby permitted, the area/s set aside for the parking of vehicles as shown on the endorsed plans must be:*
- a) *constructed;*
  - b) *properly formed to such levels that they can be used in accordance with the plans;*
  - c) *surfaced with crushed rock or gravel and treated to the satisfaction of the Responsible Authority to prevent dust;*
  - d) *drained;*
  - e) *appropriately marked to show designated parking spaces;*
  - f) *properly illuminated with lighting designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land;*

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

6. *Within 3 years of the initial occupation of the development hereby permitted, unless alternative surfacing is formally approved in writing under this permit, or endorsed as part of a Development Plan or separate planning application by the Responsible Authority, the car parking area hereby permitted must be surfaced with an all-weather seal coat, to the satisfaction of the Responsible Authority.*

#### **Internal Roads**

7. *All new internal roads, and loading/unloading areas, hereby permitted must be surfaced with an all-weather seal coat, drained and clearly marked to show the direction of traffic to the satisfaction of the Responsible Authority.*

#### **New Access**

8. *Prior to commencement of the development associated with the extension to the Lairages, the applicant is required to supply to the Responsible Authority a detailed design showing the new heavy vehicle entrance / exit on Flaxmill Road and to include the provision of a left turn lane, kerb and channel, improved sight lines and line marking as appropriate. Once approved, this plan will form part of the permit. All works associated with the creation of the new heavy vehicle entrance / exit on Flaxmill Road must be undertaken in accordance with the endorsed plan to the satisfaction of the Responsible Authority.*

#### **Stormwater**

9. *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.*

**Amenity**

10. *The development hereby permitted must be managed so that the amenity of the area is not detrimentally affected, through the:*
- a) *transport of materials, goods or commodities to or from the land;*
  - b) *appearance of any building, works or materials;*
  - c) *emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;*
  - d) *presence of vermin.*
11. *The buildings and works hereby permitted, including any associated plant and equipment, must be constructed and maintained to ensure compliance with State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1 (SEPP N-1) and/or Noise from Industry in Regional Victoria (EPA publication 1411, October 2011), as applicable.*
12. *Buildings and works hereby permitted must be constructed of muted, non-reflective colours and materials, to the satisfaction of the Responsible Authority.*
13. *The buildings and works hereby permitted must be maintained in good order and appearance to the satisfaction of the Responsible Authority.*
14. *Any external lighting on the development hereby permitted must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the Responsible Authority.*

**Expiry**

15. *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 development is not completed within four years of the date of this permit.*

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

**Notes**

1. *This permit does not authorise the commencement of any building works. Prior to commencement of the development, it will be necessary to apply for and obtain building approval for the proposed works.*
2. *This permit is issued on the basis of written confirmation from the applicant that the development does not require Works Approval from the EPA, or a licence to discharge or emit waste, or any amendment of a licence, under the Environment Protection Act 1970. Had any of these circumstances applied, there would have been a statutory requirement to refer the application to the EPA. Council must immediately be notified should it transpire that a Works Approval or licence is required.*

**CARRIED 6 : 0**

Cr Chris Smith left the Council Chambers at 11:38am.

PC160903-4      PLANNING AND BUILDING STATISTICAL REPORT

AUTHOR:	Jane Preston-Smith	ENDORSED:	Brydon King
DEPARTMENT:	Development & Community Services	FILE REF:	F15/9436

**Resolution**

*MOVED Cr Brian Crook seconded Cr Stephen Hart*

*That Council notes the Planning and Building Statistical reports for the months of November 2015, December 2015 and January 2016.*

*CARRIED 5 : 0*

*The Meeting Was Declared Closed at 11:40am*

**CONFIRMED AND SIGNED** at the meeting held on 13 APRIL 2016



~~MAYOR~~

Acting Chair  
Cr Woodroffe