



PLANNING COMMITTEE MEETING

AGENDA

WEDNESDAY 6 DECEMBER 2017

AT 4PM

COPACC

COLAC OTWAY SHIRE COUNCIL PLANNING COMMITTEE MEETING

6 DECEMBER 2017

TABLE OF CONTENTS

OPENING PRAYER.....	3
PRESENT.....	3
APOLOGIES.....	3
WELCOME & ACKNOWLEDGEMENT OF COUNTRY.....	3
ELECTION OF CHAIR OF PLANNING COMMITTEE.....	4
DECLARATION OF INTEREST.....	4
CONFIRMATION OF MINUTES.....	4
VERBAL SUBMISSIONS FROM APPLICANTS/OBJECTORS.....	4

OFFICER REPORTS

PC170612-1	EXTENSIONS TO DWELLING AT 9 POINT AVENUE SKENES CREEK (PP161/2017)	5
PC170612-2	FUNCTION ROOM EXTENSION TO HOTEL AT 19-21 GREAT OCEAN ROAD, WYE RIVER (PP85/2017-1)	25

COLAC OTWAY SHIRE COUNCIL PLANNING COMMITTEE MEETING

NOTICE is hereby given that the next *PLANNING COMMITTEE MEETING OF THE COLAC OTWAY SHIRE COUNCIL* will be held in COPACC on 6 December 2017 at 4pm.

AGENDA

[Opening of meeting to be chaired by the Acting Chief Executive Officer pending the election of the Chair of the Planning Committee.]

1. I DECLARE THIS MEETING OPEN

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

3. APOLOGIES

4. WELCOME & ACKNOWLEDGEMENT OF COUNTRY

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 community input and participation in Council decisions.

Council meetings enable Councillors to debate matters prior to decisions being made. I ask that we all behave in a courteous manner.

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. ELECTION OF CHAIR OF PLANNING COMMITTEE

Recommendation

That Council elect Cr..... to be Chair of the Planning Committee of Colac Otway Shire until determined otherwise.

6. DECLARATION OF INTEREST

7. CONFIRMATION OF MINUTES

- Planning Committee held on 8 November 2017.

Recommendation

That the Planning Committee confirm the above minutes.

8. VERBAL SUBMISSIONS FROM APPLICANTS/OBJECTORS

The Chair is to read out the names of those applicants and objectors who have confirmed in writing that they wish to make a verbal submission. These verbal submissions will be made in relation to each respective agenda item and must be directly relevant to the respective agenda item. A time limit of five minutes will apply.

PLANNING COMMITTEE

EXTENSIONS TO DWELLING AT 9 POINT AVENUE SKENES CREEK (PP161/2017)

PC170612-1

ADDRESS AND PROPERTY DETAILS	9 Point Avenue Skenes Creek	GENERAL MANAGER	Gareth Smith
PREPARED BY	Helen Evans	TRIM FILE	F17/7343
DIVISION	Development & Community Services	CONFIDENTIAL	No
PERMIT TRIGGERS	Buildings and Works - Significant Landscape Overlay; Neighbourhood Character Overlay; Erosion Management Overlay; and Bushfire Management Overlay		
TRIGGER FOR DETERMINATION BY COMMITTEE	Four or more objections received to the application (5)		
APPLICATION NUMBER	PP161/2017		
PROPOSAL	Construction of a double storey extension to dwelling		
ZONE	Township Zone	OVERLAYS	Significant Landscape Overlay (SLO2 – Coastal Towns); Neighbourhood Character Overlay (NCO1 – Coastal Towns), Design and Development Overlay (DDO4 – Coastal Towns); Erosion Management Overlay (EMO1); Bushfire Management Overlay (BMO)
COVENANTS	Not applicable		
LIST OF ATTACHMENTS	1. Planning application 8 Pages		
CULTURAL HERITAGE	Not applicable		

1. LOCATION PLAN / AERIAL PHOTO

LOCATION PLAN



AERIAL PHOTO



2. EXECUTIVE SUMMARY

The application seeks a planning permit to construct a double storey extension on the northeast side (front) of the existing dwelling. The proposal would add an indoor swimming pool and bathroom, and relocate an existing bedroom at ground floor level. The upper level of the extension would provide a living area, a deck, two bedrooms and a bathroom.

A new front entrance and the replacement of asbestos external wall cladding with painted sycon matrix cladding to match the proposed extension is also proposed.

The site is located in the northeast section of Skenes Creek, which is residential in character. Notice of the application was given to surrounding landowners and five objections were received. The objections relate to neighbourhood character, dwelling design, noise, and overshadowing/thermal impact and overlooking.

It is considered the proposal would not cause any material amenity impacts to other properties or the area generally; nor is it considered that the scale and appearance of the development would detract from the character of the area.

As such, it is considered that a Notice of Decision to Grant a Permit could reasonably be issued for the proposed extensions.

3. RECOMMENDATION

That Council resolves to issue a Notice of Decision to Grant a Permit for the construction of a double storey extension to the dwelling at 9 Point Avenue, Skenes Creek (Lot 40 LP: 51921 V/F: 8628/734, 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.***

Amenity

- 2. All windows and the screen to the deck shown to have obscure glazing on the endorsed plans must be fitted and permanently maintained with obscure glass to a minimum height of 1.7 metres above floor level.***
- 3. Unless with the prior written consent of the Responsible Authority, the extensions and alterations hereby permitted must be constructed using painted sycon matrix cladding (colour Dulux 'patita' (grey), and 'Deep Ocean' colorbond roofing.***

Stormwater

- 4. All runoff from new or altered stormwater piping, including overflow from water storage, must be taken to a legal point of discharge to the satisfaction of the Responsible Authority.***

Compliance with Geotechnical Assessment

- 5. The approved development must be carried out on the site in accordance with the recommendations of the Geotechnical Assessment prepared by Land Assessment Consultants (Report No. 2059, dated 9 March 2017) or any Geotechnical Practitioner engaged to review the assessment submitted with the application.***

Bushfire

- 6. 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.

7. *Prior to the commencement of development, written confirmation of the construction standard must be submitted to the Responsible Authority. In the event it is decided to construct the development to the standard allowed by Schedule 1 to the Bushfire Management Overlay (BMO1) in the Colac Otway Planning Scheme, rather than the submitted Bushfire Management Plan version 2 prepared by Greg Jones Projects Architects (dated 1 November 2017), an amended Bushfire Management Plan that complies with the standards specified in BMO1 must be submitted to and approved by the Responsible Authority. Once approved, the Bushfire Management Plan will be endorsed and will form part of this permit.*
8. *The Bushfire Management Plan endorsed to form part of the permit must not be altered without the written consent of the Responsible Authority.*

Landscaping

9. *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 plan must show:
 - a) *landscaping and planting along the frontage of the site and the north east side of the dwelling*
 - b) *a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, sizes at maturity, and quantities of each plant**

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

10. *Prior to occupation of the extension 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.*

Expiry

11. *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.**

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.

Note

1. *This permit does not authorise the commencement of any building works. Prior to the commencement of development, it will be necessary to apply for and obtain building approval for the extensions.*

4. OPTIONS

Council has the options of:

- a) Issuing a Notice of Decision to Grant a Permit subject to the recommended conditions;
- b) Issuing a Notice of Decision to Grant a Permit subject to the recommended conditions with changes;
- c) Refusing to grant a permit on specified planning grounds.

It is considered that the proposed extensions to the dwelling would be acceptable and recommended that Option a) is supported for the reasons outlined in this report.

5. RELEVANT BACKGROUND

The application is for extensions to a dwelling in the Township Zone. There is no permit trigger for the proposed extensions under the provisions of the zone, with all permit triggers relating to overlays affecting the site, i.e. a Significant Landscape Overlay, the Neighbourhood Character Overlay, the Erosion Management Overlay and the Bushfire Management Overlay

6. PROPOSAL

In addition to the proposed double-storey extension, the dwelling would be re-stumped and external wall cladding would be replaced with painted Sycon Matrix cladding to match the proposed extension.

The maximum height of the proposed extension would be 8m above existing ground level. The ground floor of the extension would provide an indoor swimming pool and bedroom, whilst the upper floor would provide two additional bedrooms (resulting in 4 bedrooms in total), a bathroom and family room, together with an outdoor deck area.

The proposed floor areas are as follows:

Ground floor

Existing building	107.41m ²
Extension	66.58m ²
Deck addition	<u>25.38m²</u>
Total	199.37m ²

First floor

Building area	76.83m ²
Deck area	<u>7.85m²</u>
Total	84.68m ²

A shallow gable roof with a 10 degree pitch is proposed. The roof would be rotated to the north to allow for solar panels.

7. SUBJECT LAND & SURROUNDINGS

The lot has an area of 770m², with a frontage of 15m to Point Avenue and a depth of 50.02m. The site is located on the south-eastern side of Point Avenue in Skenes Creek township. The site, which slopes gently to the south, enjoys distant views to the ocean. Dwellings surround the site in all directions.

The existing single-storey dwelling is set back 12.3m from Point Avenue (to the front of the garage), 1.3m from the southwest boundary and 1.5m from the northeast boundary.

The site is largely void of landscaping, with some trees along the rear boundary and some recently planted landscaping to the front of the lot. Access to the site is via a gravel driveway from Point Avenue.

8. PLANNING SCHEME PROVISIONS

State Planning Policy Framework

The State Planning Policy Framework (SPPF) seeks to ensure that the objectives of planning in Victoria are fostered through appropriate land use and development policies. The policies considered relevant to the application are identified below:

- 11.07-1 - Regional Planning
- 12.02-6 - The Great Ocean Road Region
- 12.04-2 - Landscapes
- 13.03-2 - Erosion and Landslip
- 13.05 - Bushfire
- 16 - Housing
- 16.01 - Residential Development

Local Policy Planning Framework (LPPF), including the Municipal Strategic Statement (MSS)

The Local Planning Policy Framework (LPPF) sets a local and regional strategic policy context for the Shire. The policies considered relevant to the application are identified below:

- 21.02-2 - Land Use Vision
- 21.03-1 - General
- 21.03-5 - Skenes Creek
- 21.04-5 - Erosion
- 21.04-8 - Landscape Character

Clause 21.03-5 – Skenes Creek is the most relevant clause to the consideration of this application. This clause outlines Preferred Character Statements for various precincts in Skenes Creek. The subject site is located within Precinct 2. The Preferred Character Statement for this precinct states:

“This precinct will continue to be characterised by diverse coastal dwellings set amongst established coastal gardens. The sense of openness will be maintained by setting the buildings apart, minimising intrusive front fencing, and encouraging building forms that respect views to the surrounding hills

and coast. The precinct will be united by consistent mature plantings of native and exotic coastal species in the public and private domains.”

Other relevant provisions

Zones and Overlays

The subject site is within the Township Zone (TZ), Significant Landscape Overlay (SLO2 – Coastal Towns), Neighbourhood Character Overlay (NCO1 – Coastal Towns), Design and Development Overlay (DDO4 – Coastal Towns), Erosion Management Overlay (EMO1) and Bushfire Management Overlay (BMO).

Particular Provisions

Clause 54 One Dwelling On A Lot

A key purpose of this clause is to encourage residential development that is responsive to the site and the neighbourhood, and that respects the existing neighbourhood character. This provision applies to an application to construct a building or construct or carry out works associated with one dwelling on a lot under the provisions of a Neighbourhood Character Overlay if the land is in a Township Zone.

Relevant Planning Scheme Amendments

Amendment VC132 was gazetted on 19 September 2017. This is a general amendment that made a number of administrative corrections and other changes to the Victoria Planning Provisions (VPP) and all planning schemes in Victoria, including changes to Clause 52.47 (Planning for Bushfire).

Amendment GC13 was gazetted on 3 October 2017. This Amendment, amongst other things, updated the mapping and ordinance for the Bushfire Management Overlay including inserting a Schedule (BMO1) for the Skenes Creek township.

There are no current planning scheme amendments relevant to the proposal.

9. OFFICER’S ASSESSMENT

The various triggers for a planning permit for the proposed development are considered in turn below:

Erosion Management Overlay

In accordance with the requirements of the Erosion Management Overlay, the applicant has submitted a Geotechnical Assessment prepared by Land Assessment consultants (Report No. 2059, dated 9 March 2017). The report concludes that the land would achieve the level of *acceptable risk* of slope instability as a result of the considerations described in the Schedule to the Erosion Management Overlay. As such, the proposal is considered acceptable in terms of landslip risk.

Bushfire Management Overlay

At the time the application was received, the site was covered by the Bushfire Management Overlay and a statutory referral of the application to the CFA under Section 55 of the *Planning and Environment Act* was undertaken. The CFA requested further information on 22 September 2017, with that information received on 27 October and 1 November 2017. The CFA confirmed that the

proposal was acceptable, based on the Bushfire Management Plan (BMP) Revision 2 dated 1 November 2017, which proposed defendable space for a distance of 50m or to the property boundary, whichever was the lesser, and the construction of development to a Bushfire Attack Level (BAL) 19.

As noted earlier in this report, Amendment GC13 was gazetted on 3 October 2017, which was during the processing of the application. This Amendment introduced a Schedule to the Bushfire Management Overlay, which specifies lesser requirements to address bushfire management objectives at this site than the Bushfire Management Plan submitted. Given this, the applicant can submit an amended Bushfire Management Plan to comply with the Schedule 1 to the Bushfire Management Overlay, to achieve a lower BAL rating than currently proposed, should a Notice of Decision to Grant a permit be issued. Alternatively, the Bushfire Management Plan already submitted, which proposes that the extension be constructed to BAL-19, could be implemented.

Significant Landscape Overlay

A permit is also required under the provisions of this overlay. It is not considered that the proposed extension would adversely affect the significance of the landscape from the Great Ocean Road, as the site is nestled amongst other dwellings. In the context of the significant landscape setting, it is noted that the site is not currently landscaped to any significant degree.

The SLO2 seeks to ensure that the dominance of vegetation over built form is retained as an element of township character by encouraging retention of existing trees and planting of new indigenous vegetation. It was noted at a site inspection that some landscaping has been recently planted at the front of the site; however the details of the extent of that landscaping is unknown.

Given the objectives of the SLO2, it is considered appropriate to seek details of both the existing and proposed landscaping and to encourage planting of new indigenous vegetation along the frontage of the lot and the northeast boundary to soften the proposed development. The plan must ensure that it satisfies the defendable space requirements in the BMP approved (i.e. the canopy of trees must be separated by at least 2 metres at maturity).

The applicant has advised that it is proposed to retain the existing colour schedule and cladding, being painted sycon matrix cladding (colour Dulux 'patita' (grey)), and 'Deep Ocean' colorbond roofing.

The applicant also advised that there is an existing 1.65m high colorbond fence on the northeast boundary. The site inspection verifies this.

Neighbourhood Character Overlay

The Neighbourhood character objective for this area is:

- *To encourage the siting of buildings within the vegetation and landform, and below the predominant tree canopy height.*
- *To ensure new buildings reflect and complement the scale, setback, siting, materials and overall form of existing buildings.*
- *To ensure the townships retain an informal, open, spacious character created by the dominance of vegetation, low scale buildings and a lack of solid fencing.*

Clause 21.03-5 (Skenes Creek) is the most relevant clause to the consideration of this application, in particular having regard to the neighbourhood character, extension design and materials proposed. These are amongst the concerns raised by the objectors to the application. It is important to note

when assessing this application that the existing dwelling and site conditions are not necessarily consistent with the preferred neighbourhood character and the Planning Committee can only consider the application before it. The subject site does not have an established coastal garden, has existing solid side fencing and does not comply with the minimum side setbacks.

The application has been assessed against the Clause 54 (One Dwelling on a Lot – ‘ResCode’) and NCO1 provisions and it is considered the proposal would result in a reasonable outcome. The NCO1 modifies seven standards of Clause 54 (as detailed below). It should be noted that the standards listed below are not mandatory, but should normally be met. However, the planning scheme states that if the Responsible Authority is satisfied that an application for an alternative design solution meets the objective, the alternative design solution may be considered.

- *Standard A1 - Neighbourhood Character Objective.* It is considered that the proposal complies. The application proposed an extension on the northeast side of the existing single-storey dwelling, including the addition of an upper floor which would have a smaller floor area than the ground floor. It is noted that this would create a sheer wall on the front section of the northeast elevation; however, it is considered that there would still be articulation, with the rest of the existing dwelling being single-storey and therefore reducing the overall potential impact of extension. It is proposed to re clad the existing dwelling with the sycon matrix, which could be done currently without planning permission. It is not considered that the proposed extension would compromise the informal open character encouraged by the above objectives.
- *Standard A2 - Integration with the Street Objective.* Complies. The dwelling would continue to be oriented to front the street. No fences are proposed.
- *Standard A3 - Street Setback Objective (modified by NCO1 – should be at least 7m from the front street).* Complies. The existing street setback of 12m would be retained from Point Avenue. The proposed development would be a minimum of 13.2m from the front boundary.
- *Standard A4 - Building Height Objective (modified – should not exceed 8m or two storeys, whichever is the lesser).* Complies. The building height would alter but would not exceed the 8m at its highest point.
- *Standard A5 - Site Coverage Objective (modified – the subject site is within Skenes Creek Precinct 2, which has a maximum site coverage of 25% specified in the Schedule). Variation required.* The site coverage following construction of the dwelling extension would be 25.92% (based on a site area of 769sqm and a building footprint of 199sqm). The proposal is for an extension and, although the site coverage would be slightly greater than the preferred 25%, it is considered that it would still be consistent with the objective to ensure that the site coverage respects the existing or preferred neighbourhood character and responds to the features of the site.
- *Standard A6 – Permeability Objective.* Complies. Permeability would exceed 20% (77%).
- *Standard A7 - Energy Efficiency Objective.* Complies. The roof of the proposed extension would be rotated to pitch to the north to facilitate the installation and effective operation of solar panels. The first floor living area would have direct solar access.
- *Standard A8 - Significant Trees Objective.* Complies. The subject site does not contain any significant trees.

- *Standard A10 - Side and Rear Setbacks Objective (modified – 3m side boundary setbacks, 5m rear boundary setback, varied setbacks according to height). Variation required.* The setbacks to the southwest side and rear boundary would not alter as a result of the proposed extensions.

The setback to the northeast side boundary currently does not meet the specified standard and the proposed extension would also encroach into the specified setback, to the same extent as the existing dwelling (excluding an existing rear deck which encroaches further into the setback). The proposed height of the north eastern elevation wall would range between approximately 6.5m and 7.7m. Whilst the preferred setback is between 3.87m and 4.79m, the proposed setback would be 2.4m from the northeast boundary - the wall of the existing dwelling has a setback of 2.4m and the proposed extension would match this setback, albeit being a double storey extension. The setback of 2.4m would ordinarily satisfy this provision for a wall of 7.3m in height; however due to the NCO1 variation to the standard, the standard would not be met in this case.

As noted earlier, whilst standards should normally be met they are not mandatory. If the Responsible Authority is satisfied that an application for an alternative design solution would meet the objective, an alternative design solution may be considered. The side and rear setbacks objective is '*to ensure that the height and setback of a building from a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings*'.

There would still be opportunity for landscaping between the buildings as encouraged by the neighbourhood character objectives and it is not considered that the amenity of the existing dwellings would be affected by overshadowing or overlooking due to the reduced setback. Whilst a sheer side wall is proposed, the upper level would not cover the whole of the existing footprint and the southwest side of the dwelling is only single-storey. It is noted that that there are a number of other dwellings in the locality that already encroach into the side setback specified by NCO1 (some of which may pre-date the introduction of NCO1). As this is an extension to an existing dwelling, and the side setback would match the existing dwelling, it is considered the reduced side setback would be an acceptable outcome.

- *Standard A11 - Wall on Boundaries Objective (modified).* Complies. No walls have been, or are proposed to be, constructed on a boundary.
- *Standard A12 - Daylight to Existing Windows Objective.* Complies.
- *Standard A13 - North Facing Windows Objective.* Complies. The existing north-facing habitable room window in the neighbouring dwelling at 11 Point Avenue is already shaded by the existing dwelling and the proposed extension would not increase shading to this window.
- *Standard A14 - Overshadowing Open Space objective.* Complies. The proposed extension would not increase any overshadowing of existing secluded private open space at adjoining properties.
- *Standard A15 – Overlooking Objective.* Complies. Three of the windows in the north-east elevation serving the ground floor pool room would be screened by the existing continuous solid Colorbond boundary fence (1650mm above ground level) and by two 2m high slimline water tanks and landscaping. Obscure glazing to a minimum height of 1.7m is proposed to the fourth window in the north east elevation serving the pool room, and the two windows to bedroom 2 at ground floor level. The upper deck and first floor windows in the northeast elevation would also be obscured glazed to a minimum height of 1.7m. Views from the first floor windows in the south-west elevation of the proposed extension would be restricted by the existing roof line of

the existing single-storey element of the dwelling and therefore no screening is required to these windows.

- *Standard A16 - Daylight to New Windows Objective.* Complies.
- *Standard A17 - Private Open Space Objective.* Complies. Existing private open space would be retained.
- *Standard A18 - Solar Access to Open Space Objective.* Complies. No change to the existing situation.
- *Standard A19 - Design Detail Objective (modified).* Complies. The proposal is to extend the existing dwelling. The proposed external materials would be grey painted sycon matrix cladding with a deep ocean colorbond roof. Whilst the proposed extension would be double storey, existing parts of the dwelling would remain single-storey providing articulation.
- *Standard A20 - Front Fences Objective (modified).* Complies. This application does not include a front fence.

10. REFERRALS

Internal Referrals

The application was referred internally to Council's Infrastructure Department and Building Unit. No objections were raised as a result of these referrals, with the Infrastructure Department raising no objection and the Building Unit recommending a note for inclusion on the permit (which has been included in the recommendation earlier in this report).

External Referrals

The application was referred externally to the CFA. No objection was raised as a result of this referral.

11. PUBLIC NOTIFICATION & RESPONSE

Public notice was carried out on 22 September 2017. The application received five objections. The objections were made on the following basis:

- Neighbourhood Character and the dwelling design and external materials will not be in character

Objectors are concerned that the proposal is not in keeping with the neighbourhood character. This has been addressed previously in this report.

- Noise amenity from the pumping plant for the pool

The applicant has advised that the audible output from the pool equipment would be the equivalent to a single air conditioner condenser unit (maximum of 50db), which is considered acceptable. Further, this is not a matter that is relevant to consideration of the proposal under the NCO1 control.

- Fencing/walls on boundaries

No walls are located on the boundary and no additional fencing is proposed. As noted above, two 2m high water tanks are proposed on the northeast boundary of the lot, which would act as a screen.

- Overshadowing/thermal impact/overlooking

This has been addressed previously in this report and it is not considered that there would be a material impact that would warrant a refusal of this application.

12. DECLARATION OF INTEREST

No officer declared an interest under the *Local Government Act 1989* in the preparation of this report.



Planning Enquiries
 Phone: (03) 5232 9412
 Web: www.colacotway.vic.gov.au

SCANNED
7/7/17

Office Use Only	Fee: \$ 1212.80
Application No.: PP161/2017-1	Receipt No.: 510480
Date Lodged: 7/7/17	Ward:
Date Allocated: / /	Zone(s):
Allocated to:	Overlay(s):

Application for Planning Permit

Use this form to make an application for a planning permit and to provide the information required by section 47 of the *Planning and Environment Act 1987* and regulations 15 and 38 of the *Planning and Environment Regulations 2005*.

Supplementary information requested in this form should be provided as an attachment to your application. Please print clearly or complete the form electronically (refer to How to complete the Application for Planning Permit form).

Privacy notice

▲ Information collected with this application will only be used to consider and determine the application. It will be made available for public inspection in accordance with section 51 of the *Planning and Environment Act 1987*.

Need help with the application?

If you need help to complete this form, read *How to complete the Application for Planning Permit form*. For more information about the planning process, refer to *Planning: a Short Guide*. These documents are available from your local council, the Planning Information Centre (Ph: 03 9637 8610, 8 Nicholson Street, Melbourne), or www.dse.vic.gov.au/planning.

Contact council to discuss the specific requirements for this application and obtain a planning permit checklist. Insufficient or unclear information may delay your application.

- ① Has there been a pre-application meeting with a council officer?

Yes No

If yes, with whom?:

Date: DD / MM / YYYY

The land

- ② Address of the land. Complete the Street Address and one of the Formal Land Descriptions.

Street Address

Street No.: 9	Street Name: Point Avenue
Suburb/Locality: Skenes Creek	
Postcode: 3 2 3 3	

Formal Land Description

▲ This information can be found on the certificate of title.

Lot No.: 40	on Lodged Plan, Title Plan or Subdivision Plan No.: 051921	
OR		
Crown Allotment No.:	Section No.:	Parish Name:

- ③ Title information.

Attach a full, current copy of title information for each individual parcel of land, forming the subject site.

- ④ Describe how the land is used and developed now.

eg. single dwelling, three dwellings, shop, factory, medical centre with two practitioners, licensed restaurant with 80 seats.

Single Dwelling

- ⑤ Plan of the land.

Attach a plan of the existing conditions. Photos are also helpful.

The proposal

▲ You must give full details of your proposal and attach the information required to assess the application.

If you do not give enough detail or an adequate description of the proposal you will be asked for more information. This will delay your application.

- 6 For what use, development or other matter do you require a permit?

Read *How to complete the Application for Planning Permit form* if you need help in describing your proposal.

Two storey addition to existing dwelling

- 7 Additional information about the proposal.

Contact council or refer to council planning permit checklists for more information about council's requirements.

Attach additional information providing details of the proposal, including:

- Any information required by the planning scheme, requested by council or outlined in a council planning permit checklist.
- Plans showing the layout and details of the proposal.
- If required, a description of the likely effect of the proposal (eg. traffic, noise, environmental impacts).

- 8 Encumbrances on title.

Encumbrances are identified on the certificate of title.

Is the land affected by an encumbrance such as a restrictive covenant, section 173 agreement or other obligation on title such as an easement or building envelope?

- No, go to 9.
- Yes, Attach a copy of the document (instrument) specifying the details of the encumbrance.
- Does the proposal breach, in any way, the encumbrance on title?
- No, go to 9.
- Yes, contact council for advice on how to proceed before continuing with this application.

Note

Council must not grant a permit that authorises anything that would result in a breach of a registered restrictive covenant (sections 61(4) and 62 of the *Planning and Environment Act 1987*).

Contact council and/or an appropriately qualified person for advice.

Costs of buildings and works/permit fee

Most applications require a fee to be paid. Where development is proposed, the value of the development affects the fee. Contact council to determine the appropriate fee.

- 9 Estimated cost of development for which the permit is required.

Cost \$ 360,000.00

▲ You may be required to verify this estimate.

Write 'NIL' if no development is proposed (eg. change of use, subdivision, removal of covenant, liquor licence)

- 10 Do you require a receipt for the permit fee?

Yes No

Contact, applicant and owner details

⑪ Provide details of the contact, applicant and owner of the land.

Contact

The person you want Council to communicate with about the application.

Name: Greg Jones	
Organisation (if applicable): Greg Jones Projects	
Postal address: 1st Floor 262 Latrobe Terrace	
Geelong	Postcode: 3 2 2 0
Contact phone: (03) 5221 3097	<input type="checkbox"/>
Mobile phone:	<input type="checkbox"/>
Email: architects@gjp.com.au	<input checked="" type="checkbox"/>
Fax:	<input type="checkbox"/>

Indicate preferred contact method

Applicant

The person or organisation who wants the permit.

Same as contact. If not, complete details below.

Name:	
Organisation (if applicable):	
Postal address:	
	Postcode:

Owner

The person or organisation who owns the land.

Same as contact Same as applicant

Where the owner is different from the applicant or contact, provide the name of the person or organisation who owns the land.

Name (if applicable): Penelope Mary Calcutt	
Organisation (if applicable):	
Postal address: 9 Point Avenue	
Skenes Creek	Postcode: 3 2 3 3

Checklist

⑫ Have you?

<input checked="" type="checkbox"/>	Filled in the form completely?
<input checked="" type="checkbox"/>	Paid or included the application fee?
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> Attached all necessary supporting information and documents?
<input checked="" type="checkbox"/>	Completed the relevant council planning permit checklist?
<input checked="" type="checkbox"/>	Signed the declaration on the next page?

Declaration

13 This form must be signed.
Complete one of A, B or C

⚠ Remember it is against the law to provide false or misleading information, which could result in a heavy fine and cancellation of the permit.

A Owner/Applicant

I declare that I am the applicant and owner of the land and all the information in this application is true and correct.

Signature

Date: / /

B Owner

I declare that I am the owner of the land and I have seen this application.

Signature

Date: / /

Applicant

I declare that I am the applicant and all of the information in this application is true and correct.

Signature

Date: / /

C Applicant

I declare that I am the applicant and:

- I have notified the owner about this application;
- and all the information in this application is true and correct.

Signature

A. R. White

Date: / /

Lodgement

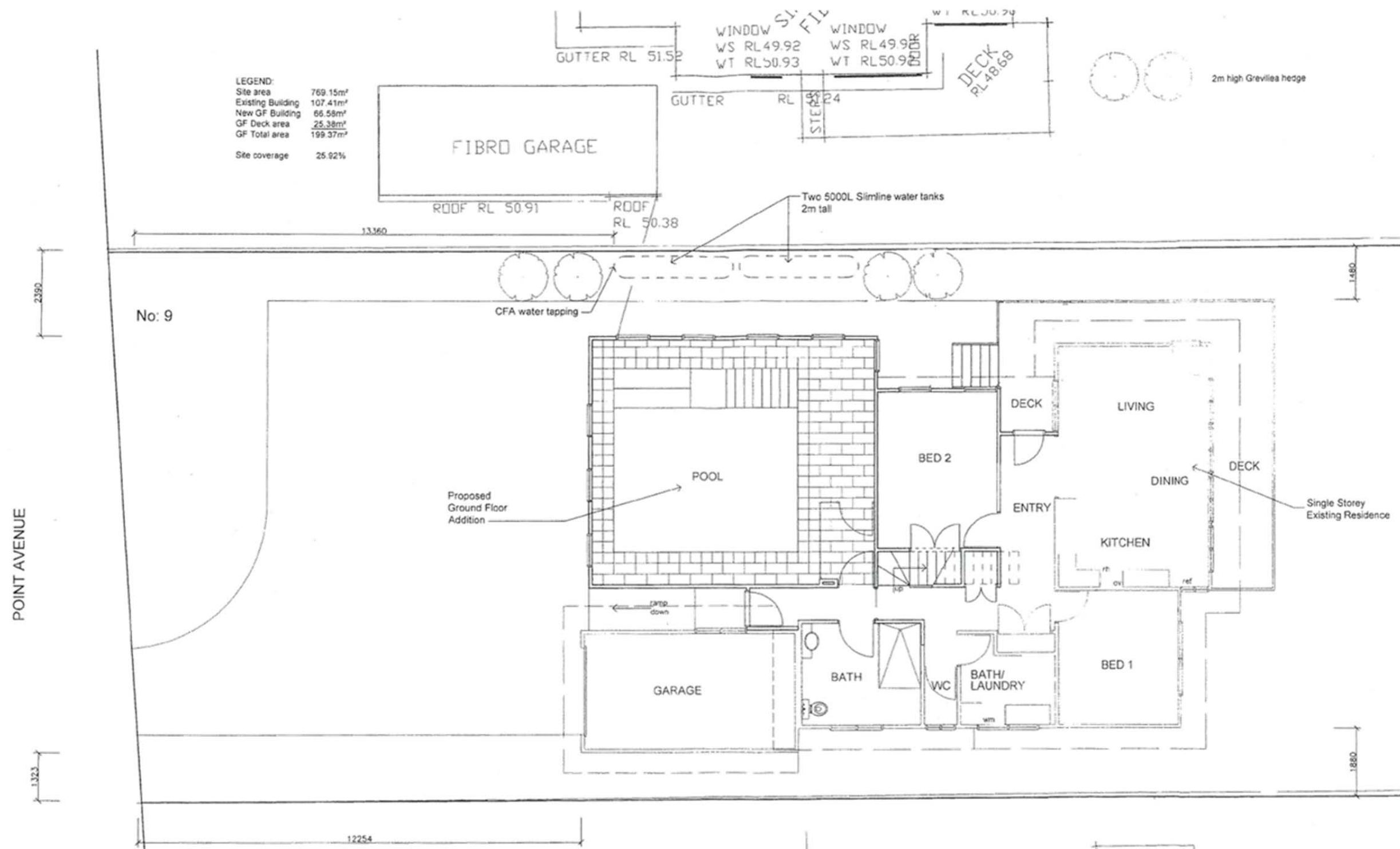
Lodge the completed and signed form and all documents with:

For help or more information

Colac-Otway Shire ☐☐
PO Box 283, ☐ COLAC VIC 3250 ☐☐
2-6 Rae Street, COLAC VIC 3250 ☐☐
Telephone: (03) 5232 9412 ☐☐
Fax: (03) 5232 1046 ☐☐
Email: inquiry@colacotway.vic.gov.au ☐☐
TTY: (03) 5231 6787 ☐☐

LEGEND:

Site area	769.15m ²
Existing Building	107.41m ²
New GF Building	66.58m ²
GF Deck area	25.38m ²
GF Total area	199.37m ²
Site coverage	25.92%



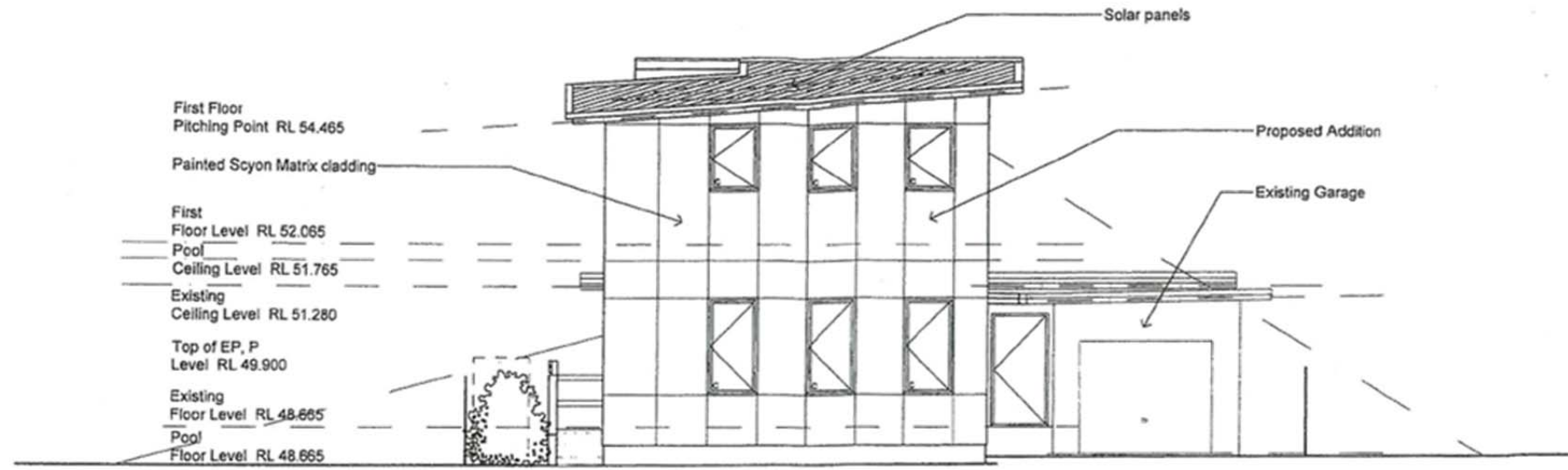
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- 4 SEP 2017

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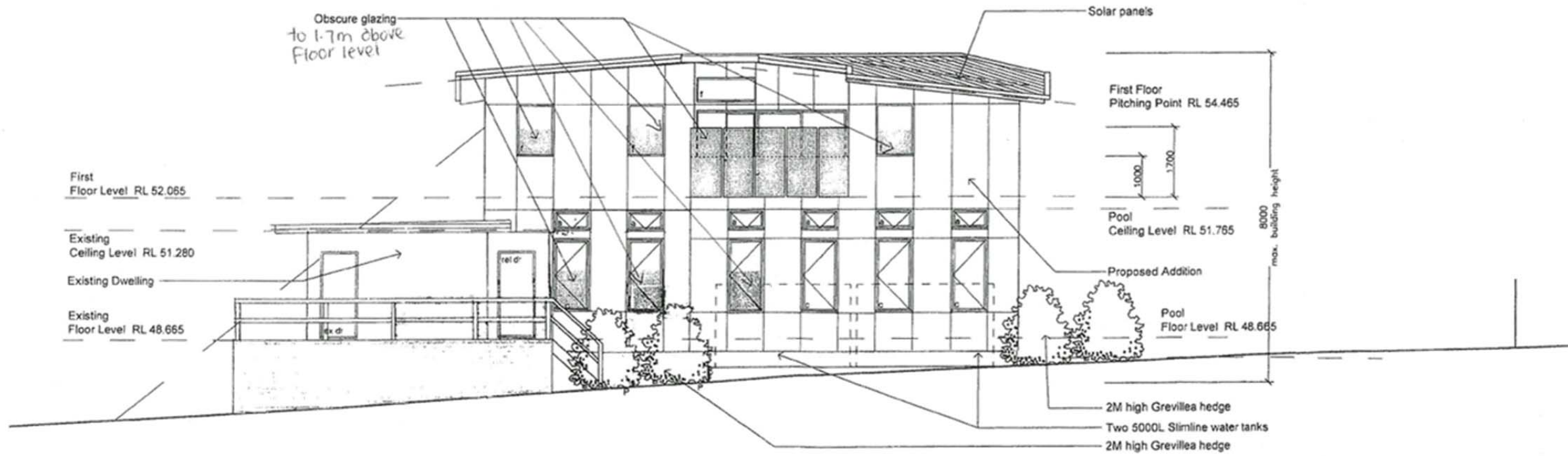
CALCUTT RESIDENCE: ALTERATIONS & ADDITIONS
9 POINT AVENUE, SKENES CREEK, VICTORIA

GREG JONES PROJECTS
ARCHITECTS
ACN 097 277 447 1st Floor, 262 Latrobe Terrace, Geelong Phone 03 5221 3097 Fax 03 5221 2631 Email architects@gjp.com.au Web www.gjp.com.au

design development ground floor plan
1:100 06.17



NORTH WEST ELEVATION



NORTH EAST ELEVATION

design development north east & north west elevations

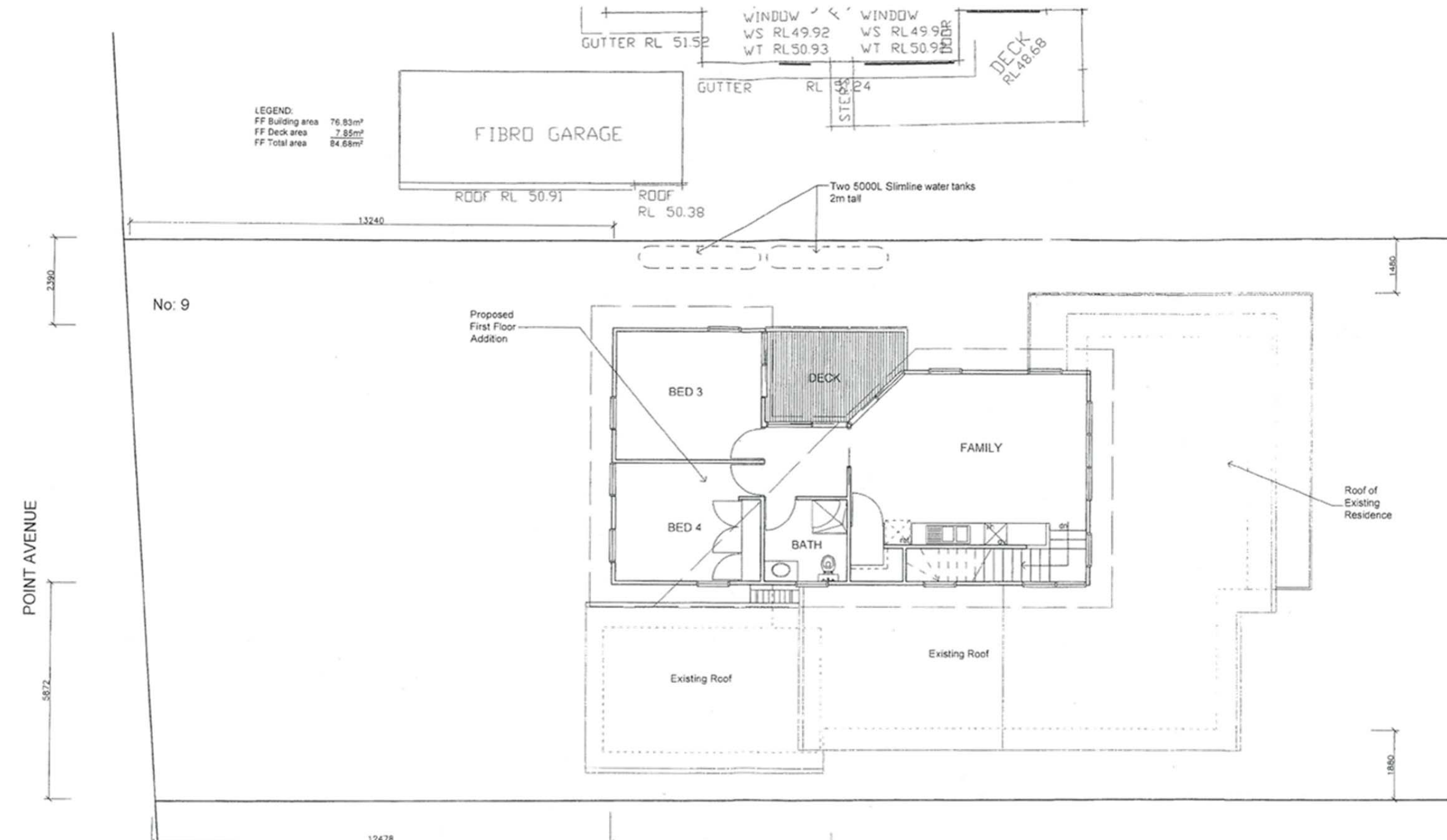
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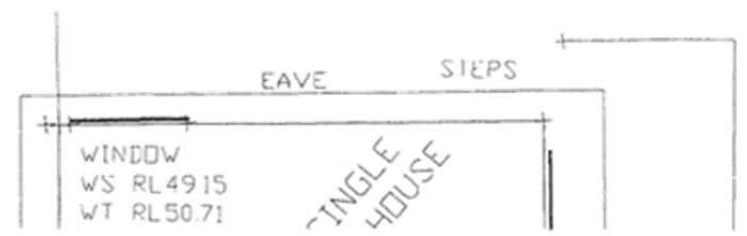
CALCUTT RESIDENCE: ALTERATIONS & ADDITIONS
9 POINT AVENUE, SKENES CREEK, VICTORIA

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ACN 007 277 447 1st Floor, 262 Larobe Terrace, Geelong Phone: 03 5221 3097 Fax: 03 5221 2631 Email: architects@gjp.co.au Web: www.gjp.com.au



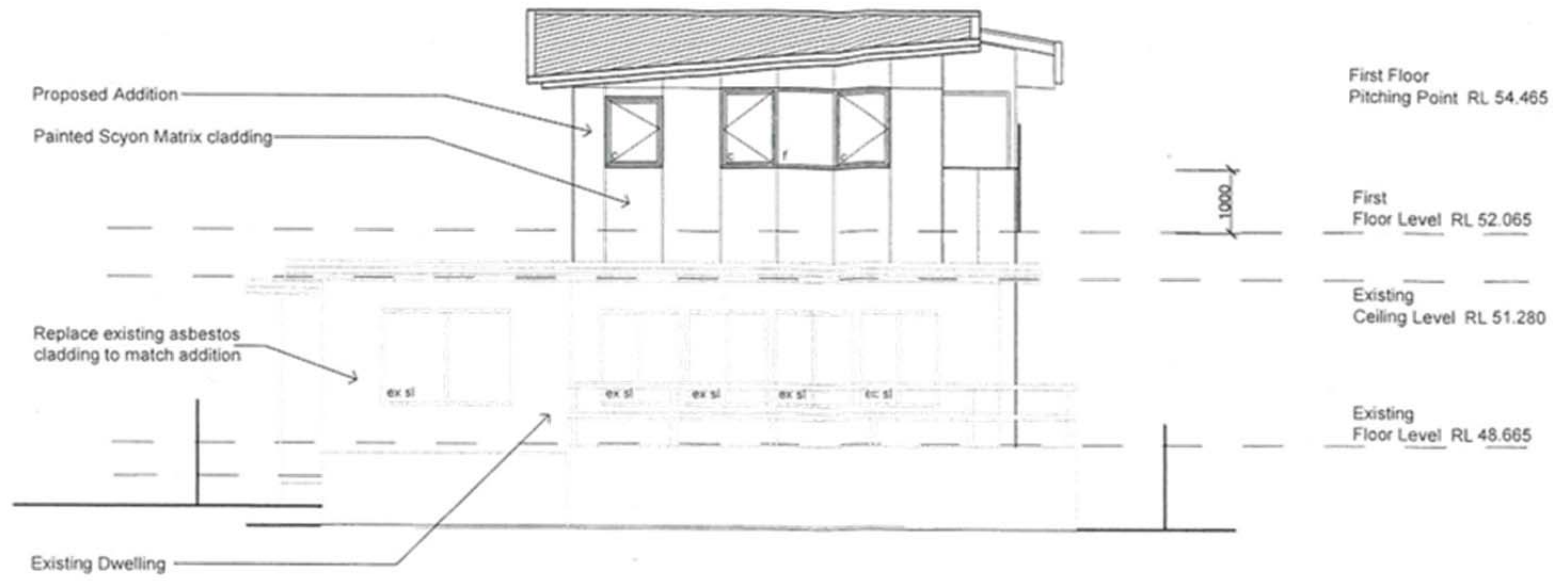
design development first floor plan
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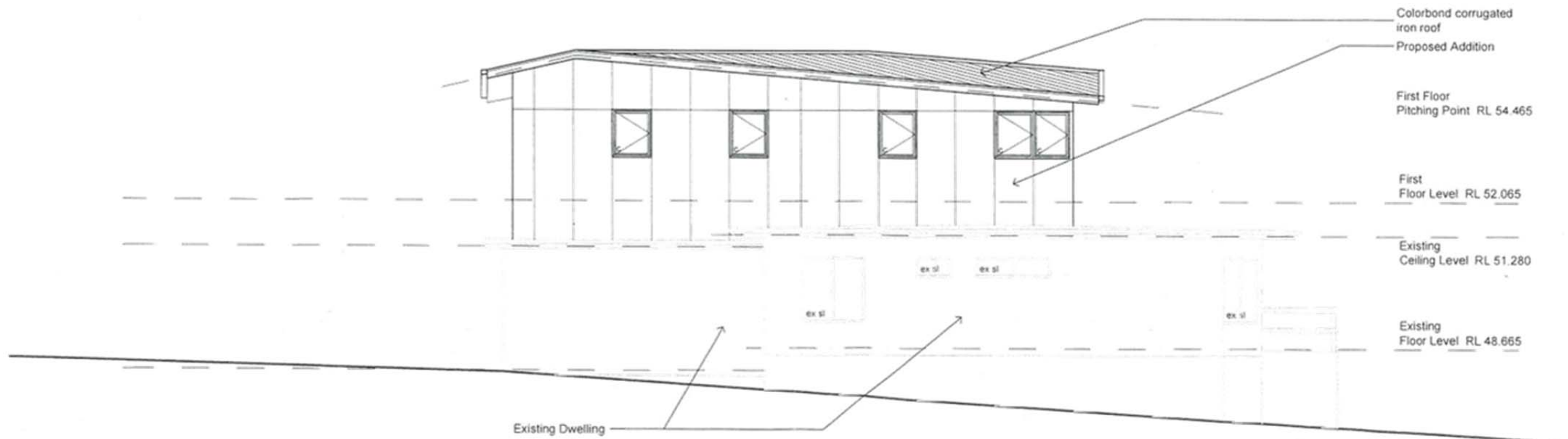
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CALCUTT RESIDENCE: ALTERATIONS & ADDITIONS BY:.....
 9 POINT AVENUE, SKENES CREEK, VICTORIA

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SOUTH EAST ELEVATION



SOUTH WEST ELEVATION

design development south east & south west elevations
1 : 100 06.17

CALCUTT RESIDENCE: ALTERATIONS & ADDITIONS
9 POINT AVENUE, SKENES CREEK, VICTORIA

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18 AUG 2017

BY:

PLANNING COMMITTEE

FUNCTION ROOM EXTENSION TO HOTEL AT 19-21 GREAT OCEAN ROAD, WYE RIVER (PP85/2017-1)

PC170612-2

ADDRESS AND PROPERTY DETAILS	19-21 Great Ocean Road, Wye River	GENERAL MANAGER	Gareth Smith
PREPARED BY	Ian Williams	TRIM FILE	F17/3825
DIVISION	Development & Community Services	CONFIDENTIAL	No
PERMIT TRIGGERS	Township Zone (Development); Heritage Overlay (Buildings and Works, and Demolition); Significant Landscape Overlay (Buildings and Works); Neighbourhood Character Overlay (Buildings and Works); Erosion Management Overlay (Buildings and Works); Bushfire Management Overlay (Buildings and Works); Clause 52.06 (Car Parking); Clause 52.27 (Licenced Premises)		
TRIGGER FOR DETERMINATION BY COMMITTEE	Clause 52.06 – Car Parking		
APPLICATION NUMBER	PP85/2017-1		
PROPOSAL	Construction of ancillary function room and deck, associated demolition, increase in licenced area and reduction in car parking from specified parking standard (19 spaces)		
ZONE	Township Zone	OVERLAYS	Heritage Overlay (HO244 – Wye River Hotel); Significant Landscape Overlay (SLO2 – Coastal Towns); Neighbourhood Character Overlay (NCO1 – Coastal Towns), Design and Development Overlay (DDO4 – Coastal Towns); Erosion Management Overlay (EMO1); Bushfire Management Overlay (BMO)
COVENANTS	Caveat AJ912887Q, dated 14/09/2012 – Commonwealth Bank of Australia		
LIST OF ATTACHMENTS	1. Application Plans		
CULTURAL HERITAGE	The use of the land for a 'hotel' has been ongoing since prior to the Aboriginal Heritage Regulations 2007 coming into effect on 28 May 2007. Under the provisions of Regulation 43(3), which relates to uses that were lawful when the Regulations came into effect, a Cultural Heritage Management Plan is not required.		

1. LOCATION PLAN / AERIAL PHOTO

AERIAL PHOTO

(Note: only the southern half of the subject site, within which the proposed extension is proposed, is highlighted)



2. EXECUTIVE SUMMARY

This application seeks a planning permit to demolish part of the existing building, together with the construction of an ancillary function room and additional deck, an increase in the licenced area and a waiver of nineteen (19) car parking spaces. The proposal would involve the demolition of five existing motel units, which are located to the south of the current dining room, and their replacement with a function room which would occupy a similar footprint. A small store room extension is also proposed to the western side of the proposed function room.

The site is occupied by the Wye River Hotel, which consists of a public bar and lounge, bottle shop, lobby and office, dining room with seating for 190 people, kitchen, five accommodation units and three small bungalows.

The applicant has advised that, whilst the hotel has a licence seating capacity of 190 patrons, currently seating is only offered for 130 patrons. The premises current operates under a 'General Licence', which allows the supply of liquor for consumption both on and off the premises.

The ancillary function room would seat 60 people, increasing total seating capacity to 190 patrons which would be consistent with the maximum patron seating capacity already allowed under the General Licence. The function room would be open when the hotel is open, during the hours set out within the General Liquor Licence (as detailed later in this report).

The proposal has a parking requirement of 24 additional car parking spaces based on the rate for a hotel. The parking credit allocated to the five accommodation units could be applied to the proposed function room and, as such, a reduction of 19 car spaces from the parking rate specified in the Colac Otway Planning Scheme (the planning scheme) is sought under this application.

Notice of this application was given to surrounding landowners and two objections were received. The objections relate to wastewater disposal and availability of potable water on the site.

The key planning considerations in this case relate to the car parking implications of the proposal, the scale and appearance of the proposed development, and whether the proposal would result in any material detriment to the amenity of surrounding properties.

It is considered the proposal would not cause any material amenity impacts to other properties or the area generally; nor is it considered that the scale and appearance of the development would detract from the character of the area.

The proposed works would instead consolidate the operations of a key tourism related business in Wye River, and contribute to the economic health of Wye River and the Great Ocean Road region more generally. Water supply and effluent treatment associated with the proposed extensions are considered acceptable, as is the reduction in parking for the extensions from the parking requirement specified in the planning scheme. It is on this basis that the application is supported.

3. RECOMMENDATION

That Council resolves to issue a Notice of Decision to Grant a Permit for the Construction of Ancillary Function Room and Deck, Associated Demolition, Increase in Licenced Area and Reduction in Car Parking from Specified Parking Standard (13 Spaces) at 19-21 Great Ocean Road, Wye River (Lot 1 TP176550 and Lot 1 TP176551 Parish of Wongarra) 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 consumed or supplied under a licence hereby permitted must not be altered without the written consent of the Responsible Authority.***

Amenity

- 3. 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.***
- 4. The function room hereby permitted must only operate only during the hours as set out within the General Liquor Licence or as otherwise agreed in writing by the Responsible Authority.***
- 5. No more than 60 patrons may be present within the function room at any one time unless otherwise approved in writing by the Responsible Authority.***
- 6. At all times during the operation of the function room, 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 (referred to in this permit as 'the manager'). The manager must be authorised by the operator under this permit to make statements at any time on his/her behalf to any officer of the Responsible Authority and of the Victoria Police and/or of Liquor Licensing Victoria authorised under section 129 of the Liquor Control Reform Act 1998; and/or to take action on his/her behalf in accordance with a direction by such officer.***
- 7. Prior to the commencement of the use of the licenced function room hereby permitted, an Amenity 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 activities forming part of the use must comply with the endorsed plan. The plan must include:***
 - a) staffing and other measures which are designed to ensure the orderly arrival and departure of patrons;***
 - b) signage to be used to encourage responsible off-site patron behaviour;***
 - c) the training of staff in the management of patron behaviour;***
 - d) staff communication arrangements;***
 - e) measures to control noise emissions from the premises; and***
 - f) litter management.***

8. *No external sound amplification equipment or loudspeakers are to be used for the purpose of announcement, broadcast, playing of music or similar purpose associated with the function room hereby permitted.*
9. *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.*
10. *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.*
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.*

Liquor Licence

12. *The owner/operator must take all responsible measures to ensure that patrons consuming alcohol remain within the licensed area, so as not to breach conditions of the liquor licence, and that patrons' behaviour is acceptable, so as not to create a nuisance to pedestrians or road users.*

Geotechnical Assessment

13. *The approved development must be carried out on the site in accordance with the recommendations of the Geotechnical Assessment by AGR GeoSciences PTY LTD (Reference 16K143GTA, dated 17/11/2016) or any Geotechnical Practitioner engaged to review the assessment submitted with the application.*

Car Parking

14. *Prior to the commencement of the development hereby permitted, parking spaces within the car park on Crown land CA2012 and CA2H Parish of Wongarra must be delineated to the satisfaction of the Responsible Authority.*

Drainage

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.*

CFA conditions

16. *The bushfire mitigation measures forming part of this permit or shown on the endorsed plans, including those relating to construction standards, defensible space, water supply and access, must be maintained to the satisfaction of the responsible authority on a continuing basis. This condition continues to have force and effect after the development authorised by this permit has been completed.*
17. *The Bushfire Management Plan at Section seven, pages 21, 22, 23 of the Bushfire Management Statement prepared by South Coast Bushfire Consultants (dated 12 July 2017) must be endorsed to form part of the permit and must not be altered without the written consent' by the CFA and the Responsible Authority.*

Expiry

18. *This permit will expire if one of the following circumstances applies:*
 - a) *The development has not commenced within two years of the date of this permit.*
 - b) *The development is not completed and the use of the additional licenced area 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 permit does not authorise the commencement of any proposed building works. Prior to the commencement of development, it will be necessary to apply for and obtain building approval for the proposed development.*

A building permit will be needed to demolish any part of the existing building prior to undertaking any works, in addition to a building permit being required for the reconstruction phase.
2. *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.*

4. OPTIONS

Council has the options of:

- a) Issuing a Notice of Decision to Grant a Permit subject to the recommended conditions;
- b) Issuing a Notice of Decision to Grant a Permit subject to the recommended conditions with changes;
- c) Refusing to grant a permit on specified planning grounds.

It is considered that the proposed demolition, in conjunction with construction of an ancillary function room and deck, with an associated increase in the licenced area and a waiver of 19 car parking spaces, is acceptable. It is recommended that Option a) is supported for the reasons outlined in this report.

5. RELEVANT BACKGROUND

The following outlines the planning history of the site relevant to the consideration of the current proposal:

PP117/1998-01 – Extension to hotel deck. Planning permit issued 12 June 1998.

PP83/1999-01 – Extension to hotel verandah. Planning permit issued 23 March 1999.

PP29/2001-01 – Display of replacement signage. Planning permit issued 1 February 2001.

PP189/2015-01 – Single storey kitchen extension. Planning permit issued 21 September 2015.

The premises trades under a 'General Licence'. The hotel has a licenced seating capacity of 190 patrons, although currently seating is only offered to 130 patrons. The licence specifies that *"on any Saturday on which the premises operates after 12 midnight, music must cease at 12 midnight"*. The following trading hours are permitted under the approved General Licence:

For consumption off the licenced premises

- Sunday - between 10am and 11pm.
- Good Friday and Anzac Day – between 12 noon and 11pm.
- On any other day – between 7am and 11pm.

For consumption on the licenced premises

- Sunday – between 10am and 11pm.
- Good Friday and Anzac Day - between 12 noon and 11pm.
- Each Saturday in January, the Saturday of Labour Day Weekend in March, Easter Saturday, the Saturday of the Queen's Birthday Weekend in June, V.R.C Derby Day and the last Saturday in December – between 7am and 1am the following day.
- On any other day – between 7am and 11pm.

The car parking area used by patrons of the Wye River Hotel is crown land (CA 2012) located to the north and east of the hotel building. The car park is leased by the Hotel from the Department of Environment Land Water and Planning (DELWP) and is managed by the Otway Coast Committee (OCC). As part of the application process, the applicant reviewed the existing car parking arrangement in consultation with the OCC and DELWP, but this did not result in any change to the existing arrangement.

6. PROPOSAL

This application seeks a planning permit to demolish five existing hotel accommodation units and redevelop this part of the site with a multi-purpose function room. The function room would occupy the area of the existing hotel accommodation units, being 164sqm (20.5m x 8.0m). The existing accommodation units have a height of 2.8m and the

proposed function room would have a total maximum height of 5.2m above natural ground. The function room would also require a minor site cut of 1m.

The purpose of the function room is to meet demand for a multi-purpose meeting room/function venue in Wye River. The function room would seat 60 people, which would increase on site capacity to 190 patrons, consistent with the existing licenced patron numbers under the General Licence. The function room would support the off-peak operation of the Wye River Hotel. The applicant has advised that the function room is not proposed to supplement the floor area available to hotel patrons at peak times.

The function room would be finished externally in dark grey fibre cement sheeting, monument Colorbond roof cladding, timber decking, exposed timber beams, tension wire balustrade and clear glazing.

A deck (6.5m by 3.7m and 7m by 3.8m) is proposed to the eastern (coastal) side of the function room. An extension to the existing licenced area is proposed, to include this deck area. It should be noted that the licenced area already covers the majority of the site, including the area identified as the function room. The proposed hours of use of the function room and external deck would mirror the existing trading hours permitted under the existing General Licence.

As part of the development, a store room, staff room and amenities extension totalling 56sqm (4.5m x 12.5m) is proposed to the rear of the proposed function room.

The proposed function room and deck would allow for 60 additional patrons to be on site at any one time, which would require 24 car parking spaces to be provided. The car parking credit (5 spaces) for the five accommodation rooms can be applied to the proposed function room and, as such, a waiver of 19 car spaces is sought.

7. SUBJECT LAND & SURROUNDINGS

The application site is identified as Lot 1 TP176550 and Lot 1 TP176551, or 19-21 Great Ocean Road, Wye River, which is occupied by the Wye River Hotel. The site has an area of 2187sqm and a 65m frontage onto the Great Ocean Road. The site is located on the western side of the Great Ocean Road, with access via Morley Avenue. Dwellings are located to the immediate south and further west on McRae Road.

The subject land is located within the Township Zone. The land to the east is within the Public Conservation and Resource Zone, apart from the Great Ocean Road (which is within the RDZ1), and the land to the north is within the Rural Conservation Zone. The site does not contain any significant vegetation cover.

The site is currently occupied by the Wye River Hotel, which consists of a public bar and lounge, bottle shop, lobby and office, dining room with seating for 130 people, kitchen, five accommodation units and three small bungalows. The hotel has a seating capacity on its General Liquor Licence of 190 patrons, but currently operates at a maximum of 130 patrons.

Car parking is provided on the land to the north and east of the hotel building, the majority of which is public land leased from the Otway Coast Committee. Whilst not line-marked, the car parking area can accommodate approximately 42 cars, five of which are located in a separate area to the south of the hotel which are typically reserved for guests of the existing accommodation units.

8. PLANNING SCHEME PROVISIONS

State Planning Policy Framework

The State Planning Policy Framework (SPPF) seeks to ensure that the objectives of planning in Victoria are fostered through appropriate land use and development policies. The policies considered relevant to the application are identified below:

Clause 11 Settlement

- Clause 11.03-2 - Activity Centre Planning

Clause 12 Environmental and Landscape Values

- 12.02-1 Protection of Coastal Areas
- 12.02-2 Appropriate Development of Coastal Areas
- 12.02-4 Coastal Tourism
- 12.02-6 The Great Ocean Road Region
- 12.04-2 Landscapes

Clause 13 Environmental Risks

- Clause 13.03-2 - Erosion and Landslip
- Clause 13.04-1 - Noise Abatement
- Clause 13.05 - Bushfire

Clause 15 Built Environment and Heritage

- Clause 15.01 - Urban Design
- Clause 15.01-2 - Urban Design Principles
- Clause 15.01-5 - Cultural Identity and Neighbourhood Character
- Clause 15.02 - Sustainable Development
- Clause 15.03-1 - Heritage Conservation

Clause 17 Economic Development

- Clause 17.01-1 – Business
- Clause 17.03-1 – Facilitating Tourism

Local Policy Planning Framework (LPPF), including the Municipal Strategic Statement (MSS)

The Local Planning Policy Framework (LPPF) sets a local and regional strategic policy context for the Shire. The policies considered relevant to the application are identified below:

- Clause 21.02-2 - Land Use Vision
- Clause 21.03 - Settlement
- Clause 21.03-6 - Kennett River, Wye River and Separation Creek
- Clause 21.04-5 - Erosion
- Clause 21.04-8 - Landscape Character
- Clause 21.05 - Economic Development
- Clause 21.05-4 - Tourism
- Clause 22.01 - Heritage Places and Areas

Other relevant provisions

Zones and Overlays

The subject site is within the Township Zone (TZ) and is covered by the Heritage Overlay (HO244 – Wye River Hotel), Significant Landscape Overlay (SLO2 – Coastal Towns), Neighbourhood Character Overlay (NCO1 – Coastal Towns), Design and Development Overlay (DDO4 – Coastal Towns), Erosion Management Overlay (EMO1) and Bushfire Management Overlay (BMO).

Clause 52.06 - Car Parking

A key purpose of this provision is to ensure the provision of an appropriate number of car parking spaces, having regard to the demand likely to be generated, the activities on the land and the nature of the locality. The function room would be ancillary to the hotel, but would effectively be used as a 'Place of Assembly' catering by arrangement for private functions.

The applicant has confirmed that the function room would seat 60 patrons at any one time. A hotel has a parking requirement of 0.4 space per patron and, based on this rate, the proposed function room would have a requirement of 24 spaces (or 19 spaces if the parking credit is applied).

Whilst the function room would be ancillary to the hotel, and therefore technically the parking rate for a hotel applies, given its use it is considered that the parking rate for a 'Place of Assembly' is a more applicable rate. A 'Place of Assembly' requires a car parking provision of 0.3 car spaces to each patron, which would result in a car parking requirement for 18 additional car parking spaces (or 13 spaces if the parking credit is applied).

Clause 52.27 – Licenced Premises

A key purpose of this clause is to ensure that the impact of a licensed premise on the amenity of the surrounding area is considered. Under this clause, a permit is required to use land to sell or consume liquor if the area within which liquor is allowed to be consumed or supplied under a licence is being increased. In this case, the licenced area would be increased to include a deck adjacent to the southern side of the proposed function room. It should be noted that, with the exception of the deck to the south, the majority of the site including the area of the proposed function room is already licenced.

Clause 52.43 – Live Music and Entertainment Noise

A key purpose of this clause is to ensure that noise sensitive residential uses are satisfactorily protected from unreasonable levels of live music and entertainment noise. This clause applies to an application required under any zone of this scheme to use land for, or to construct a building or construct or carry out works associated with, a live music entertainment venue or a noise sensitive residential use that is within 50 metres of a live music entertainment venue. A live music entertainment venue includes the broader land use 'function centre' and, as such, it is appropriate that this clause is considered.

Relevant Planning Scheme amendments

There are no current planning scheme amendments relevant to the proposal.

9. OFFICER'S ASSESSMENT

The various elements of this application requiring a planning permit are considered below:

Demolition

To facilitate the redevelopment of part of this site, the proposal involves the demolition of five existing accommodation units. The only permit trigger for demolition is the Heritage Overlay. It is noted that Council's Heritage Advisor, to whom the application was referred, does not object to the proposed demolition.

It is acknowledged that local planning policy seeks the provision of accommodation to encourage tourism visitation and the provision of a diverse range of accommodation to meet changing visitor needs. Local planning policy also acknowledges that, whilst tourism activity is seasonal, there are opportunities to add variety to existing facilities and attractions to encourage more all-year round visitation. Whilst five units of accommodation would be lost as a result of the current proposal, the proposed redevelopment is considered to be consistent with this policy direction, and it is considered that the proposed development would assist with supporting existing tourism and recreational facilities offering a function venue for locals and visitors year round.

Development

The existing accommodation units comprise a collection of single-storey lightweight constructions, with timber and sheet claddings and steel deck roofs. As noted above, it is not considered that the proposed demolition would adversely affect the significance of the heritage place when viewed from surrounding properties or from the Great Ocean Road. In the context of the significant landscape setting, it is considered that the proposed development would protect and enhance the valued characteristics of the Wye River Township and the surrounding area of the nationally significant Great Ocean Road Region landscape.

Whilst marginally higher than the existing hotel, it is not considered that the design, height, setback and appearance of the proposed built form, which would generally follow the profile of the existing hotel building, would adversely affect the significance of the heritage place.

Heritage Overlay

The application was referred to Council's Heritage Advisor, who made the following comments:

Introduction:

The property at 19-21 Great Ocean Road, Wye River contains the Wye River Hotel, which is included in the Heritage Overlay. The statement of significance for the site is as follows:

The Wye River Hotel, located on the Great Ocean Road at Wye River, was built in 1982 to replace an earlier hotel destroyed by fire. Initially known as the 'Rookery Nook', the building was first constructed as a boarding house for sawmillers who worked at the adjacent mill, and was later converted into a guesthouse and hotel in 1935. The hotel is a collection of single storey lightweight constructions with timber and sheet claddings and steel deck roofs. The Wye River Hotel is of social, cultural and historic importance to the Shire of Colac Otway. The Wye River Hotel demonstrates the social and cultural value vested in the place by the local community and tourists for more than 60 years. The Wye River Hotel is of historic importance through its association with the settlement of Wye River and its ability to demonstrate the transition of the dominant industry from sawmilling to tourism.

The proposal involves demolition of the existing accommodation wing and construction of a function space in the same location.

In assessing this application I have reviewed the documentation for the alterations and additions, the heritage citation for the Hotel and I am familiar with the site.

Assessment:

As outlined in the statement of significance, the Wye River Hotel is of local significance for its social and historic values relating to its existence in this location as a Hotel and as a social centre for the community and tourists. The existing Hotel was constructed in 1982 and is not the original building on the site. As a result it has a history of change, but has retained a similar scale and lightweight appearance through that change. Therefore sympathetic changes are considered to be those that support the ongoing Hotel/social use of the building and its appearance as a coastal Hotel. Given the replacement section is sympathetically designed and compatible with the Hotel use of the building, demolition of the accommodation wing is considered acceptable.

While the proposal involves demolition of one wing of the Hotel, which incorporates accommodation, this accommodation use is of less significance than the use of the Hotel as a social gathering place. The proposed replacement wing will be of a similar scale to the accommodation wing to be demolished and will provide a function space, supporting the ongoing viability of the building as an all year round social gathering space. The existing function of the building as a Hotel providing food and drink to patrons will continue in the remainder of the building not being altered.

The design of the proposed function wing is sympathetic in scale and design to the existing building and will not overwhelm the earlier sections of the building. The function space will be distinguishable as a new addition but is designed with a similar aesthetic to the existing building to be retained, with views to the ocean, decks and lightweight cladding. The overall existing character of the building will be retained.

Conclusions:

I am supportive of the proposed alterations and additions to the Wye River Hotel. Demolition of the existing accommodation wing is acceptable given the proposed changes are required to support the ongoing viable use of the building as a Hotel. In addition the proposed function space to replace the accommodation wing will retain the existing character of the building with use of similar materials and scale to the existing building but will also be distinguishable as a later change".

Amenity

The nearest residential dwellings are approximately 20m south of the proposed function room and the proposed decked area. The opening hours of the function room and use of the decked area would be consistent with the existing opening hours of the licenced hotel, which are governed under the provisions of the General Liquor Licence. The 'General Licence' generally restricts opening hours until 11pm other than for specific Saturdays in January and specific days throughout the year when opening is extended until 1am. It is not considered unreasonable to allow the function room and associated decked area to be open to the public to the extent of the existing hotel.

The times during which live music could be performed would also be in accordance with the requirements of this licence. The licence specifies that "*on any Saturday on which the premises operate after 12 midnight, music must cease at 12 midnight*". An appropriate permit condition has been included in the recommendation earlier in this report to ensure that no external sound amplification or loudspeakers would be used in association with the proposed development, with noise levels not to exceed State Environment Protection Policy (Control of Music Noise from Public Premises), No. N-2. This would be consistent with the conditions on the licence.

It is also considered that the proposed siting, layout, design and construction would assist with minimising the potential for noise impacts to surrounding residential dwellings. On the basis of the above, and subject to the permit conditions recommended within this report, it is considered that the proposal would not significantly adversely affect the amenity of existing surrounding residential dwellings.

Extension to Licenced Area

Under the provisions of Clause 52.27 (Licensed Premises), a planning permit is required to increase the licenced area – in this instance, the addition of a proposed decked to the southern side of the function room. The use of an ancillary external decked area by hotel patrons is not uncommon and, in this case, it is considered that it would be consistent with the broader existing use of the land as a hotel. The nearest residential premises are approximately 20m to the south. The use of the deck by patrons would be curtailed to the opening hours of the hotel, which are restricted under the licence and generally would not go beyond 11pm. Given the restricted hours of use of this area, it is considered that the impact on adjacent and nearby residential amenity would not be significantly different to what is currently experienced by patrons of the hotel. With regard to the *decision guidelines* specified within Clause 52.27 (Licensed Premises), the following response is made:

- a. *The impact of the sale or consumption of liquor permitted by the liquor licence on the amenity of the surrounding area.*

The application site is within the Township Zone of Wye River. Given the nature of the existing hotel use, it is not considered that the proposed extension to the licenced area would result in material detrimental impact to the amenity of the immediate and surrounding area.

The proposed increase in licenced area would remain consistent with the broader existing use of the land as a hotel and, on balance and subject to permit conditions, it is considered that the extended area would not be detrimental to surrounding residential properties. In the absence of late night bars/clubs in proximity to the application site, it is unlikely that customers (after leaving) would attend any other licenced venues or would loiter around the area or adjacent to residential areas.

- b. *The impact of the hours of operation on the amenity of the surrounding area.*

The use of the deck by patrons would be restricted to before 11pm on any given day (except during specified days allowed under the current liquor licence). On balance, it is considered that the proposed hours of use of the decked area would not have a detrimental impact on the amenity of the surrounding area and, in particular, any nearby residential properties.

- c. *The impact of the number of patrons on the amenity of the surrounding area.*

The proposal would not result in an increase in the number of patrons beyond that currently allowed under the liquor licence (190 total seating capacity). A large proportion (60) of customers would be likely to be those visiting

the function centre, with the remaining 130 getting food and drink in the hotel. It is likely that the majority of patrons of the function room would be seated internally, with a small number using the deck at any one time, except during summer months when there would be higher usage. Given the distance to surrounding residential properties, the number of patrons allowed by the current 'General Licence' and the time restrictions on the use of the deck as dictated under the licence, it is considered that the additional 60 patrons would not be materially detrimental to the amenity of the area. In addition, it is anticipated that the gradual departure of customers over the day and evening would not be detrimental to the amenity of the surrounding area.

d. The cumulative impact of any existing licensed premises and the proposed licensed premises on the amenity of the surrounding area.

There are no similar premises within the immediate and surrounding area which benefit from a General Liquor Licence allowing on site consumption of alcohol. The only licenced premises in the vicinity of the subject site are the 'Fat Cow Café' (Restaurant and Café Licence), the 'Wye River Valley Tourist Park' (Limited Licence) and the 'Wye River Surf Lifesaving Club' (BYO Permit).

The application was not required to be referred to the Victorian Commission for Gambling and Liquor Regulation (VCGLR), as the premises would not trade after 1am. The application was referred to VicPolice, which has not objected and notes that there is no history of adverse incidents associated with the hotel.

Planning Practice Note 61 (March 2011) – Licensed Premises: Assessing Cumulative Impact

Regard was also had to PPN61. It is noted that this document states that the guidelines may be used for any planning application that would benefit from their use; however they should be used for all applications for a new or expanded licensed premises that:

- 1. will be licensed and open after 11pm; and*
- 2. is in an area where there is a cluster of licensed premises.*

The premises would not be open after 11pm apart from specified days listed on the licence (as detailed earlier in this report) and there are no other licensed premises in the immediate vicinity of the application site. It is not considered that allowing the proposal would have detrimental impacts, for the reasons outlined earlier in this report.

The site currently benefits from the availability of utility services. With regard to sewerage and in response to the requirements of the Township Zone, the applicant has submitted a Land Capability Assessment dated 18 November 2016, reference 16K142LCA. A copy of the Environmental Licence from EPA has also been submitted with this application. Council's Health Protection Unit has raised no objection to the application, nor recommended any conditions. The application has also been referred to the EPA under Section 52 of the Act, which has not raised any objection to this proposal.

Erosion Management Overlay

In accordance with the requirements of the Erosion Management Overlay, the applicant has submitted a Geotechnical Assessment (reference 16K143GTA, dated 17 November 2016). The report concludes that the land would achieve the level of *acceptable risk* of slope instability as a result of the considerations described in the Schedule to the Erosion Management Overlay, taking into account the total development and site disturbance proposed.

Bushfire Management Overlay

The applicant has also provided a Bushfire Management Statement (dated 12 July 2015) which identifies that the site can achieve a BAL 29. The CFA has not objected to the proposal, subject to the permit conditions. These are included in the recommendation earlier within this report.

Clause 52.06 (Car Parking)

As noted, the car parking area used by patrons of the Wye River Hotel is Crown Land (CA 2012 and CA 2H), leased from DELWP and managed by the Otway Coast Committee (OCC). The existing car parking area provides parking for 42 cars.

As discussed above, whilst technically the parking rate for a hotel applies as the function room would be an ancillary part of the hotel, it is considered that the most applicable rate for the proposed 'function room' is a 'Place of Assembly' which requires car parking provision of 0.3 car spaces to each patron. The applicant has confirmed that the function room would seat 60 patrons at any one time, which sets a car parking requirement for 18 additional car parking spaces (or 24 based on the hotel rate). It should also be acknowledged that patrons of the function room could also sometimes be patrons of the hotel. If the existing credit of 5 car parking spaces for the existing accommodation units to be demolished is taken into account, the required level of car parking spaces for the function room based on a 'Place of Assembly' rate is reduced to 13 (or, technically, 19 for a hotel).

In support of this waiver, the applicant has provided a Parking Impact Assessment (PIA) prepared by Ratio (dated 18 September 2017). The report states that the current on site car parking provision is sufficient to cater for off-season hotel parking demands. The report adds that, at times, peak car parking demand within the township is at capacity, particularly during the day when day visitors are in the area.

With regard to any potential impact, the report notes that the existing five accommodation car parking spaces would provide for approximately one third of the patron car parking required for the function room (based on 0.3 spaces per person, 60 in total).

The report notes that, subject to availability, the additional car parking demand generated could be catered for within the hotel car park, the public car parking within Morley Avenue and within the off-street car park on The Boulevard to the north of the application site.

The report concludes that, during non-peak and peak function times, car parking demand would be able to be accommodated by available car parking within the formal on-site area and within public car parking areas (potentially extending to The Boulevard car park). It is also worth noting that patrons of evening functions are more likely to choose to stay overnight in accommodation and walk to the Wye River Hotel. The report adds that, during peak periods, the manager of the function room should inform guests through a car parking management plan or equivalent mechanism of the potential car parking limitations at the time of enquiry and encourage guests to make appropriate arrangements.

Council officers have explored the potential to provide additional onsite car parking to the west (rear) of the hotel, accessible via Morley Avenue. The applicant has advised Council that the land to the rear of the hotel is currently used informally for the parking of six staff cars and by vehicles delivering to the hotel. The applicant has advised Council that an upgrade to this car parking area could provide two additional car spaces (eight in total) beyond what currently informally exist. The works would formalise the car parking arrangement to the rear but would also require the existing garage which is used by the hotel for storage to be demolished. According to the applicant, formalising eight car parking spaces would cost approximately \$150,000, but would only allow for two additional spaces to be provided on site, imposing a significant cost implication on a hotel which has experienced impacts to business from the 2015 bushfire and subsequent closures of the Great Ocean Road resulting from landslides. In light of the above it is not considered reasonable to require further on-site parking provision, and the proposed reduction in parking requirement is supported.

However, the applicant has undertaken discussion with DELWP with regard to formalising the number of car parking spaces within the existing customer car park to the north and east of the hotel over Crown land CA2012 and CA2H. Whilst this land does not form part of the current application site DELWP has agreed, subject to a financial contribution from the owners of Wye River Hotel, to undertake works to formalise the layout and number of car parking spaces within the car park through the provision of timber bollards or timber sleepers. This would be likely to result in an increase in the number of available car parking spaces by approximately 3-4 and would prevent an ad hoc parking arrangement which has in the past often resulted in fewer available car parking spaces available during peak times. The applicant has confirmed that the required financial contribution for the works would be made and an appropriate permit condition has been included in the recommendation earlier in this report to ensure these works have to be undertaken prior to the commencement of the development.

Council's Infrastructure Unit has considered this application and has not raised any objection to the proposal, subject to permit conditions included in the recommendation earlier in this report. The application was also verbally discussed

with Local Laws, which is responsible for enforcing parking controls. That Unit did not raise any objection to the proposal.

VicRoads was also notified of the application under Section 52 of the *Planning and Environment Act 1987*. VicRoads raised no objection to the proposal and has not required that any conditions be included within the permit.

On the basis of the above, it is considered that the proposed reduction in parking spaces from the specified requirement in the planning scheme could reasonably be allowed under this application.

Wastewater

Council's Health Protection Unit advised that wastewater for this site is dealt with under licence by the EPA. The EPA was therefore notified of the application and advised as follows:

"EPA has no concerns with Council issuing this permit according to the information that has been provided.

It is noted that Environmental Licence SW2506 A03 – Sewage Treatment issued under Section 20 of the Environment Protection Act applies to the subject land."

The EPA was also advised of the objections received to the application on wastewater disposal grounds and confirmed that the matters raised would be investigated. The EPA stated:

"The existing effluent disposal system is licenced under Section 20 of the Environment Protection Act 1970 (EPA licence number 4684). This licence....allows the premises to be used for a sewage treatment plant and allows for the discharge of treated wastewater to surface waters via a drain on the Great Ocean Road.

From a planning perspective, the permission is in place for the site to use and operate the existing sewage treatment facility on site. The proposal does not seek to increase the number of patrons and as such, the existing licence is not impacted by the proposal. Therefore, there are no grounds for EPA to object to the planning proposal based on the waste water arrangements on the site."

The EPA provided a copy of this licence which requires, inter alia, the submission of an annual performance statement to EPA and the implementation of a monitoring program.

10. REFERRALS

Internal Referrals

The application was referred internally to Council's Infrastructure Department, Building Unit and Health Protection Unit, as well as to Council's Heritage Advisor. The application was also discussed with the manager of Council's Local Laws Unit. No objections were raised as a result of these referrals, with the Health Protection Unit recommending conditions related to amenity and the Building Unit recommending a note related to the requirement for a building permit.

External Referrals

The application was referred externally to the CFA, VicRoads, VicPolice and the Environment Protection Authority (EPA). No objections were raised as a result of these referrals.

Note: neither the existing hotel, nor the proposed ancillary function room, would include the sale and or consumption of liquor after 1am and therefore a referral to the Victorian Commission for Gambling and Liquor Regulation (VCGLR) was not required. In the event a planning permit is granted, VCGLR will be responsible for separately assessing and issuing the application for the liquor licence.

11. PUBLIC NOTIFICATION & RESPONSE

Public notice was carried out on 9 October 2017. The application received two objections. The objections were made on the following basis:

- a) An increase in patron numbers will result in a larger demand for drinking water from the Wye River. The river is a limited water resource, particularly in summer with all commercial businesses and caravan parks obtaining water from it.*

Rainwater tanks are currently positioned towards the south western corner of the site and the applicant has advised that there is more than adequate rainwater available for the operation of the premises.

- b) The existing hotel does not adequately contain its own effluent. During summer the curb directly in front of the hotel along the Great Ocean Road turns to slime with effluent spilling onto the beach. The existing wastewater treatment plant cannot be operating satisfactorily. The EPA licence should be reviewed.*

This matter was raised with the EPA by email on 9 November 2017. As noted above, the EPA has advised that the Wye River Hotel has a full treatment plant and raised no objection to the application. The EPA has advised the Geelong regional office has been notified of the concerns raised by the objectors, and that any non-compliance issues relating to the existing sewage treatment facility on the site should be directed to EPA.

12. DECLARATION OF INTEREST

No officer declared an interest under the *Local Government Act 1989* in the preparation of this report.



LOCATION PLAN

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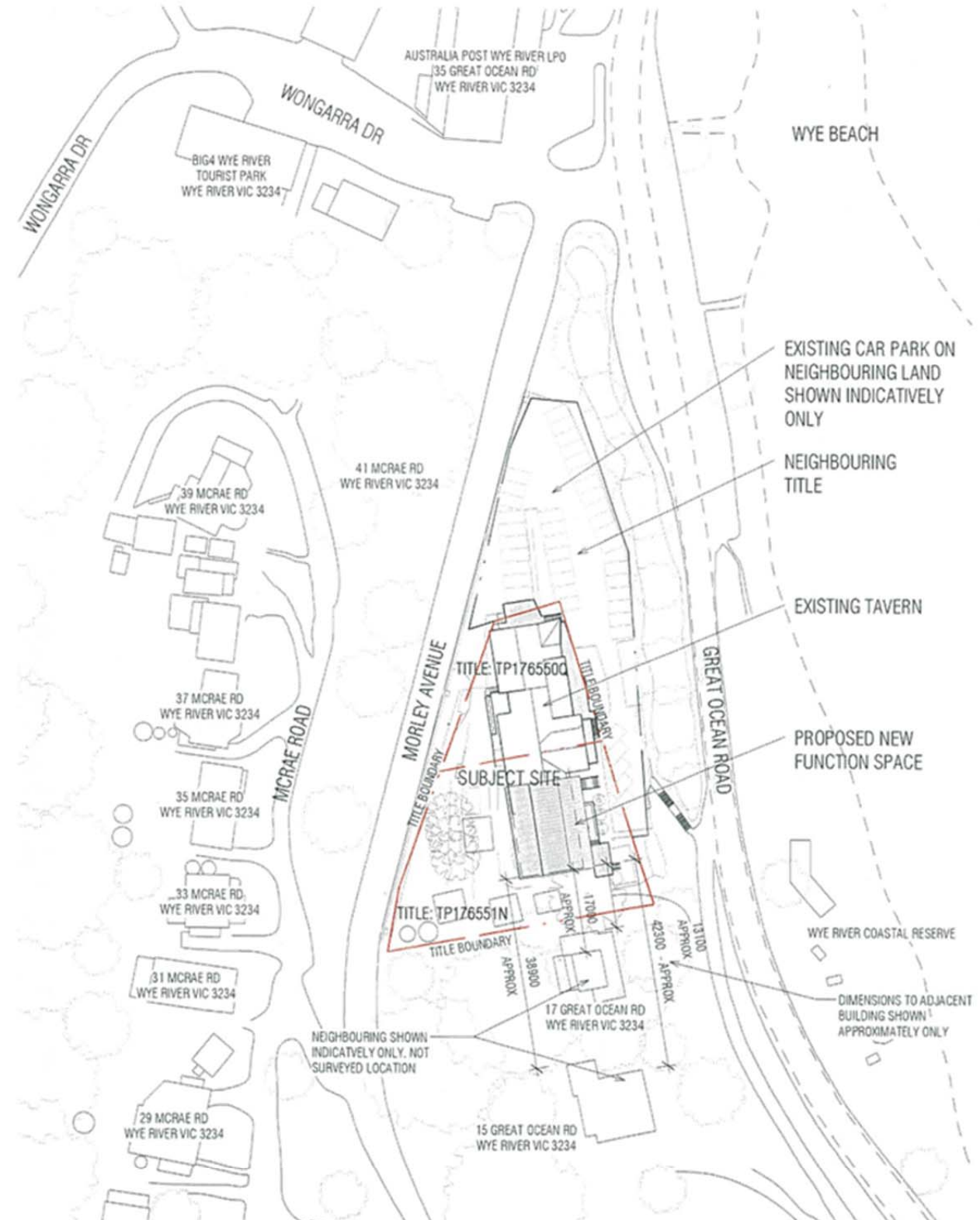
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TP01-3

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2 SITE CONTEXT PLAN - EXISTING
1:1000



1 SITE CONTEXT PLAN - PROPOSED
1:1000

SITE CONTEXT AS SHOWN

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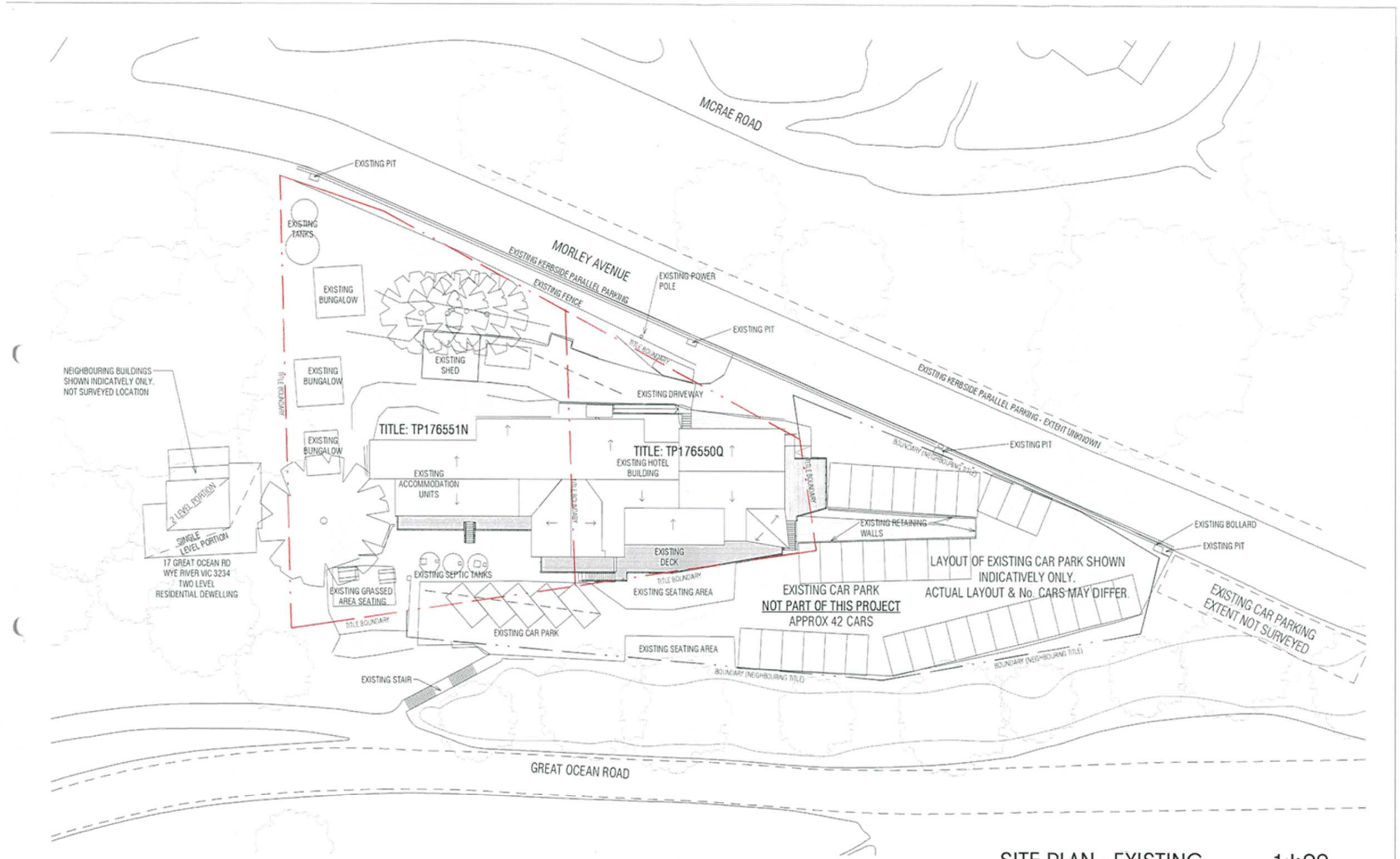
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SITE PLAN - EXISTING 1:400

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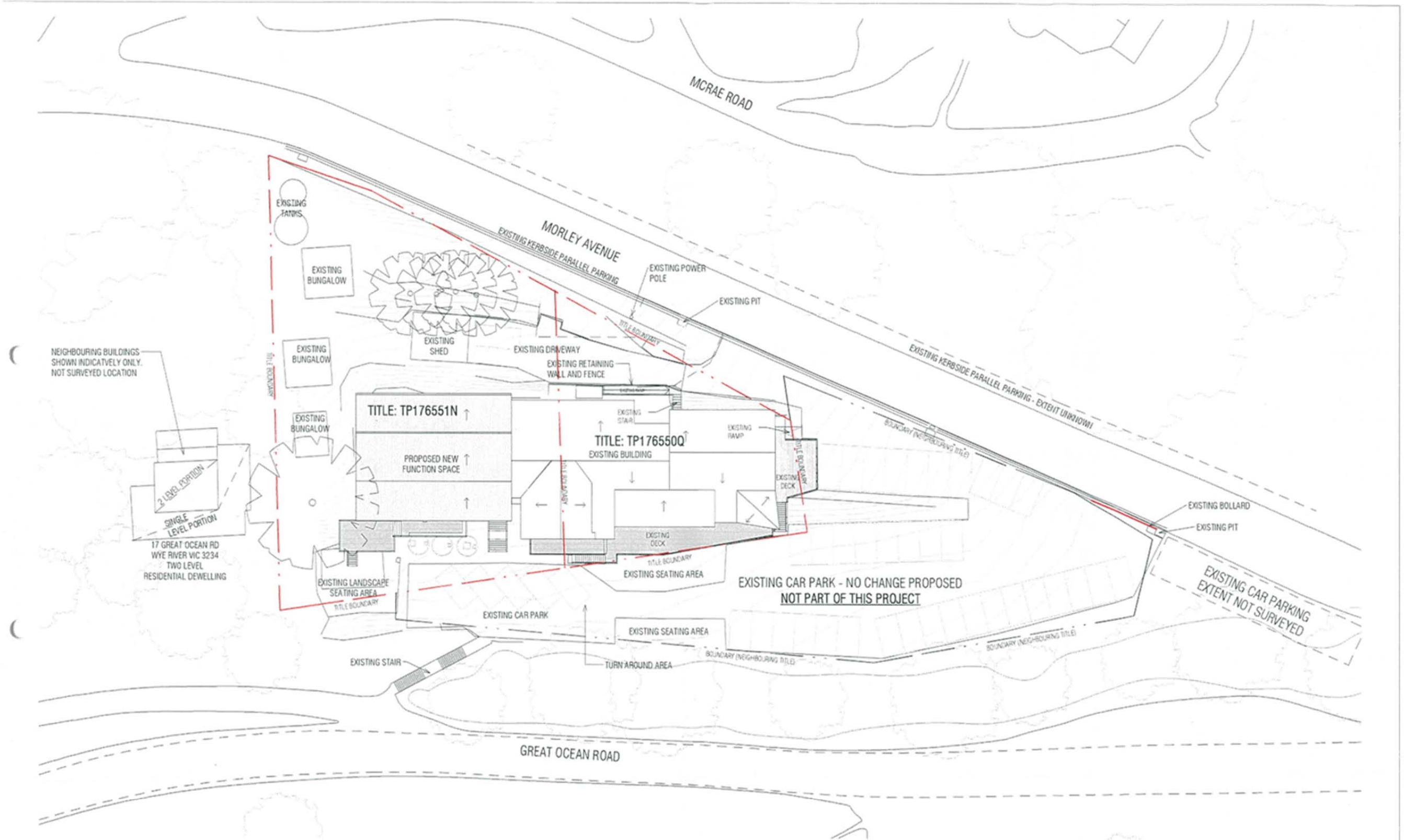
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4	18.07.17	REVISIONS TO DECK - RESPONSE TO COUNCIL
5	20.09.17	PROPOSED WORKS TO NEIGHBOURING LAND REMOVED

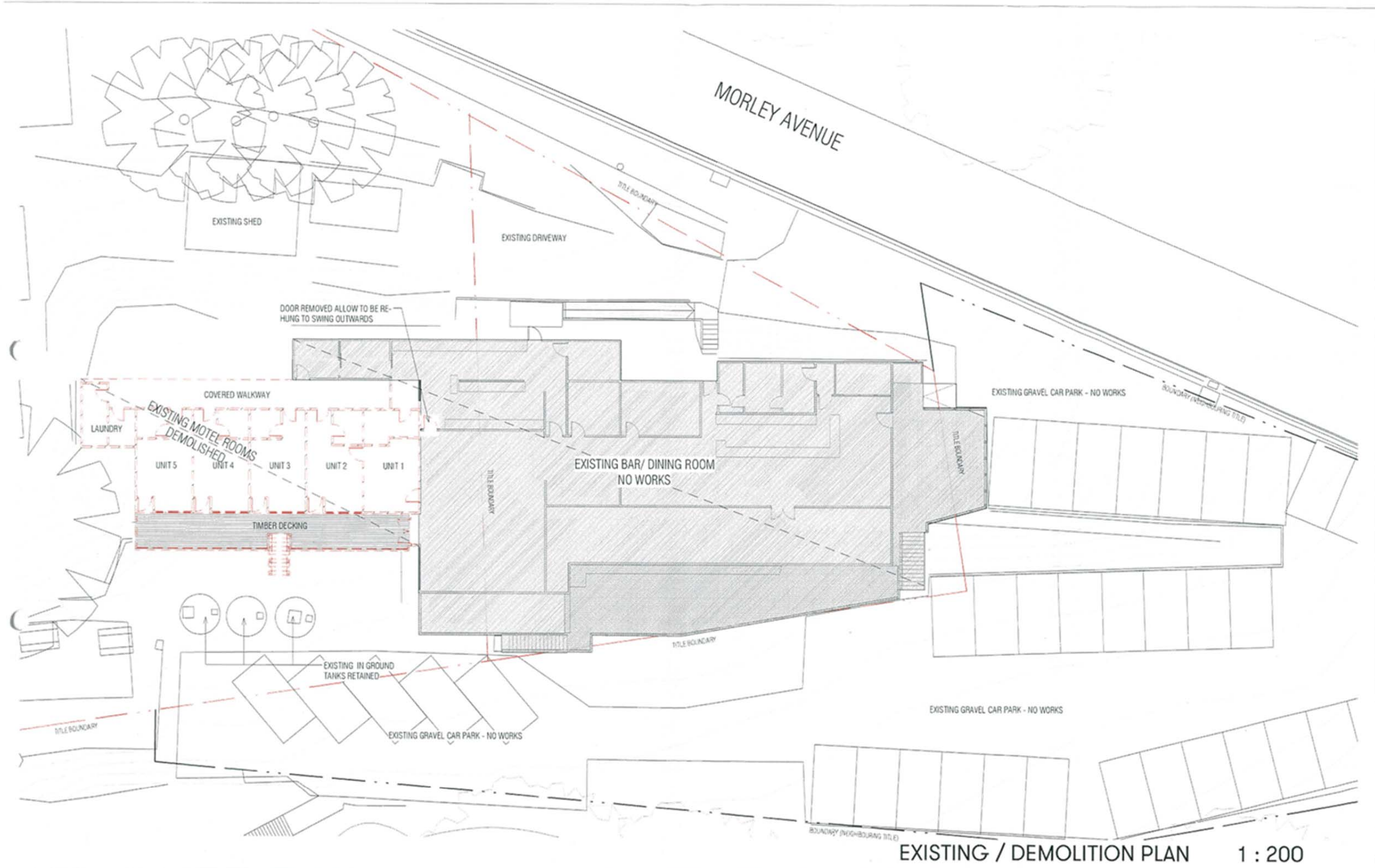
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EXISTING / DEMOLITION PLAN 1 : 200

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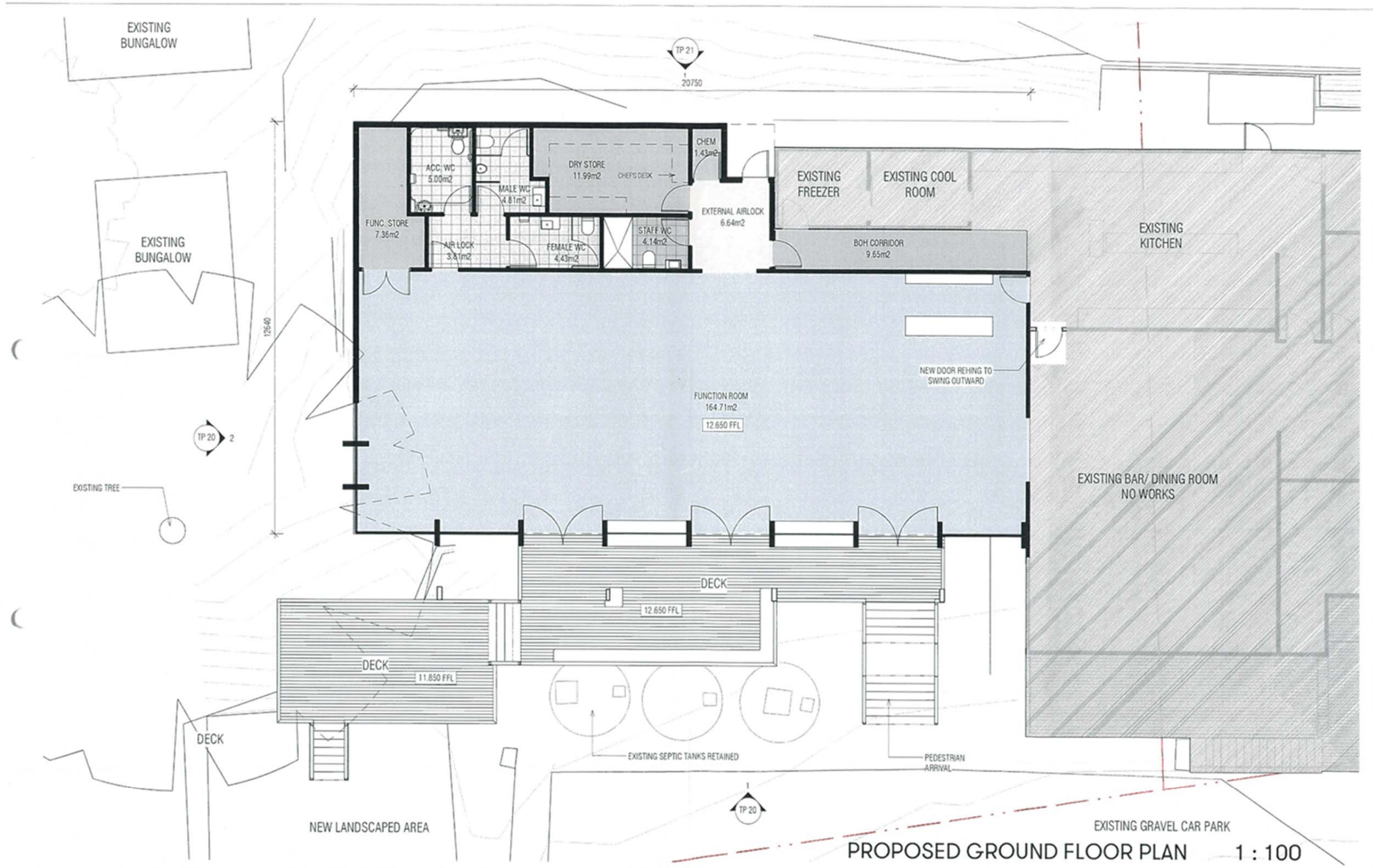
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PROPOSED GROUND FLOOR PLAN 1 : 100

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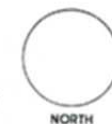
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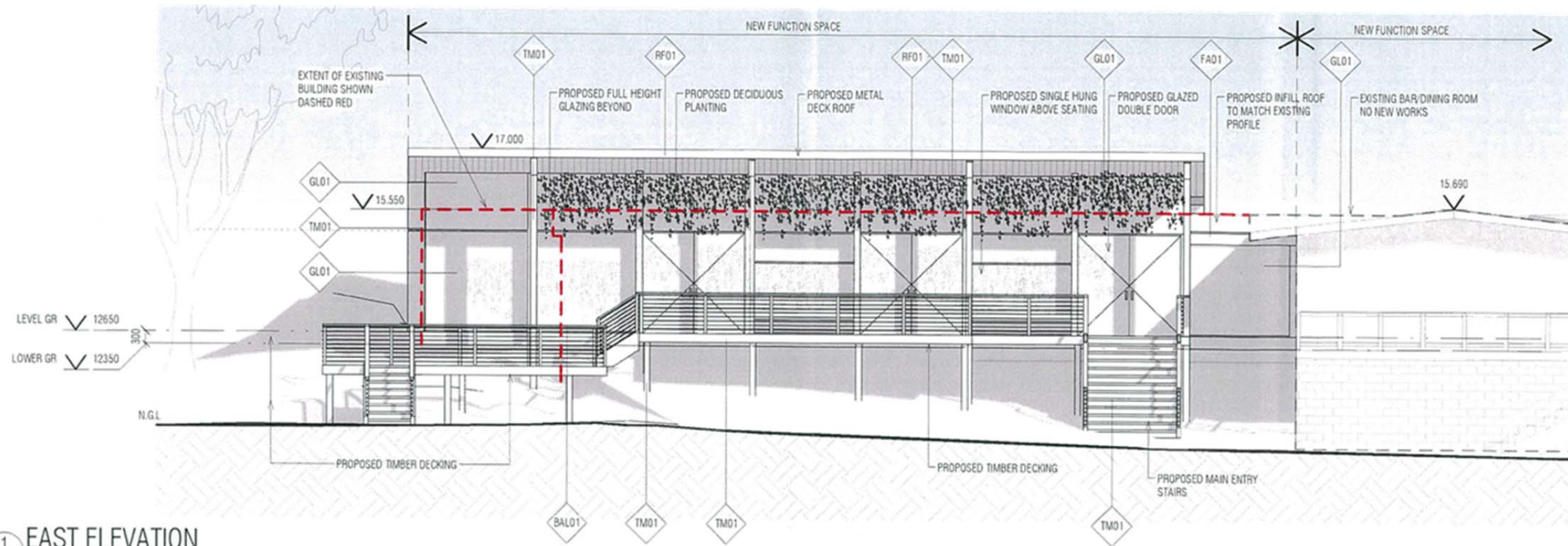
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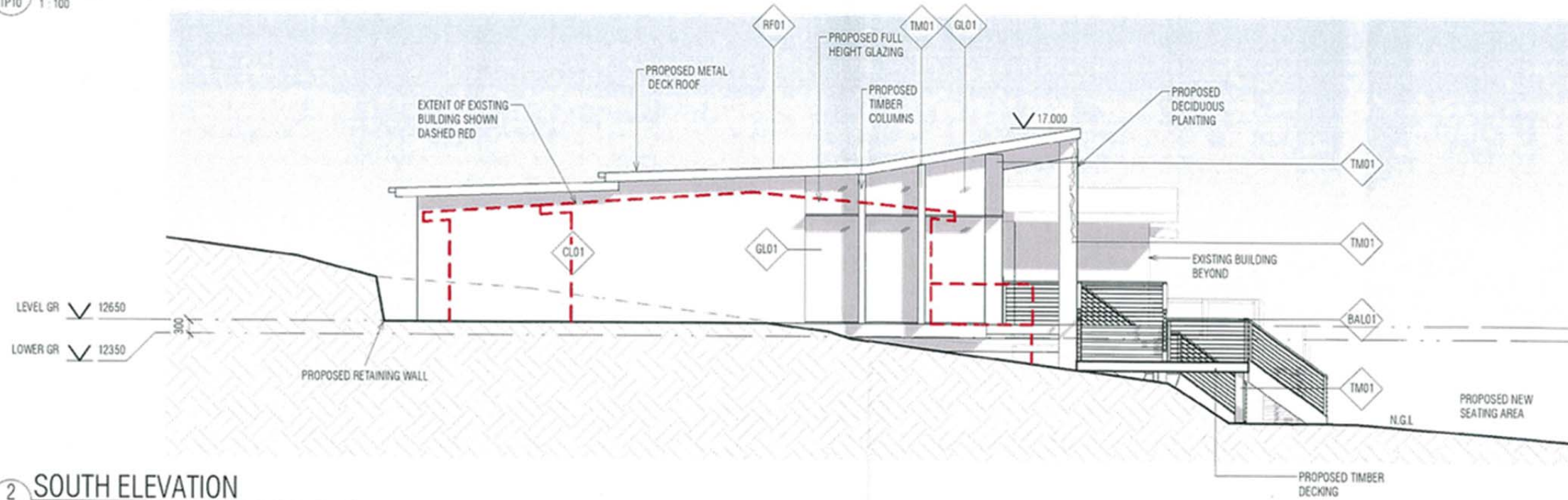


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1 EAST ELEVATION
TP10 1:100



2 SOUTH ELEVATION
TP10 1:100

PROPOSED ELEVATIONS SHEET 1 1:100

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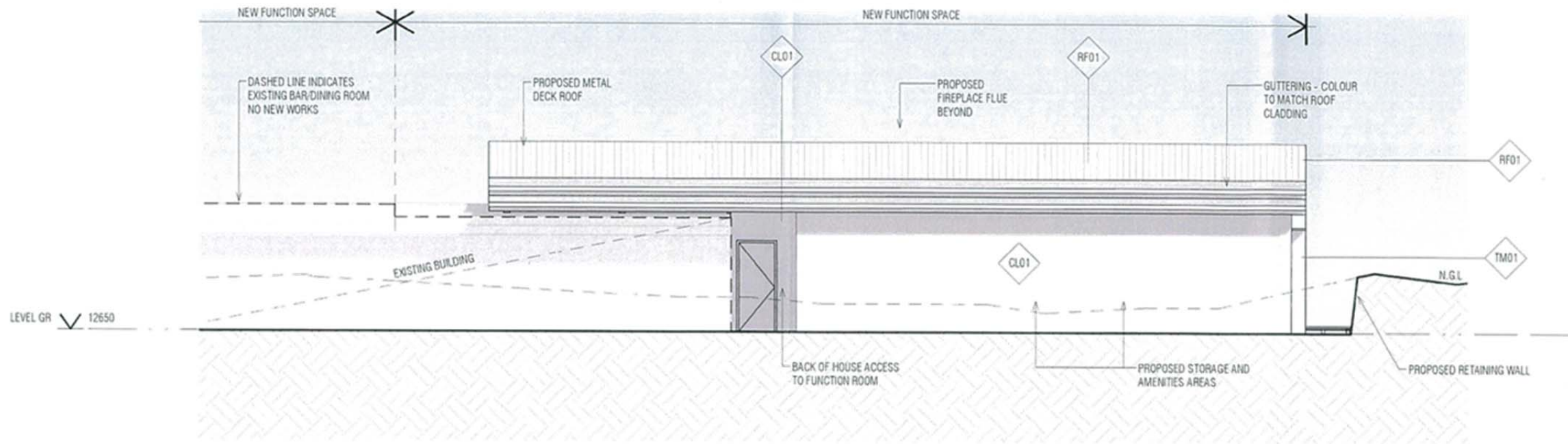
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1 WEST ELEVATION
TP10 1:100

PROPOSED ELEVATIONS SHEET 2 1:100

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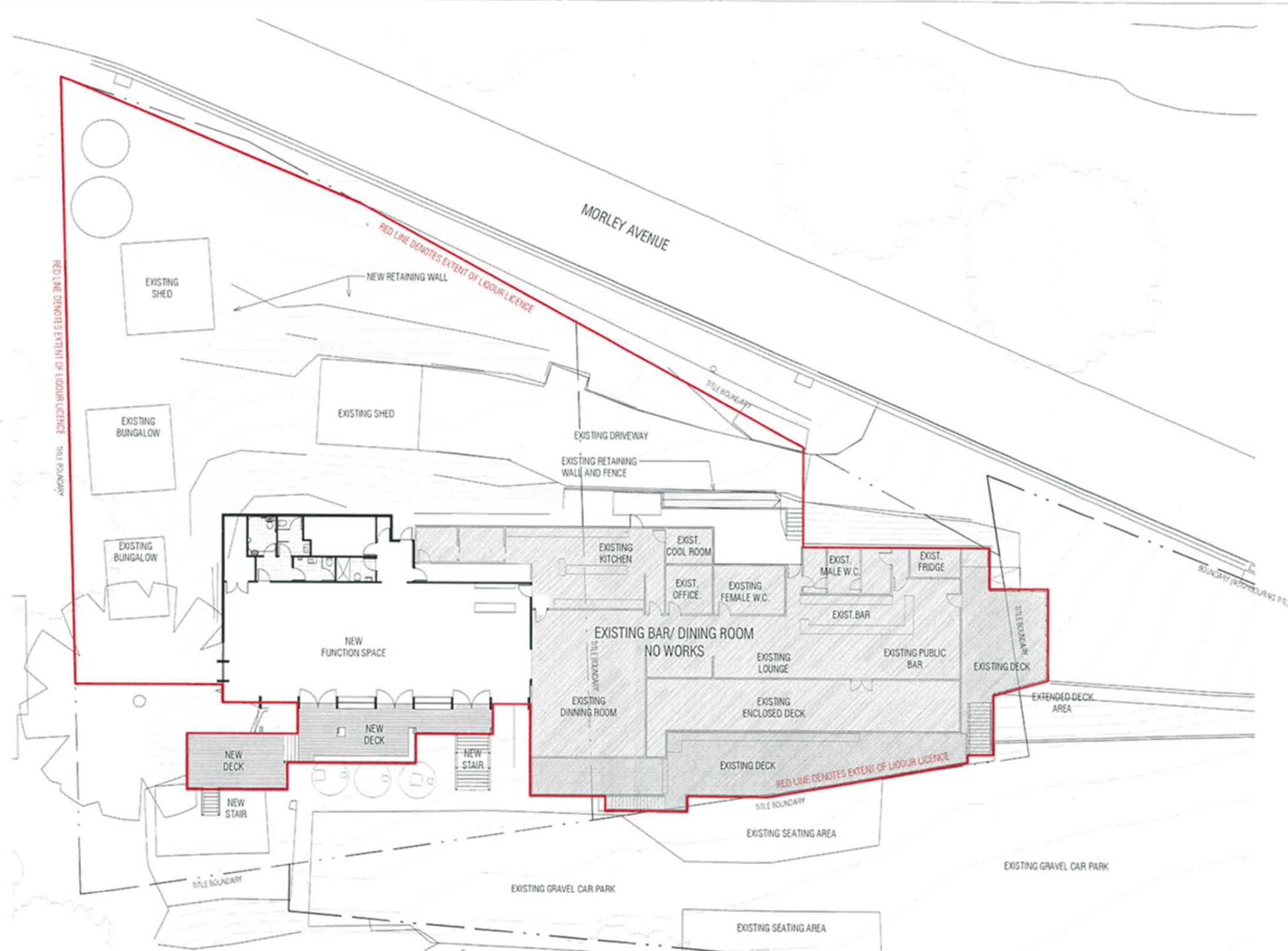
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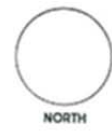
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PHOTO 1
MOTEL - FRONT ROOF DETAIL

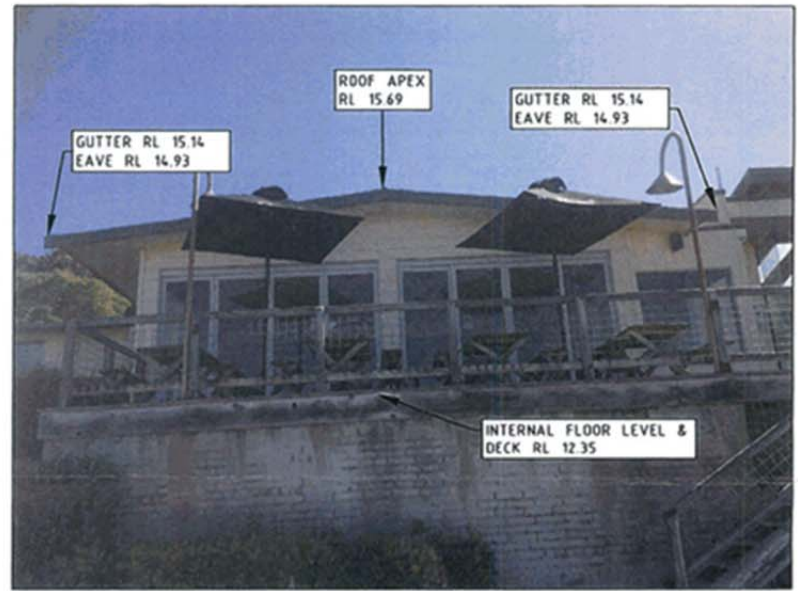


PHOTO 2
DINING ROOM ROOF DETAIL



PHOTO 3
HOTEL ROOF DETAIL & DECK / FLOOR LEVELS

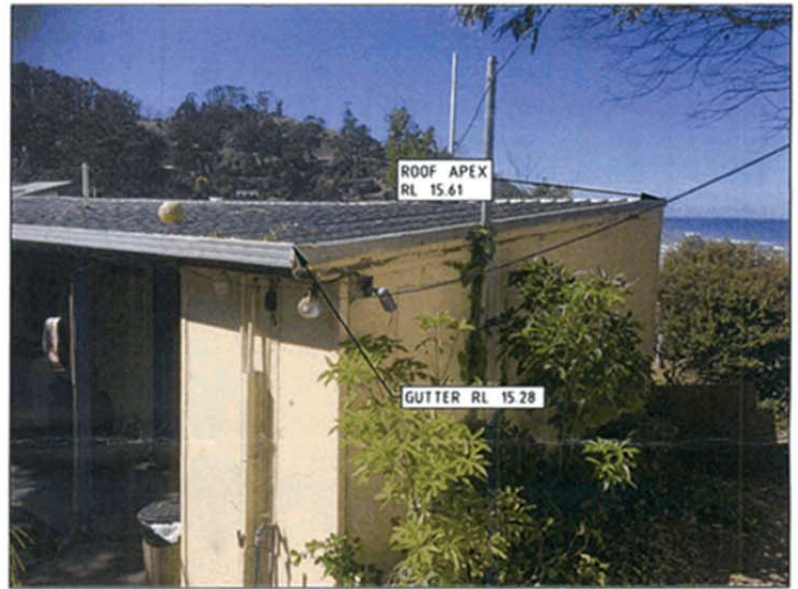


PHOTO 4
MOTEL - REAR ROOF DETAIL

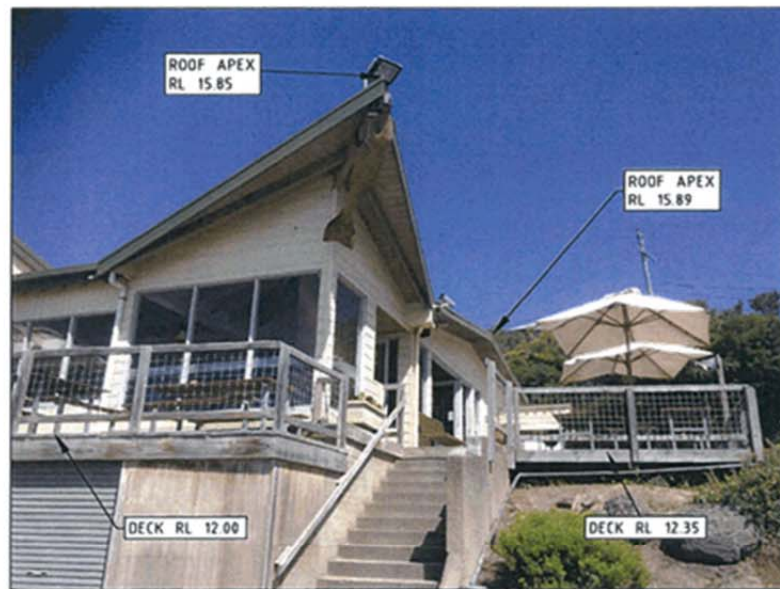

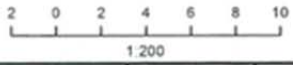


PHOTO 5
HOTEL ROOF DETAIL & DECK LEVELS

Rev.	Revision	Date	Level, Co-ordinate and Bearing Datums Levels on this plan are to: Australian Height Datum based upon: Kaanglang PM 1 With R.L. 4.869 located at: No. 15 Great Ocean Road, Separation Creek Co-ordinate origin for this drawing is: M.G.A.94 Zone 54 based upon: RTK GPS Observations Bearing datum is: M.G.A.94 Zone 54 Contour interval: 0.25m	PLAN OF FEATURE SURVEY WYE BEACH HOTEL WYE RIVER, 3234 PAUL GREENE	Job Number: 16558-01	Date of Issue: 14/03/17
-	-	-			Sheet: 2 of 2	Date of Survey: 03/03/17
TGM Group 1/27-31 Myers Street (PO Box 1137) Geelong Vic 3220 T 03 5202 4600 F 03 5202 4691 ABN 11 125 568 461 www.tgmgroup.com 			LENGTHS ARE IN METRES  1:200		At Size A2	
			Survey: JW/JG	Drawn: JW	Checked: DR	
			DWG: 16558-01-FS01		REV: 1	