



PLANNING COMMITTEE MEETING

AGENDA

WEDNESDAY, 14 DECEMBER 2016

at 4PM

COPACC

COLAC OTWAY SHIRE PLANNING COMMITTEE MEETING

14 DECEMBER 2016

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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 14 December 2016 at 4.00pm.

AGENDA

1. OPENING PRAYER

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

AMEN

2. PRESENT

3. APOLOGIES

4. MAYORAL STATEMENT

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

Colac Otway Shire encourages 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. DECLARATION OF INTEREST

6. VERBAL SUBMISSIONS FROM APPLICANTS/OBJECTORS

The Mayor 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 5 minutes will apply.

7. CONFIRMATION OF MINUTES

- **Planning Committee held on 19 September 2016.**

Recommendation

That Council confirm the above minutes.

PLANNING COMMITTEE MEETING

CHANGE TO MEETING TIME – PLANNING MEETING 14 DECEMBER 2016 PC161412-1

LOCATION / ADDRESS	Whole of Municipality	GENERAL MANAGER	Sue Wilkinson
OFFICER	Mark Lyons	DEPARTMENT	Corporate Services
TRIM FILE	F16/6696	CONFIDENTIAL	No
ATTACHMENTS	Nil		
PURPOSE	Change to meeting time		

S.24 (1) of Local Law 4 provides that:

The Chief Executive Officer may, in the case of an administrative matter or an emergency necessitating the cancellation or postponement of a Meeting, cancel or postpone any Meeting by giving such notice to Councillors and the public as practicable.

The Chief Executive Officer exercised power under S.24(1) of Local Law 4 to change the Planning Meeting for December from 10.30am on Wednesday 14 December 2016 to 4pm on Wednesday 14 December 2016.

The meeting time was changed following discussion with the Councillors to allow greater participation from the Community at the meeting. A notice of the Meeting details was published in the Colac Herald and on the Colac Otway Shire Website.

In accordance with S.24 (2) where the Chief Executive Officer exercises such power a written report must be presented to Council.

Recommendation

That Council:

Notes the report advising that the Chief Executive Officer exercised power under S.24 (1) of Local Law 4 to change the time of the Planning Meeting on 14 December 2016 from 10.30am to 4pm.

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## PLANNING COMMITTEE MEETING

### DEVELOPMENT PLAN (DPO5) - 6280 AND 6230 GREAT OCEAN ROAD, APOLLO BAY PC161412-2

|                           |                                                                                                                                                                                     |                        |                                  |
|---------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|----------------------------------|
| <b>LOCATION / ADDRESS</b> | Whole of Municipality                                                                                                                                                               | <b>GENERAL MANAGER</b> | Gareth Smith                     |
| <b>OFFICER</b>            | Blaithin Butler                                                                                                                                                                     | <b>DEPARTMENT</b>      | Development & Community Services |
| <b>TRIM FILE</b>          | F16/6696                                                                                                                                                                            | <b>CONFIDENTIAL</b>    | No                               |
| <b>ATTACHMENTS</b>        | Attachment 1 - DPO5 Development Plan Synopsis<br>Attachment 2 - DPO5 Development Plan Design Guidelines<br>Attachment 3 - DPO5 Development Plan Referral Authority Comments         |                        |                                  |
| <b>PURPOSE</b>            | To consider a staged Development Plan for 6280 and 6230 Great Ocean Road, Apollo Bay, prepared under Schedule 5 to the Development Plan Overlay in the Colac Otway Planning Scheme. |                        |                                  |

#### 1. DECLARATION OF INTERESTS

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

#### 2. BACKGROUND

This Development Plan was previously considered at a Special Planning Committee meeting held on 19 September 2016, when it was resolved to defer making a decision to allow further discussion with the applicant regarding concerns relating to a range of issues including national heritage issues, setbacks, block sizes and widths, visual impact and screening, and the proposed landslide debris retention fence. Deferring consideration was intended for officers to facilitate discussions with the applicants and provide them opportunity to amend the proposal to respond to the highlighted concerns.

Following that Planning Committee meeting, the applicant lodged an appeal with the Victorian Civil and Administrative Tribunal (VCAT) against Council's failure to make a determination within a reasonable time. A Practice Day Hearing was held on 18 November 2016 and a Compulsory Conference is scheduled on 19 January 2017. The Hearing is set for three days, commencing on 26 April 2017. The dates and times of the Hearing were confirmed, and the unconfirmed minutes from Council's September Planning Committee meeting were tabled, at the Practice Day Hearing.

The Compulsory Conference is the next formal stage of the process. Compulsory Conferences are arranged so parties can discuss ways to resolve cases with the help of a VCAT Member. Parties who attend a Compulsory Conference are required to have knowledge of the issues in dispute and to give

a summary of how they see the issues. If settlement is reached, the Tribunal Member will make orders to confirm it.

To inform Council's position for the Compulsory Conference, a formal Council resolution is required on the version of the Development Plan that was considered at the Planning Committee meeting held on 19 September. No changes have been made to the Development Plan by the applicant since that Planning Committee meeting.

In parallel with the VCAT appeal, consultants acting on behalf of the landowner requested a meeting to discuss potential amendments to the Development Plan. That meeting, held on 30 November 2016, resulted in a very positive 'without prejudice' discussion about ways to address the concerns raised by Council.

The potential amendments to the Development Plan tabled at the meeting include a very substantial setback from the Great Ocean Road (which would incorporate drainage infrastructure, e.g. wetlands), increased lot widths for the lots closest to the Great Ocean Road, low level planting to soften the development from the Great Ocean Road, a review of the road improvements to avoid/minimise any potential requirement for tree removal and a review of the stormwater management strategy. The applicant also confirmed that further consideration would be given to how landslide debris would be addressed (e.g. whether a bund was a viable option; and the type and height of fence that would be required). The applicant also committed to trying to clarify the need for any permits under the Environmental Protection and Biodiversity Act 1999 (EPBC Act). The amendments discussed would result in a reduction in the number of lots proposed, but there would be no loss in the amount of public open space provided. Concept plans are being developed by the applicant based on the 'without prejudice' discussions and Councillors will be kept advised of any progress in the negotiations. The amendments were discussed on a without prejudice basis in anticipation of the upcoming Compulsory Conference and with a view to determining whether the VCAT proceedings can be settled in advance of the hearing listed for April 2017.

Whilst productive discussions are taking place, this report relates to the Development Plan considered by the Planning Committee at its meeting on 19 September 2016. That earlier report was prepared by Council's Strategic Planning Unit. In light of the concerns raised by Councillors, and submitters, the Development Plan was subsequently reviewed by the Statutory Planning Unit. That assessment considered the Development Plan afresh, including comparing lot widths and setbacks to existing development in the vicinity of the site, reviewing all relevant policies in the Planning Scheme, liaising with external referral authorities and other departments in Council and reviewing the submitted documentation. The recommendations in this report are based on the assessment carried out by the Statutory Planning Unit after the September Planning Committee meeting and the applicant has been advised accordingly.

#### Background to the Submission of the Development Plan

Council adopted Amendment C74 (Apollo Bay Settlement Boundary and Urban Design Review) to the Colac Otway Planning Scheme in November 2014. This Amendment included changes to the planning controls affecting two lots on the northern side of Apollo Bay - 6230 Great Ocean Road, which has an area of 4.1ha, and 6280 Great Ocean Road, which has an area of 36.6ha. The Amendment included the rezoning of parts of 6230 and 6280 Great Ocean Road from the Rural Conservation Zone (RCZ) to the Neighbourhood Residential Zone 1 (NRZ1). As part of the same Amendment, the Development Plan Overlay Schedule 5 (DPO5) was also applied to those parts of 6230 and 6280 Great Ocean Road that were subject to the rezoning.

The bulk of the rezoned residential land is at 6280 Great Ocean Road. The steepest parts of the land were not rezoned, due to landslip concerns.

DPO5 seeks to ensure a range of matters are addressed prior to the approval of any subdivision of the land. These include matters such as the road network, open space, cultural heritage, landslip risk, flora and fauna, and stormwater management.

Following the approval of Amendment C74 by the Minister for Planning on 19 February 2015, a partial Development Plan was lodged with Council in October 2015. The remainder of the documentation required by the Development Plan Overlay Schedule 5 was lodged with Council by 15 April 2016. A copy of the submitted Development Plan synopsis is attached to this report (Attachment 1).

The submitted Development Plan shows detail for the future subdivision of 6280 Great Ocean Road into 139 lots, but only a road network within 6230 Great Ocean Road (as this land, whilst part of the Development Plan area, is under separate ownership).

A planning permit application for stage 1 of the proposed subdivision (ref. PP253/2015) has also been submitted, but this cannot be determined until a Development Plan has been approved for the land.

The Development Plan Overlay states that a planning permit granted must be *“generally in accordance with the development plan”*. Once a Development Plan is approved, the subdivision application must closely align with that Development Plan and Council will not be in a position to request any major changes unless the approved Development Plan is also amended. Furthermore, it should be noted that any planning permit application that is in general accordance with an approved development plan is exempt from public notification requirements and appeal rights under Clause 43.04-2 of the Planning Scheme, which states that:

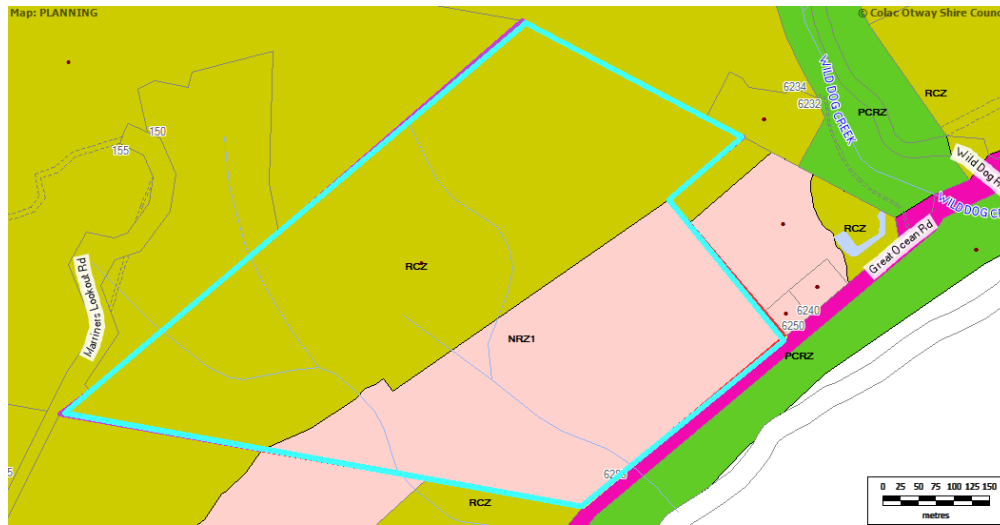
*“An application under any provision of this scheme which is generally in accordance with the development plan is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.”*

#### The Subject Land

The land at 6280 Great Ocean Road is depicted in the image below (Map 1) as the area outlined in blue. The land at 6230 Great Ocean Road is the largest parcel abutting the Great Ocean Road to the east of 6280 Great Ocean Road on the image, as identified in Map 3.



### Map 1 - 6280 Great Ocean Road



### Map 2 – Aerial Image of 6280 Great Ocean Road



The land at 6280 Great Ocean Road, which has an area of 36.6 hectares, is largely vacant with the exception of some sheep farming, one dwelling and some sporadic vegetation. Only the land in the NRZ1 is proposed for subdivision into residential lots. This part of the land has an area of 17.4 hectares.

The area in the Rural Conservation Zone on the western side of the land is characterised by steep hills, whereas the balance of the land slopes gently in a south easterly direction.

There are three small waterways traversing the subject land, with the water running from west to east. These gullies carry water during heavy rain events. There are scattered patches of trees on the land.

#### Surrounding area

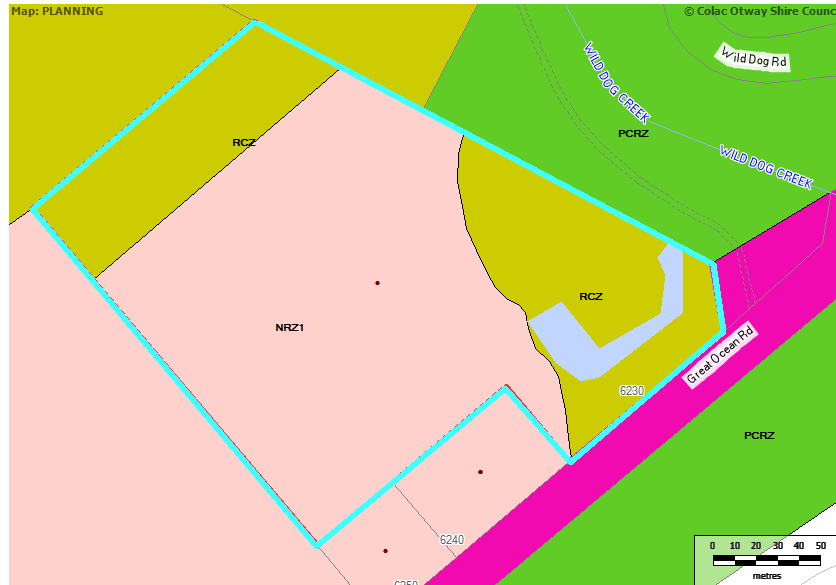
- Abutting 6280 Great Ocean Road to the south is 40 Marriners Lookout Road, which is expected to be subdivided into residential lots in the future. A Development Plan has also recently been prepared for that land, together with an adjoining lot at 30 Marriners Lookout Road, under Schedule 4 to the Development Plan Overlay (DPO4 – Mariners Vue).

This was also considered at the Planning Committee meeting held on 19 September 2016, when it was resolved to support the Development Plan in principle. Council officers were authorised to formally approve the Development Plan under delegated powers, with any minor changes necessary to resolve outstanding geotechnical issues. The Development Plan was approved on 5 October 2016 and a planning permit for the staged subdivision of the land into 136 lots, which was identical to the layout shown in the approved Development Plan, was issued on 2 November 2016 (ref. PP84/2016).

- 6280 Great Ocean Road also abuts the Pisces Caravan Park to the south.
- To the east of the site is the Great Ocean Road and Apollo Bay beach.
- To the east of the site are 6230 Great Ocean Road (also covered by DPO5), 6250 Great Ocean Road (Apollo Bay Museum) and 6240 Great Ocean Road. In addition there two dwellings on large blocks (6232 and 6234 Great Ocean Road) to the north.
- To the north west of the land at 6280 Great Ocean Road are large rural landholdings and a lookout at the peak of Marriners Lookout Road. The nearest dwelling to the site on this boundary is at least 150 metres away.

In addition, the submitted Development Plan includes a proposed road network going through 6230 Great Ocean Road. This parcel of land is shown outlined in blue below (Map 3):

**Map 3 – 6230 Great Ocean Road (road network within this land shown on Development Plan)**



### 3. COUNCIL PLAN / OTHER STRATEGIES / POLICY

#### A Planned Future

*Creates an attractive shire with quality buildings and spaces, accessible travel and transport, and a community that has the services and facilities it needs now and in the future; supports a prosperous economy where trade, manufacturing and business activity flourishes.*

#### Our Goal:

*Facilitate the growth, liveability and development of the shire and encourage innovation and efficiency in the local economy.*

The proposed Development Plan would facilitate planned growth and significantly increase the population capacity of Apollo Bay, which would allow for expansion of the local economy. However, it is also important that the proposed subdivision provide a quality environment in which to live and open spaces to enjoy.

### 4. ISSUES / OPTIONS

Council has the options of:

- a) approving the Development Plan as submitted.
- b) approving the Development Plan with changes.
- c) refusing to approve the Development Plan for the reasons specified in the Council resolution.

## 5. PROPOSAL

The following have been taken into account when assessing the Development Plan:

- The submitted application.
- Planning controls.
- The character of this area on the periphery of Apollo Bay and the nature of existing development in the locality
- Compliance with the DPO5 Schedule.
- Design guidelines.
- Submissions received as part of an informal exhibition process.
- Responses received from referral authorities.
- The proposed use of notes on Development Plan.

### **The Application**

The submitted Development Plan shows a proposed future subdivision of the land at 6280 Great Ocean Road into 139 residential lots, with lots having a minimum area of 450 square metres and an average of 603 square metres. The Development Plan also shows a proposed road network within 6230 Great Ocean Road (which is also covered by DPO5), linking to the land at 6280 Great Ocean Road.

The subdivision of the land at 6280 Great Ocean Road is proposed to occur in five stages as shown in the map below. Stage 1 would contain 37 lots.

### **Map 4 – DPO5 Development Plan**

The Development Plan does not include an expiry date or timeline for the stages of development. These matters would be considered as part of the related permit application (ref. PP253/2015).

### *Roads*

The Development Plan includes an internal road network, with two proposed connections to the proposed future subdivision at 40 Marriners Lookout Road to the south-west, as well as two access points to the Great Ocean Road (one at 6280 Great Ocean Road and one at 6230 Great Ocean Road). Roads would be provided in accordance with Council's Infrastructure Design Manual, which would ensure the provision of internal footpaths throughout the subdivision.

### *Drainage reserves*

There are three drainage reserves proposed for the land. These reserves, which would contain open space walkways, would together comprise 0.84 hectares in area. These reserves would temporarily hold water during storm events. The reserves would be transferred to Council at the time of subdivision. The drainage reserves are considered to be encumbered land that should not be credited as public open space.

### *Landscaping and Open Space*

The proposed Development Plan includes a one hectare area of public open space (a neighbourhood park), which would be transferred to Council across stages 1 and 2 of the subdivision, with the vast majority to be transferred in stage 2.

The landscape plan includes a playground with picnic area in the neighbourhood park. Further details of what would be included in the open space would be provided as part of the subdivision permit application.

### *Vegetation*

There are a few trees and shrubs located adjacent to a waterway near to the boundary with 40 Marriners Lookout Road. The site is otherwise clear of vegetation.

### *Landslide Prevention Measures*

The Geotechnical Assessment report submitted with the Development Plan identifies that the hills behind the proposed subdivision area could be a landslide hazard risk for some of the allotments.

On the basis of the submitted Geotechnical Assessment, the following measures have been proposed to mitigate the landslide risk:

- A landslide debris retention fence is proposed for the length of the rear of the subdivision, to catch debris that could potentially come from the hills in the RCZ in the event of a landslide (Note: The submitted plan would have to be amended to depict the full extent of the landslide debris retention fence in the event the Development Plan was approved, as it currently only shows a section of the fence).
- Vegetation planting is proposed on these hills to stabilise the land.

It is proposed that these measures would be managed by an Owners' Corporation, with membership based on the lots benefiting from the measures.

### *Fire buffer*

A 25 metre deep fire buffer is proposed to the rear of the developable area of 6280 Great Ocean Road, along the border with the hills located in the RCZ. This area would be clear of vegetation to minimise fire risk.

It has been proposed that the fire buffer area would be managed by an Owners' Corporation with membership based on lots benefiting from the measures.

### **Planning Controls**

The following Zones and Overlays apply to the land.

#### **Neighborhood Residential Zone 1**

**(applies to that part of the land which is proposed to be subdivided into 139 residential lots)**

**The purpose of the zone includes the following:**

- *To recognise areas of predominantly single and double storey residential development.*
- *To limit opportunities for increased residential development.*
- *To manage and ensure that development respects the identified neighbourhood character, heritage, environmental or landscape characteristics.*
- *To implement neighbourhood character policy and adopted neighbourhood character guidelines.*

#### ***Permit Requirement – Clause 32.09-2 Subdivision***

*A permit is required to subdivide land.*

#### ***Decision Guidelines – Subdivision***

- *The pattern of subdivision and its effect on the spacing of buildings.*
- *For subdivision of land for residential development, the objectives and standards of Clause 56.*

### **Assessment**

Whilst the Development Plan depicts a proposed subdivision that would comply with both the minimum lot size (450m<sup>2</sup>) and a minimum average lot size (600m<sup>2</sup>) specified in DPO5, it is not considered that the subdivision would respect the identified neighbourhood character, heritage, environmental or landscape characteristics.

The subject land is at the periphery of the Apollo Bay township and effectively forms the northern entrance to the town. Of particular concern with the Development Plan is the fact that the proposed subdivision layout would result in narrow lots, with widths of 12m – 12.5m, along the Great Ocean Road frontage. Such narrow lots are more characteristic of a densely developed urban area than a coastal town and, when developed with dwellings, would impact significantly on the character of Apollo Bay. It is noted that lots further south along this stretch of the Great Ocean Road have frontages with widths generally in the region of 17m – 18m.

It is considered that approving the Development Plan with such narrow lots along the iconic Great Ocean Road would cause significant detriment to the neighbourhood character, heritage, environmental and landscape characteristics of both the immediate area and the town.

Whilst concerns were also raised about lot size at the Planning Committee meeting in September, on balance it is not considered that Council could refuse to approve the submitted Development Plan on such grounds. The Planning Panel Report on Planning Scheme Amendment C74, which rezoned this land to NRZ1 and applied DPO5 and DDO10, specifically considered the issue of lot sizes. The Panel Report stated:

*“The Panel accepts Mr McGurn’s comments that the zoning is consistent with the use of the NRZ as has been applied through Ministerial Amendment C79 to the existing areas of DDO7 [i.e. Apollo Bay and Marengo – Lower Density Residential Areas], including Marriners [sic] Vue greenfield land.*

*This zone has a mandatory height limit of 9 metres and a maximum number of dwellings per lot of two. The capacity to develop any lot in this zone is therefore limited, both due to these mandatory requirements and the purposes of the zone that include direction to ‘limit opportunities for increased residential development’.*

*Council maintains that a mandatory 600sqm lot size is necessary to provide room for landscaping, share views and address neighbourhood character, the Panel finds this is not substantiated by the provisions of the DDO10 and is not consistent with other DDO schedule provisions affecting other land in the town.*

*For example, DDO7 applies to all land in Apollo Bay identified as lower density. This overlay requires that a permit is required to construct a new dwelling that is greater than 8 metres high or on a lot less than 450sqm. Subdivision requirements of the DDO7 require that lots in Precinct 1 and 2 are at least 450sqm.*

*These precincts include town edge areas of the Great Ocean Road and the Milford Beach estate. The subdivision requirements of DDO7 are not mandatory.*

*The Panel therefore does not see that applying mandatory controls for subdivision in DDO10 are consistent with the approach taken elsewhere in the town.....*

*The Panel also fails to understand how a lot on the ATI site requires 600sqm to achieve the design objectives of the overlay, yet on the Marriners Vue land only requires a lot size of 450sqm. The design objectives are the same and the siting of the land is very similar. Both provide an edge on their western boundary to the township and both have frontage to the Great Ocean Road, as does other land within DDO7 to the south. Simply because the ATI land forms the northern edge to the town, is considered insufficient rationale to mandate an arbitrary larger lot size for the ATI land, when the design objectives are the same...*

*The Panel is satisfied that requiring a planning permit for dwellings on lots less than 600sqm is not a transformation of the Amendment as it simply varies what was a proposed prohibition of dwellings on lots less than 600sqm on the ATI land."*

As noted elsewhere in this report, DPO5 requires the provision of a variety of lot sizes with a minimum average lot size of 600sqm and a minimum lot size of 450sqm. The minimum and average lot sizes on the submitted Development Plan accord with this requirement.

Given this, and notwithstanding the fact that it is considered that the Development Plan would result in development that would be detrimental to the character and landscape setting of this part of Apollo Bay, it is not considered that the proposal could be resisted on the basis of lot sizes.

**Rural Conservation Zone  
(applies to areas not proposed for residential subdivision)**

***Purpose***

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To conserve the values specified in a schedule to this zone.*
- *To protect and enhance the natural environment and natural processes for their historic, archaeological and scientific interest, landscape, faunal habitat and cultural values.*
- *To protect and enhance natural resources and the biodiversity of the area.*
- *To encourage development and use of land which is consistent with sustainable land management and land capability practices, and which takes into account the conservation values and environmental sensitivity of the locality.*
- *To provide for agricultural use consistent with the conservation of environmental and landscape values of the area.*
- *To conserve and enhance the cultural significance and character of open rural and scenic non urban landscapes.*

It is proposed to excise the RCZ area from the area to be subdivided into residential lots within the NRZ1, to create a balance lot. With the exception of the landslide mitigation measures, it is not proposed to develop this land.

Whilst the subdivision of land in the RCZ is not proposed, it is considered that further detail is required of the proposed landslide debris retention fence in order to ensure that any structure proposed would not also have a detrimental impact on the area.

## **Design and Development Overlay Schedule 10 (DDO10)**

### ***Design objectives***

- *To develop a spacious building setting with substantial space for planting and vegetation.*
- *To allow for the reasonable sharing of views.*
- *To maintain the visual dominance of the coastal valley and hills hinterland in relation to the scale and siting of any proposed development.*
- *To ensure buildings and structures respond positively to the significant coastal landscape setting.*
- *To ensure buildings demonstrate a high standard of contemporary design and complement the character of the natural coastal environment.*
- *To set buildings and works within a landscape of appropriate coastal vegetation.*
- *To ensure vegetation and landscaping is integrated with the design of the development and complements the surrounding coastal landscape.*

Schedule 10 to the Design and Development Overlay, whilst not exempting subdivision from the requirement for a permit, has decision guidelines that relate solely to development. Future dwellings on those lots with an area of 600sqm or less created by the proposed subdivision would have to comply with the requirements of this overlay.

Whilst there are not specific decision guidelines relating to subdivision in DDO10, it is of significant concern that allowing narrow lots in the proposed subdivision, and especially along the Great Ocean Road, would ultimately result in development that would compromise the design objectives of DDO10. The narrow 12m - 12.5m lots along the Great Ocean Road frontage, for example, would not allow for “a spacious building setting with substantial space for planting and vegetation”. Furthermore, when such lots are developed, they would be unlikely to allow for the reasonable sharing of views. It is considered that the impact of the proposed subdivision on the coastal landscape setting would be unacceptable, having regard to the design objectives of DDO10.

### **Erosion Management Overlay Schedule 1**

The Erosion Management Overlay only applies to the RCZ area. Landslip issues have been considered in detail as a part of the Development Plan, to limit risk to the proposed residential lots within the NRZ1.

However, it is considered that further details are required of the proposed landslide debris retention measures, including the visual impact of any structure proposed (whether a fence or a bund) and the ongoing management arrangements for that structure.

### **Significant Landscape Overlay Schedule 3**

*The “preferred character” of this precinct is the retention of the dramatic intersection of landscape ‘edges’ within the precinct, which could be further emphasised by increasing indigenous planting for subtle emphasis. Ribbon development and inappropriate development on hill faces should be limited, and township edges have the potential to be further defined.*

### ***Landscape character objective to be achieved***

- *To achieve the “Preferred Character” as specified above.*
- *To increase the use of indigenous vegetation to highlight natural features within the precinct.*
- *To consider the contrasts between landscape elements within the precinct.*



- *To ensure that development that occurs on hill faces or in other prominent locations is not highly visible and sensitively designed.*
- *To minimise the visual impact of signage and other infrastructure, particularly in coastal areas, hill faces and ridges.*
- *To protect the clear sweeping views to and from the ocean available from the precinct.*
- *To consider the dominance of an indigenous natural landscape in coastal areas, between townships, particularly from the Great Ocean Road and avoid ribbon development.*

The overlay applies on the part of the land which would not be subdivided. However, the proposed landslide debris retention fence would be located within this area. As noted above, it is considered that further detail should be required of the potential visual impact of any structure proposed.

### **Particular Provisions**

#### **Clause 52.01 Public Open Space Contributions and Subdivision**

The Schedule to Clause 52.01 of the Colac Otway Planning Scheme requires a 10% public open space contribution in Apollo Bay for subdivisions of 11 lots or more. In accordance with Section 18 of the Subdivision Act, the levy can be paid in the form of cash, a physical contribution or both.

The 10% requirement is based on the developable area of the land. This is double the State standard requirement of 5% and is included because of an identified shortage of public open space in Apollo Bay.

The developable area of the land at 6280 Great Ocean Road is 13.967ha, which excludes land in the RCZ area (not proposed for development).

This means approximately 1.4 hectares of open space would need to be provided to meet the 10% requirement. The proponent proposes a 1 hectare public open space reserve central to the property. This means there would be a shortfall of approximately 4000 square metres. This would be paid in cash equivalent to the value of the land, to be used by Council for the purchase or improvement of open space.

#### **Development Plan Overlay Schedule 5**

The Development Plan Overlay Schedule 5 applies to the entire subject land and is the key requirement to which the Development Plan needs to respond.

#### ***Compliance with the DPO5***

A key part of the assessment process is to ensure the submitted Development Plan complies with the requirements of the DPO5 Schedule.

DPO5 states that:

*A development plan must be prepared to guide the subdivision and future development of the land at 6230 and 6280 Great Ocean Road, Apollo Bay.*

*The objectives of this schedule are to:*

- *Provide a planned or coordinated residential development that responds positively to the significant coastal landscape setting of the land.*
- *Provide for a diversity of living opportunities.*

- *Avoid development in areas at risk from the effects of natural processes such as flooding (riverine and coastal), erosion, landslip and salinity.*

It is considered that the submitted Development Plan does not meet the objectives of the schedule, in particular in terms of responding positively to the significant coastal landscape setting of the land, as discussed earlier in this report. An assessment against the provisions of DPO5 is outlined below:

- An internal road network, with a high level of permeability – it is considered that this has been shown on the plan.
- A minimum average lot size of 600sqm and a minimum lot size of 450sqm – whilst the proposed layout would accord with this requirement, it is considered that it would have a detrimental impact on the significant coastal setting of the land, contrary to the objectives of DPO5.
- Access from Great Ocean Road to the satisfaction of VicRoads - the proposed access is considered acceptable, although further clarification of the requirement for permits for tree removal or any other works in the Great Ocean Road is required. VicRoads, and Council's Infrastructure Department, have both advised that further access points should not be provided.
- A staging plan (which has been provided). However, as noted above, it is considered that the proposed subdivision would have a significantly adverse impact on the character of this coastal town and the iconic Great Ocean Road
- Identification of land used for different purposes – this is shown.
- Surveillance of open space - which would be met.

DPO5 also requires a number of supporting documents, all of which have been provided, including:

- Town Planning Report.
- Cultural Heritage Management Plan.
- Coastal Hazard Vulnerability Assessment and a Stormwater Management Strategy.
- Traffic Impact Assessment.
- Visual Impact Assessment
- Landslip Risk Assessment
- Flora and Fauna Assessment
- Open Space and Landscape Master Plan.
- Bushfire Assessment
- Design Guidelines.

### **Design Guidelines**

Schedule 5 to the Development Plan Overlay requires that:

*Prior to the approval of a subdivision a Section 173 Agreement must be prepared and signed to the satisfaction of the Responsible Authority that establishes design guidelines for the residential development of the land. The design guidelines must address external materials and colours, building style and massing, garages and carports, other structures and appurtenances, landscaping and fences.*

Design guidelines have been prepared and are proposed for approval as a part of the Development Plan. These guidelines are intended to promote a contextually appropriate neighbourhood character and would apply to the future development of dwellings.

The design guidelines are attached to this report (Attachment 2). A draft Agreement under section 173 of the Planning and Environment Act 1987 was under consideration at the time of drafting this report.

**Submissions Received as Part of the Exhibition Process.**

Whilst there is no statutory public notification process for development plans, it was decided that an informal process of notification would be undertaken to help inform Council's decision.

The Development Plan was therefore exhibited between 29 June and 29 July 2016, by sending letters to adjoining and surrounding landowners and occupiers. The Development Plan was later advertised on the website, Council's Facebook page and in the Apollo Bay News from August 4 2016, with submissions accepted until August 15 2016.

A total of 24 submissions were received, which comprised four (4) in support of the Development Plan and twenty (20) either raising concerns or objecting. Two of the letters of support were from the landowner and from the landowner's company, whilst another of the letters of support was from a Real Estate Agency. In addition, it should be noted that three of the seventeen letters objecting to the Development Plan were from the same person.

Key concerns from submissions and an officer response is outlined below.

**Concern 1:** The development will have an adverse visual impact, particularly considering this is the entry point to the town. Reference was made to the rise in the ground and the nominated setback, as well as the potential width and height of buildings.

**Officer response:**

As noted above, it is considered that the impact of the proposed subdivision would be contrary to the purposes of the NRZ1 and the objectives of DPO5 and DDO10. In particular, it is considered that the narrow lots along the Great Ocean Road, and the proximity of dwellings to the road, would be detrimental to the character of the town.

In addition, it is considered that further information is required about the landslide debris retention measures, to ensure any proposed structure would accord with the purpose of the RCZ and the landscape objectives of SLO3.

It is also noted that an assessment of the Development Plan may be required under the **EPBC Act** because of the National Heritage Significance of the Great Ocean Road. This would be a Federal Government Assessment. The applicant has been made aware of this potential requirement.

**Concern 2:** The layout in the Development Plan will result in a development that is out of keeping with the character of Apollo Bay.

**Officer response:**

It is agreed that the subdivision shown in the Development Plan would be out of keeping with the character of Apollo Bay, as noted earlier in this report.

**Concern 3:** A single point of access would not be good enough to service the entire development.

**Officer response:**

VicRoads has confirmed that the access proposed from the Great Ocean Road would be acceptable and does not consider that any further access points should be proposed.

Council's Infrastructure Unit has assessed the Development Plan with an awareness of the possibility that there would only ever be one point of access. Whilst connections to 40 Marriners Lookout Road (DPO4 land) and 6230 Great Ocean Road are shown on the submitted Development Plan, the land at 6280 Great Ocean Road could end up being served by only one access point if future subdivision of the subject land, stages of the Mariners Vue subdivision (land covered by DPO4) or a planned alternative access through 6230 Great Ocean Road do not eventuate.

**Concern 4:** Concerns were raised that the development and the Great Ocean Road would be subject to Coastal Hazard Inundation.

**Officer response:**

The Development Plan is supported by a Coastal Hazard Inundation Assessment. This assessment assumed a 0.8m sea level increase by 2100, which is the level required to be recognised in all Victorian Planning Schemes under Clause 13.01-1. It is noted that a section of land at 6230 Great Ocean Road adjacent to Wild Dog Creek was specifically excluded from the land rezoned to NRZ1 as part of Amendment C74 because it was identified as land vulnerable to inundation by 2100.

In 2100 parts of the Great Ocean Road adjacent to the proposed subdivision are likely to be subject to occasional inundation in the event of a major storm tide but it is expected that the road would still be useable.

It is anticipated that the subdivision would have future access through Mariners Vue (DPO4 land) to the south if, in the distant future (beyond the 2100 Coastal Hazard assessment), the Great Ocean Road is subject to very significant levels of inundation that make the road impassable. Otherwise, options such as barriers to prevent waves inundating the land may also be available.

**Concern 5:** The development will be above the 40 metre contour line on steep land.

**Officer response:**

A small number of lots would be above the 40 metre contour line on relatively steep land. Nonetheless the subdivision would be confined to the residentially zoned area – with the amendment to rezone this land to the NRZ1 previously adopted by Council and approved by the Minister for Planning.

The development is supported by a Geotechnical Assessment report and would incorporate landslide debris mitigation measures including a landslide debris retention fence and planting on the hillside behind the subdivision to stabilise the land. The visual impact of the any proposed structure, however, needs to be fully understood before its potential impact on the character of the area can be properly assessed.

**Concern 6:** The lots are too narrow, which will intensify the built form, compromise tree growth between buildings.

**Officer response:**

As noted earlier in this report, lot widths would be fairly narrow at just over 12 metres in some cases. Whilst the earlier report to Planning Committee in September noted that there is no requirement for a minimum lot width in the DPO5, that report failed to have regard to the DPO5

objective that residential development respond positively to the significant coastal landscape setting of the land. The narrow lot widths would be entirely uncharacteristic of this coastal town and would detrimentally impact of the landscape setting when developed. Such lot widths are characteristic of metropolitan areas, rather than a coastal town on the Great Ocean Road.

**Concern 7:** The development plan will result in a situation where over 100 future dwellings will require approval under the Design and Development Overlay Schedule 10 (DDO10), creating a burden for the Shire, and furthermore because of the narrowness of the lots they will be non-compliant with the objectives of this overlay.

**Officer response:**

It is agreed that a large number of future dwellings, expected to be built as a result of a subdivision that follows the development plan, would trigger a requirement for a permit application under the DDO10. These dwellings would create some workload for the Shire; however their assessment is likely to occur over a long period of time considering the slow growth rate of Apollo Bay.

As noted earlier in this report, it is considered that allowing narrow lots such as those proposed would mean that the objectives of DDO10 could not be met when those lots are developed in the future.

**Concern 8:** The developer may need to seek permission from the Federal Minister for Environment for approval because of the National Heritage protection of the Great Ocean Road, protected under the EPBC Act.

**Officer response:**

The EPBC Act protects aesthetic features associated with the Great Ocean Road, and it is not entirely clear at this stage if an application under the EPBC Act 1999 will be required. The proponent will be required to determine if an application is needed through a referral of proposed action to the Federal Department of Environment. This assessment alone costs \$7,352. A note has been included on the Development Plan to ensure that the proposal would comply with the EPBC Act prior to the subdivision stage (if required).

**Submissions Received from Referral Authorities**

The Development Plan was referred to the Country Fire Authority (CFA), Corangamite Management Authority (CCMA), VicRoads, Barwon Water, the Department of Land, Water and Planning (DELWP), Powercor, SP AusNet (Gas), Public Transport Victoria, the Western Coastal Board and the Otway Coast Committee.

Responses were received from Barwon Water, DELWP, Downer Utilities on behalf of SP AusNet (Gas), Public Transport Victoria, VicRoads and the CCMA. Whilst the CCMA and VicRoads requested further information, no objections were received nor were any conditions required for the Development Plan. A response was also received from the Otway Coast Committee, which expressed concerns about drainage, access, pedestrian safety, visual impact and lot widths.

A response had not been received from the CFA at the time the Development Plan was considered at the Planning Committee meeting on 19 September 2016, but a referral response was received on 11 November 2016 confirming that the CFA would attend the VCAT Hearing and raising the following issues:

- If the arrangement for the management of the proposed 16m buffer between vegetation and properties by a body corporate is approved by Council, the CFA would want a formal

and obligating agreement to demonstrate a commitment to maintaining the buffer zone. The CFA also advised that the enforcement responsibilities for this arrangement would sit with Council.

- The CFA noted that perimeter roads are encouraged for subdivisions located within Bushfire Prone areas and/or subject to Bushfire Management Overlay, as this ensures that an appropriate BAL construction is achieved.
- Requested detail of the proposed landslide intervention activities, indicated on the plan by a dashed orange line, including any potential impact on the safety and management of the buffer.

It is noted that the CFA did not object and that the matters raised will be further explored during the VCAT proceedings.

As noted above, the Development Plan was also referred to Powercor and the Western Coastal Board, but these authorities did not comment. It is noted that Powercor will be under a statutory obligation to respond at the subdivision stage, but is not obligated to respond to the Development Plan.

A detailed list of referral authority responses is attached to this report (Attachment 3).

#### **Notes on Development Plan**

The Development Plan includes notes added in by the applicant at the request of Council. These notes seek to ensure certain matters are addressed at the subdivision stage, including that:

- A landslide debris retention fence is provided at the appropriate time to ensure protection of dwellings from possible landslides. The requirement for the fence must be considered for each stage of the subdivision, to ensure no lots can be developed with any requisite safety measures in place.
- A flood study is completed prior to the subdivision, based on a CCMA requirement. If any alterations to the layout are required as a result of the flood study, the Development Plan would have to be amended accordingly.
- Any requirements under the EPBC Act, due to the fact that the Great Ocean Road is nationally heritage listed, are addressed by the applicant prior to subdivision. This includes, if necessary, protection of aesthetic values from surrounding areas.

## **6. FINANCIAL AND OTHER RESOURCE IMPLICATIONS**

There are no immediate financial or resource implications for Council associated with the Development Plan.

## **7. RISK MANAGEMENT & COMPLIANCE ISSUES**

The safety of future development of the land hinges on the construction of a landslide debris retention fence to the rear of the proposed developable area. As proposed, this fence would be managed by an Owners' Corporation, with membership based on lots within the land benefiting from the fence. Council would not be responsible for maintenance, or any liability issues.

## 8. ENVIRONMENTAL & CLIMATE CHANGE CONSIDERATIONS

A Coastal Hazard Vulnerability Assessment (CHVA) has been submitted. This indicates that the area of the land to be subdivided would not be inundated to 2100, on the assumption of a 0.8m sea level rise. This level accords with the sea rise level recognised throughout Planning Schemes in Victoria.

## 9. COMMUNITY ENGAGEMENT

The community engagement strategy follows the recommendations of the Colac Otway Shire Council Community Engagement Policy of July 2013, which details five levels of engagement – inform, consult, involve, collaborate and empower.

There is no statutory provision for public notification of development plans. The Development Plan Overlay Schedule 5 went through a public exhibition process, during the Planning Scheme Amendment process as per the requirements of *Planning and Environment Act 1987*.

Despite this, the submitted Development Plan was exhibited on an informal basis to the public, by sending letters to adjoining and surrounding landowners and occupiers. This was done to help inform Council's assessment and enable a better informed decision to be made in appreciation of the benefits of local knowledge.

The Development Plan was later advertised on the website, Council's Facebook page and in the Apollo Bay News in August 2016 for a period of two weeks. The level of engagement was to consult, as submissions were invited from the public on the Development Plan.

A total of 24 submissions were received, 4 supporting and 20 objecting. The objectors generally sought a different form of development for the site, whilst some objected to the subdivision as a whole.

## 10. IMPLEMENTATION

If the Development Plan is approved, the proponent would still need to obtain a planning permit for the subdivision of the land. A planning application has already been submitted for stage 1 of the proposed subdivision (ref. PP253/2015). The Development Overlay, under Clause 43.04-1, requires that the subdivision must be generally in accordance with an approved Development Plan. It should be noted that a planning application in general accordance with an approved Development Plan is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.

## 11. CONCLUSION

Key considerations in the assessment of this proposal relate to compliance with the zoning and overlay provisions of the Planning Scheme. One of the consistent requirements in the controls affecting the subject land is that the significant coastal landscape setting of this area be protected.

The principle of subdividing this land and allowing residential development has been established and arguments against this cannot be revisited. However, any future subdivision and development of this land must not be detrimental to the character and landscape setting of this coastal town, or

adversely impact on the iconic Great Ocean Road. For the reasons outlined earlier in this report, it is considered that the submitted Development Plan would fail to accord with the purposes and objectives of the zones and overlays that apply to this land. It is considered that the visual impact of any future development on the land would be detrimental to the character, landscape setting and heritage values of the area.

This would largely be due to the narrow lot widths proposed and the setbacks from the Great Ocean Road. It is also considered that further information is required about the proposed measures to address potential landslide risk.

It is therefore recommended that the submitted Development Plan is not approved, for the reasons summarised in the recommendation below.

**Recommendation**

**A. That Council refuses to approve the Development Plan for 6230 and 6280 Great Ocean Road, Apollo Bay, prepared under Schedule 5 to the Development Plan Overlay and depicted at Attachment 1 to this report, on the following grounds:**

- 1. The Development Plan, due to the proposed lot widths and setbacks from the Great Ocean Road, would result in future development that would be detrimental to the character, landscape setting and heritage values of the area, as such, the Development Plan would be contrary to Schedule 5 to the Development Plan Overlay in the Colac Otway Planning Scheme, and would prejudice the purpose of the Neighbourhood Residential Zone (NRZ1) and the objectives Schedule 10 to the Design and Development Overlay (DDO10).**
- 2. Further information is required about the proposed landslide debris retention fence to ensure that the structure would not be detrimental to the significant landscape setting in which the land is located, which would be contrary to the purpose of the Rural Conservation Zone (RCZ) and the objectives of the Significant Landscape Overlay (SLO3).**
- 3. Further information is required about the potential impact of the subdivision on the heritage values of the Great Ocean Road, including offsite impacts such as the removal of trees and stormwater management.**

**B. Notifies the landowners and submitters of Council's decision to refuse to approve the Development Plan.**

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Development Plan

6280 Great Ocean Road, Apollo Bay & 6230 Great Ocean Road, Apollo Bay (roads only)

August 2016

This Development Plan has been prepared for:

Australian Tourism Investment No. 5 Pty Ltd

Prepared by:

Contour Consultants Australia Pty Ltd

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01.1 Introduction

Apollo Bay is a key growth area and is the only town on the Great Ocean Road between Torquay and Warrambol that has been designated for growth by State Planning Policy. It is one of two major growth areas within the Colac Otway Shire and can play a key role in generating growth and employment in the Shire.

The land at 6280 Great Ocean Road provides an opportunity to contribute to residential land supply within the urban settlement boundary of Apollo Bay.

This Development Plan has been prepared on behalf of Australian Tourism Investments No. 5 Pty Ltd in accordance with the requirements of Clause 43.04 (Development Plan Overlay – Schedule 5) of the Colac Otway Planning Scheme.

The purpose of this Development Plan is to guide the subdivision and future development of the land at 6280 Great Ocean Road, Apollo Bay and 6230 Great Ocean Road, Apollo Bay (roads only). It has been prepared cognisant of the site context and the existing and approved land uses proximate to the site. In this regard it provides for integration with the adjoining and nearby residential precincts.

The land subject to this Development Plan is described in Figure 01 – Cadastral Plan.

The Development Plan consists of the plans prepared by Beveridge Williams and this report. It has been informed by various supporting documents which have been prepared in respect of the site.

These documents include:

- A Coastal Hazard Vulnerability Assessment (Revision B, 13 January 2016), Stormwater Management Strategy (Revision 4, 25 July 2016) and Open Space and Landscape Masterplan (Version 6, 22 August 2016) prepared by Beveridge Williams.
- A Traffic Engineering Assessment (Issue No 3, February 2016) and letter dated 31 May 2016 addressed to VicRoads (G12385L-02B) prepared by Traffix Group.
- A Cultural Heritage Management Plan (14 April 2016) and Flora and Fauna Assessment (Final Report, December 2010 and letter dated 18 February 2016) prepared by Biosis.
- A Landslide Risk Assessment (Revision 3, 10 August 2016) and letter dated 15 August 2016 discussing landslide risk prepared by Golder Associates.
- A Bushfire Assessment (Version 2, 14 April 2016) prepared by Foresite Planning & Bushfire Consultants.
- A Visual Impact Assessment Report (29 April 2011) prepared by ERM.

The Development Plan is a direct response to the key planning principles as set out within the relevant State and local planning policy frameworks and is intended to advance the strategic direction for this part of Apollo Bay.

Figure 01 – Cadastral Plan



02.1 The Development Plan

This Development Plan relates to the land located at 6280 Great Ocean Road, Apollo Bay. The land has an area of approximately 36.722 hectares, including land within the Neighbourhood Residential Zone (NRZ1) with an area of approximately 13.967 hectares and land within the Rural Conservation Zone (RCZ) with an area of approximately 22.755 hectares. The Development Plan also relates to the land at 6230 Great Ocean Road, Apollo Bay (roads only).

The development plan comprises:

- Figure 02 – Overall Development Concept (Version No. 12)
- Figure 03 – Overall Development Concept – showing indicative stages and lots (Version No. 12).

These figures are accompanied by explanatory text prepared in accordance with Schedule 5 to the Development Plan Overlay which is outlined in Section 04 of this plan.

The Development Plan addresses specific matters outlined in Schedule 5 to the Development Plan Overlay as follows:

Subdivision Layout and Staging

The Overall Development Concept for the land at 6280 Great Ocean Road comprises a total of 139 lots and includes a minimum lot size of 450 square metres and an average lot size of 603 square metres. The indicative staging provides for the logical and sequential subdivision of the land having regard to servicing and the provision of public open space.

Internal Road Network

The Development Plan includes an internal road network for the land at 6280 and 6230 Great Ocean Road which incorporates access from the Great Ocean Road, a network of local roads providing vehicle access to the proposed lots and accommodates road connections to the land to the north-east and south-west.

The internal road network also provides pedestrian connections throughout the proposed subdivision including convenient access to the public open space.

Clay Mound Adjacent to the Great Ocean Road

The clay mound located adjacent to the Great Ocean Road has been incorporated within the individual lots fronting the Great Ocean Road. There will be no buildings permitted within this area and no direct vehicle access available to the Great Ocean Road from individual lots. Fencing will be limited to a maximum height of 1.2 metres. These requirements will be applied by a Section 173 Agreement and a building exclusion area on the Development Plan.

Design Guidelines

Design guidelines for residential development of the land will be implemented as a requirement of a Section 173 Agreement and will guide the future use and development of the individual lots. The design guidelines are described below:

- *External building materials shall be a composite of contemporary and coastal cladding and avoid the use of a single building material for dwelling facades.*
- *Building design shall have a 'coastal' character complementing local culture or natural features and avoid building designs which have a typical 'suburban' appearance or period style replicas such as mock Federation, or Georgian architecture, or solid brick veneer and tiled roof dwellings.*

- *Building facades should avoid solid bulky structures with blank walls or smooth, uninterrupted, single coloured surfaces.*
- *Roofs shall have a simple form with extended eaves for passive solar design.*
- *Colours of claddings and/or paint to be in muted tones that harmonise with the rural/vegetated slopes of the northern approaches to Apollo Bay.*
- *Roofing materials must be non-reflective and the use of zincalume or tiles shall not be allowed.*
- *Garages and carports are to be located behind the front building line and must not dominate the building frontage.*
- *Development proposals to include landscape plans providing for low maintenance indigenous/native vegetation.*
- *Only one vehicle crossover per lot shall be allowed.*
- *Building designs are to avoid excessive cut and fill.*
- *Outbuildings and other structures shall not have a height greater than 5 metres and shall be located and designed to complement the principal dwelling form.*
- *Fencing on lot boundaries shall be rural in style (e.g. post and wire, post and rail).*

Figure 02 – Overall Development Concept (Version 12) prepared by Beveridge Williams

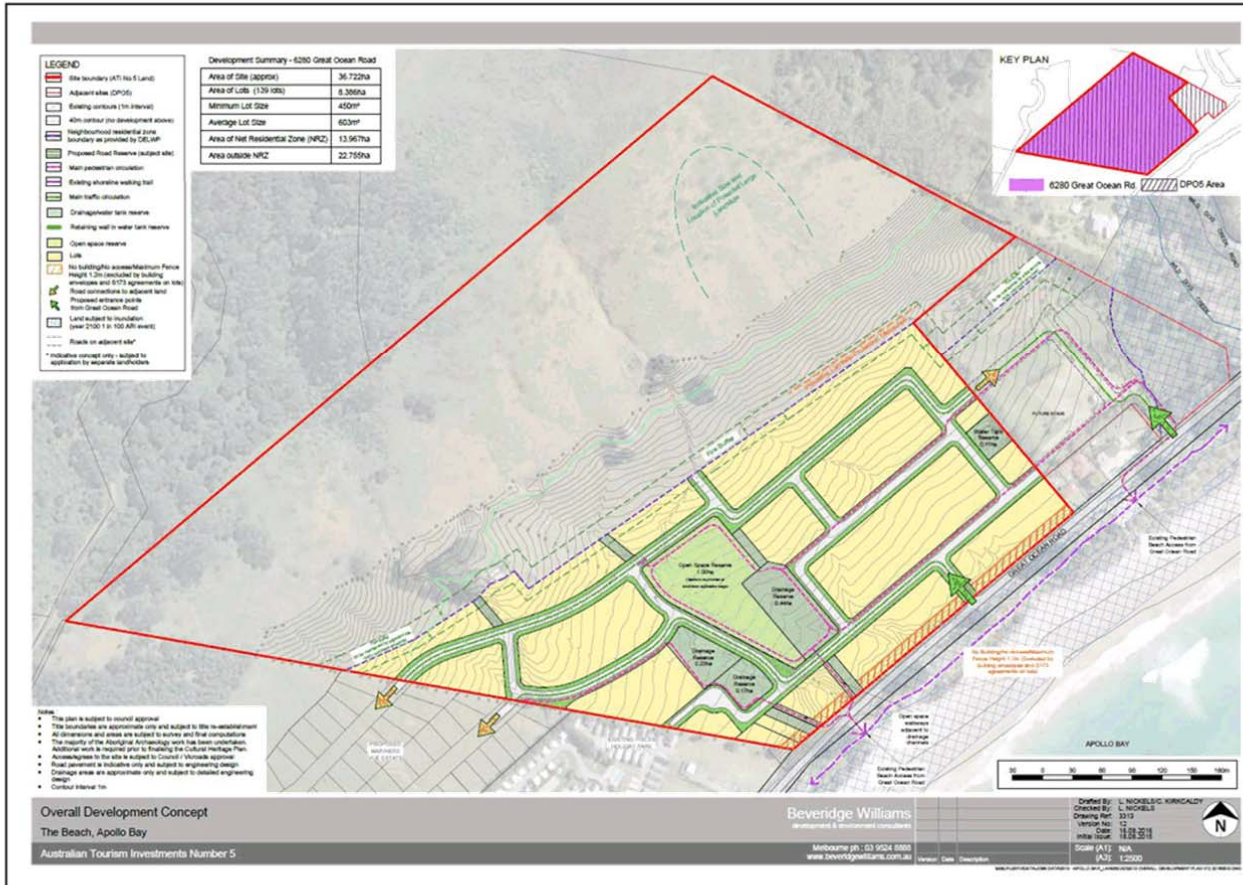
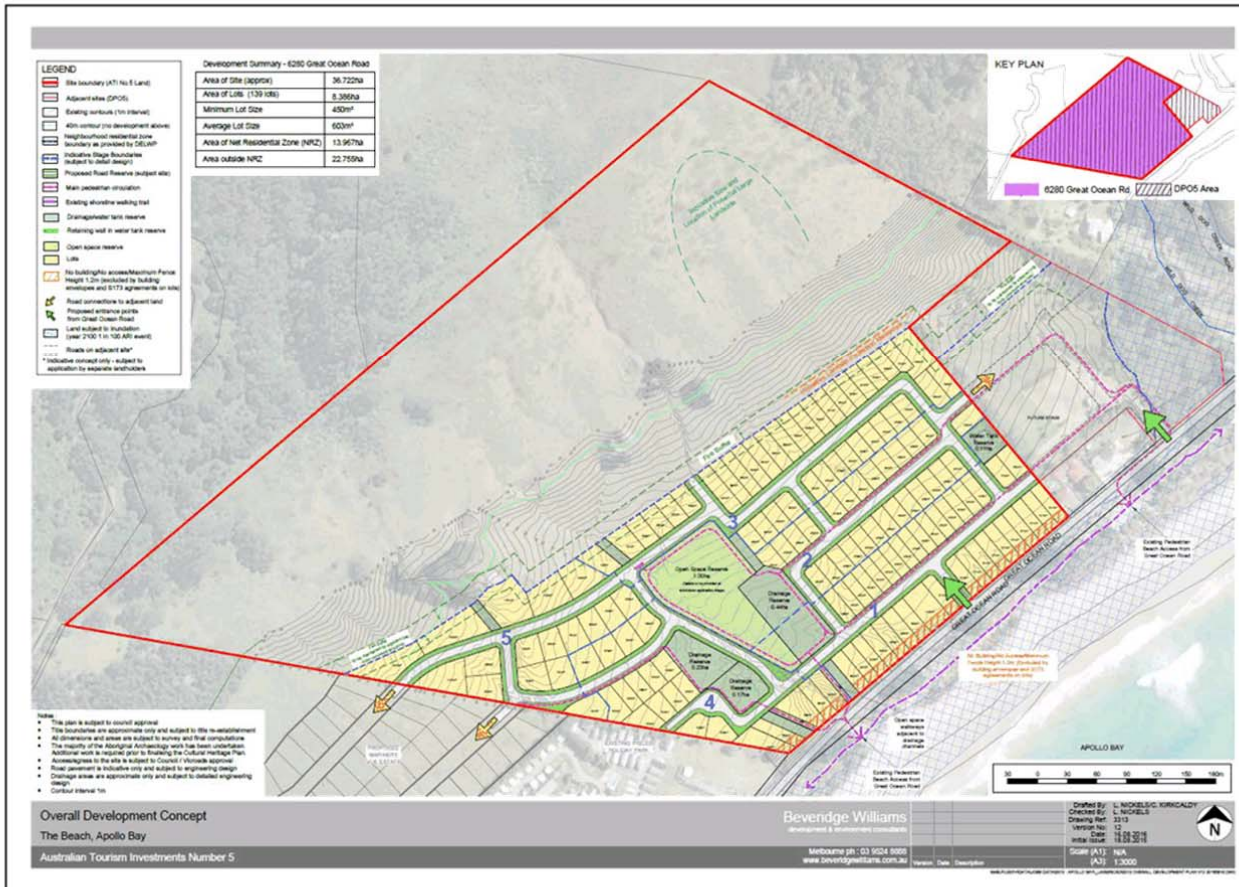


Figure 03 – Overall Development Concept (Version 12 - showing indicative staging and lots) prepared by Beveridge Williams



03.1 Aboriginal Cultural Heritage Considerations

A Cultural Heritage Management Plan for the land at 6230 & 6280 Great Ocean Road, Apollo Bay was prepared by Biosis dated 14 April 2016. The Cultural Heritage Management Plan (CHMP No. 11491) was approved under the Aboriginal Heritage Act 2006 on 9 June 2016.

03.2 Drainage Considerations

The servicing implications of the development plan area are discussed in the Stormwater Management Strategy prepared by Beveridge Williams dated 25 July 2016.

In summary, the report concludes:

This report has identified an overall drainage management strategy and an interim drainage management strategy for the proposed residential development located at 6280 Great Ocean Road, Apollo Bay.

The strategy provides a methodology for the management of stormwater on the subject site which would result in:

- *Conveyance of external catchment flows through the site in accordance with Council standards;*
- *Construction of drainage to meet the likely requirements of the CCMA and Council, including 1 in 100 year ARI capacity retarding basins and underground drainage for the 1 in 5 year ARI storm event as needed;*
- *Construction of treatment assets to meet the water quality treatment requirements prior discharging into Apollo Bay.*

By constructing the ultimate basins on the development along with the staging of lots, water quality and water quantity requirements for the development are able to be achieved during the development of the property.

The above strategy can be implemented and all of the CCMA and Council's development requirements can be achieved, in accordance with the IDM with no net effect on the adjacent properties.

The Stormwater Management Strategy included as part of the Development Plan refers to an old layout. The methods and principles will be carried over and adapted to fit the revised layout depicted on page 06 of this Development Plan.

03.3 Traffic Engineering Considerations

This Plan is informed by a Traffic Engineering Assessment prepared by Traffix Group dated February 2016.

The conclusion of the Traffic Engineering Assessment states:

Having inspected the subject site and surrounding area, collected traffic data and undertaken various traffic engineering assessments, we are of the opinion that:

- a) Apollo Bay has a very seasonal population due to its popularity as a tourist destination, and accordingly the traffic generation and distribution characteristics for the proposed development are likely to be different to a standard residential subdivision in a metropolitan area,*
- b) the development of 168 dwellings may generate in the order of up to 1,344 vehicle trip-ends per day during the peak season and substantially less at other times,*
- c) the development can be adequately serviced via a single new access intersection to Great Ocean Road,*
- d) there will not be any adverse impacts on Great Ocean Road as a result of the proposed development,*
- e) all roads within the proposed development should be designed in accordance with the "access place" and "access street" requirements set out in Council's IDM,*
- f) no lots should take direct access to Great Ocean Road,*
- g) any dead-end roads that are longer than 60 metres should be designed to accommodate the manoeuvring requirements of service and emergency vehicles as set out in the IDM,*
- h) the recommendations in e) and g) above must meet the CFA's requirements for access within subdivisions,*
- i) VicRoads is likely to require deceleration lanes into the development from Great Ocean Road and we recommend that be provided in accordance with the Austroads Guidelines,*
- j) subject to the above recommendations, there are no traffic engineering reasons why the development plan for 6280 Great Ocean Road, Apollo Bay should not be approved.*

03.4 Landslide Risk Assessment

This Plan is informed by a Landslide Risk Assessment prepared by Golder Associates dated 10 August 2016.

The objectives of the Landslide Risk Assessment are noted as:

- *Estimate the risk to life and property for the proposed development.*
- *Compare the assessed risks with risk acceptance criteria.*
- *Recommend landslide risk reduction measures, where applied.*

The report concludes:

The study indicates that landslides upslope of the proposed development could give rise to debris flows which could travel to and impact the proposed development. This hazard presents a risk to life and a risk to property for which we recommend mitigation measures are put in place. A protective barrier fence or earth bund could be used. If an earth bund is used, consideration must be given to the impact the bund will have on natural surface drainage and a drainage system designed and maintained to prevent surface water concentration or uncontrolled surface water runoff. The establishment of vegetation upslope of the proposed development may further reduce risk by reducing soil moisture content and absorbing some energy in the event of a debris flow.

03.5 Ecological Assessment

Biosis was engaged to carry out an ecological assessment of the subject site. Written advice from Biosis dated 18 February 2016 states, inter alia:

Biosis Research Pty Ltd undertook a full flora and fauna assessment of the proposed development site in December 2010 (Biosis Research 2010).

The assessment found that, provided development was confined to the area below the 40m contour, there would be no impact to any patches of native vegetation (ecological vegetation classes (EVC)) but there was some potential to impact on several scattered native trees. The Biosis Research (2010) report also found that there was not likely to be any impact on significant fauna or its habitat provided the patches of EVC and the larger wetland in the north-east corner of the development site were avoided.

Since the development of the Biosis Research (2010) report the western boundary of the proposed development has been relocated to lower in the landscape, to approximately the 30m contour (see Beveridge Williams & Co Drawing No. 3313, Version 07 dated 03 February 2016).

The reduction in the development footprint means that now there are not likely to be any impacts on any scattered native trees or areas of EVC. The whole of the proposed development site is cleared land which is dominated by introduced pasture grasses and herbs.

The assessment concludes, inter alia:

The proposed residential development, as shown Beveridge Williams & Co Drawing No. 3313, Version 07 dated 03 February 2016, is unlikely to impact on any EVC or any scattered native trees.

It is noted that the western boundary of the proposed development shown on the current Outline Development Plan (Version 12) prepared by Beveridge Williams is consistent with the western boundary referred to in the written advice prepared by Biosis.

If there are any areas of native vegetation identified during the subdivision stage, any relevant legislative provisions relating to offsetting and protection of that vegetation will be required to be adhered to at the subdivision stage.

03.6 Landscape Concept

The landscape concept for the subject land is detailed in the Landscape Masterplan prepared by Beveridge Williams which is included at Figure 04.

The Landscape Masterplan identifies the public open space reserve and demonstrates opportunities for landscaping throughout the site including within the public open space and road reserves. The masterplan also identifies requirements for the land within the Rural Conservation Zone including maintenance of the bushfire buffer area (no additional planting); proposed revegetation area for landslide protection; and natural regeneration on the balance of the land.

The landscape plan will include the following within the 1.0 hectare neighbourhood park, where practicable to the satisfaction of the Responsible Authority:

- Street tree and shrub planting
- 1.5 metre wide gravel path timber boardwalk structure across the swale to connect to drainage reserve
- Bench seats along the path
- Paved area with picnic tables, shelter and seating
- Children's playground
- Curved gabion walls to address level change and match drainage reserve
- Planted swale between the park and drainage reserve
- Adjacent drainage reserve with gabion walls
- Stormwater treatments, assets and wetland planting
- Open grassed area and kick-about space

The landscape plan may include other features / works / landscaping to the satisfaction of the Responsible Authority, as per the Colac Otway Shire Open Space Strategy.

Figure 04 – Landscape Masterplan prepared by Beveridge Williams



03.7 Bushfire Assessment

A Bushfire Assessment has been carried out by Foresite Planning and Bushfire Consultants dated 14 April 2016.

This report describes and takes into account the characteristics of the bushfire hazard in the broader landscape and at the site level, the existing and likely future conditions on the land which influence the bushfire risk, and identifies measures necessary to reduce the bushfire risk to the future dwellings in the subdivision to an acceptable level.

This assessment concludes:

The Land has recently been rezoned to facilitate the development of the Land for residential purposes.

The Land is located in a Designated Bushfire Prone Area where there is a risk to life and property from bushfire. These risks will be increased as a result of the proposed revegetation of the Land which is proposed to reduce the risk of landslip impacting on the residential subdivision of the Land.

This report outlines that subject to refinement of elements of the Development Plan and supporting Landscape Masterplan, and the incorporation of some additional bushfire mitigation measures, the bushfire risk to the future dwellings in the subdivision can be reduced to an acceptable level.

04.1 Requirement of a Pre and Post Development Flood Study

Prior to the approval of any subdivision as shown on this Development Plan, a pre- and post-development flood study as per the requirements of the Corangamite Catchment Management Authority (CCMA) must be undertaken and submitted to the Colac Otway Shire Council. The flood study will have to be approved by both CCMA and Colac Otway Shire Council and will form part of this Development Plan.

Upon assessing the flood study, CCMA may require amendments to the approved Development Plan. Such amendments must be made with no cost to Colac Otway Shire Council. Significant amendments to the approved Development Plan may require readvertising and referral.

04.2 Requirements under the Environment Protection and Biodiversity Conservation Act 1999 – Great Ocean Road National Heritage Significance

The applicant and/or the landowner must procure and provide sufficient information and documents to determine whether the matter will require a referral under the EPBC Act 1999.

If the matter does require a referral under the EPBC Act, the applicant and/or the landowner must procure and provide all necessary information and documents required for the lodgement of the referral and pay the necessary fees and charges associated with the referral.

After the referral, if the Federal Minister for the Environment determines that the matter is a controlled action and requires approval, the applicant and/or the landowner must prepare all information and documents to comply with the Minister's decision on the approach for the assessment of the relevant impacts of the matter, at no cost to Council, including payment of necessary fees and charges associated with the preparation of the required information and documentation.

Upon completion of the assessment, should the Federal Minister for the Environment require changes to the approved Development Plan, such changes must be made at no cost to Council.

Significant amendments to the approved Development Plan may require a further referral to the Federal Minister.

04.3 Construction of the Landslide Debris Retention Fence, Establishment of the Fire Buffer and Vegetation and Details of the Owners Corporation for the ongoing maintenance and management of these requirements

Prior to the approval of any staged subdivision as shown on the Development Plan, the following must be submitted to and approved by the Colac Otway Shire Council:

- Details of construction and ongoing maintenance and management of the proposed retention fence and the fire buffer along the northern boundary as shown on the Development Plan.
- Details of access to, and ongoing maintenance and management of, the tree planting area as shown on the submitted Development Plan at the north east corner within the Rural Conservation Zone part of the land.
- The proposed retention fence and the fire buffer along the northern boundary and the tree planting as shown on the Development Plan must be constructed and established to the satisfaction of the Colac Otway Shire Council, and then be maintained as per the approved maintenance and management arrangements with no liability for Council.

These requirements may be varied in relation to subdivisions relating to Stage 1 subject to further clarification of risk of landslip to Stage 1 and/or alternative arrangements to manage landslip risk to the satisfaction of Colac Otway Shire Council.

04.4 Maintenance and Management of the Fire Buffer, Vegetation and Landslide Debris Retention Fence

Introduction

The development plan includes a landslide debris retention fence, fire buffer and vegetation planting in the hills at the rear of the development. These three features are referred to as "protective measures" for the purposes of this section of the development plan.

Responsibility for Maintenance and Management of Protective Measures

The protective measures will be maintained and managed by an Owners' Corporation(s) comprised of lots benefiting from the protective measures (or other entity to the satisfaction of the Responsible Authority). A temporary alternative for maintenance and management may be considered prior to the establishment of the protective measures subject to the satisfaction of the Responsible Authority. The Responsible Authority must be satisfied that a temporary alternative will protect lots benefiting from the measures in the event of corporate insolvency.

Colac Otway Shire will not be responsible for the management and maintenance of the protective measures. Any liability will rest with the Owners' Corporation.

Establishment of Standards

Prior to the development of protective measures, maintenance and management standards will be established so that the responsibilities of the Owners' Corporation(s) are clear and to ensure the effective maintenance and management of the protective measures.

Land Ownership for Owners' Corporation(s)

The Owners' Corporation(s) must either own all of the land that it manages and maintains or have suitable legal rights of access to the land that is the subject of the protective measures to the satisfaction of the Responsible Authority.

An alternative land ownership arrangement may be accepted by the Responsible Authority if:

- The distribution of liability associated with the management and maintenance of the land is assessed.
- The Owners' Corporation can satisfactorily carry out its obligations to manage and maintain the protective measures.
- There are no significant risks identified.

Colac Otway Shire may request legal advice to satisfy itself of the above points. Legal costs must be carried by the proponent and will not be carried by Colac Otway Shire.

Timing of the Development of Protection Measures

The protective measures must be developed prior to the issue of a Statement of Compliance for any stage that depends on the protective measures. A geotechnical assessment may be required to be submitted with the permit application for each stage, to determine whether or not that stage is reliant on any protective measures being in place.

Staged Development of Protective Measures

The protective measures may be developed in stages as long as the responsible authority is satisfied that the staged development of the protective measures will not compromise the safety of any stage.

Planning Permit Condition

A planning permit condition will require a Section 173 agreement to be entered into which requires the following:

1. That the area of the Buffer Land must be kept available for the fire buffer, the fencing must be constructed and re-vegetation of the landslip area must occur within specified timeframes.
2. Establishes the standards to be achieved in respect of the fire buffer, fencing and vegetation issues.
3. Makes the Owners' Corporation responsible for the achievement of the standards and for any ongoing liability.
4. Must be registered on the titles to the Common Property Land, the Buffer Land and the lots subject to the Owners' Corporation.

04.5 Public Open Space

The Responsible Authority may require additional landscaping and works both in the encumbered and unencumbered open space at the subdivision stage if supported by the Colac Otway Open Space Strategy.

The Development Plan includes a 1 hectare area of public open space, which amounts to approximately a 7.5% contribution for 6280 Great Ocean Road. The Schedule to Clause 52.01 requires a 10% open space contribution for 11+ lot subdivisions in Apollo Bay. The balance will be payable as a cash contribution.

04.6 Land Management Plan

A Land Management Plan will be required prior to Stage 2 in respect of the land in the Rural Conservation Zone. The Land Management Plan will assess the need for weed control methods.

04.7 6230 Great Ocean Road, Apollo Bay

The Development Plan as submitted only shows the road layout for the land at 6230 Great Ocean Road and does not include other information such as the number, size and layout of lots. Furthermore, few of the requisite reports listed in Schedule 5 to the Development Plan Overlay have been provided for this land. As such, this Development Plan does not provide the requisite detail for the land at 6230 Great Ocean Road.

Any sections of the Development Plan relating to the land at 6230 Great Ocean Road will need to be amended / expanded in the future to enable any permit application for subdivision to be considered. The amendment will need to include a full justification against the requirements of the DPO5, including the provision of any technical reports that the DPO5 requires.

The public open space contribution for 6230 Great Ocean Road will be considered separately to the public open space contribution for 6280 Great Ocean Road.

Attachment 2 – DPO5 Development Plan Design Guidelines

- External building materials shall be a composite of contemporary and coastal cladding and avoid the use of a single building material for dwelling facades
- Building design shall have a 'coastal' character complementing local culture or natural features and avoid building designs which have a typical 'suburban' appearance or period style replicas such as mock Federation, or Georgian architecture, or solid brick veneer and tiled roof dwellings
- Building facades should avoid solid bulky structures with blank walls or smooth, uninterrupted, single coloured surfaces.
- Rooves shall have a simple form with extended eaves for passive solar design.
- Colours of claddings and/or paint to be in muted tones that harmonise with the rural/vegetated slopes of the northern approaches to Apollo Bay.
- Roofing materials must be non-reflective and the use of zincalume or tiles shall not be allowed.
- Garages and carports are to be located behind the front building line and must not dominate the building frontage
- Development proposals to include landscape plans providing for low maintenance indigenous/native vegetation.
- Only one vehicle crossover per lot shall be allowed
- Building designs are to avoid excessive cut and fill
- Outbuildings and other structures shall not have a height greater than 5 metres and be shall be located and designed to complement the principal dwelling form.
- Fencing on lot boundaries shall be rural in style (e.g. post and wire, post and rail)

Attachment 3 – DPO5 Development Plan Referral Authority Comments

| Authority | Comments |
|-------------------------|---|
| Otway Coastal Committee | <p>Did not object or provide conditions, but expressed concerns about the proposal.</p> <p>Drainage: Expressed concern about the ability of Great Ocean Road culverts and the foreshore reserve to handle storm water runoff.</p> <p>Expressed concern about the elevation of drainage reserves and the impact of this on stormwater management.</p> <p>Questions whether the proponent has gained approval for using existing culverts under the Great Ocean road to discharge stormwater following detention and treatment on site.</p> <p>Notes the lack of reference to gross litter traps.</p> <p>Officer Response: Council's infrastructure department has considered the stormwater management plan and, after requests for several changes, has deemed that it is acceptable.</p> <p>Vehicle Access: Notes future access points in future stages may not occur.</p> <p>Notes a lack of slip lanes.</p> <p>Indicates it is not appropriate to use the foreshore reserve for access.</p> <p>Questions whether there are adequate sightlines and distances from the bridge abutments to create a safe entry point for both pedestrians and vehicles.</p> <p>The subdivision hasn't provided enough detail to ensure there will be more than one entry point and states that perhaps the single entry should be adequately designed to service the entire proposal.</p> <p>Officer response: The traffic plan has been considered by Council's engineering department, with knowledge of the possibility that future stages may not occur and there may only ever be one point of access.</p> <p>Asks whether there will be pressure to extend 60km zone to Wild Dog Bridge.</p> <p>Questions how the road link through Marriners Vue will be legislated for.</p> <p>Questions whether an easement should be created for wild dog bridge should there be any future need if the Wild Dog Creek Bridge becomes unusable.</p> |

| | |
|-----------------------|--|
| | <p>Proposes a path on the inland side of the Great Ocean road because the road along the beach is susceptible to inundation.</p> <p>Questions the level of detail to ensure safe and adequate vehicle and pedestrian crossing.</p> <p>Indicates that the visual impact assessment provided poorly represents the site from the beach and coastal path. States that indicative building heights, setbacks and screening need to be provided along with adequate plans.</p> <p>Notes there appears little consideration to natural drainage lines on the site and the opportunity for screen planting along these lines to both absorb water and runoff.</p> <p>Many lots have a very narrow street frontage of only 12.5 or 13 metres. Claims that lots this narrow would not meet planning scheme provisions or "preferred neighbourhood character". Indicates good passive solar design and adequate landscaping may not be possible on such narrow allotments.</p> <p>Claims that there are no examples of how the proposal satisfies the particular and general provisions including clause 56, using clause 56.04 as an example.</p> <p>Claims the plan does not demonstrate how it meets the requirements of the DPO5, or the objectives of the DPO5.</p> |
| Barwon Water | No objection no conditions, forwarded advice that had been sent to the applicant about connecting the future subdivision to water. |
| DELWP | No objection, recommended that the applicant consider the impacts of the development on adjacent Crown Land including on the culverts under the Great Ocean Road, and of the encroachment of deceleration lanes onto Crown Land (if needed). |
| Western Coastal Board | Did not comment |
| Downer Tenix | No objection, no conditions. |
| Powercor | Did not comment. |
| VicRoads | <p>Requested further information.</p> <p>1. A scaled (1:500) functional layout plan showing the proposed access points to the development on the Great Ocean Road including features such as pavement, kerb / shoulders, line marking, power poles, trees and other road furniture within 100 metres of the proposed access. The functional layout plan must also demonstrate how all the proposed accesses fit into, operate and interact with the Great Ocean Road. This must include any required turning movements into or out of the proposed access points and consider the need for Left and Right turning lanes at the proposed accesses.</p> |

| | |
|------------------------|---|
| | <p>Note: The applicant provided the functional layout plan.</p> <p>2. The submission of swept path analysis for the appropriate design vehicle for all movements associated within all the proposed access points, including how the largest design vehicle that could be reasonably anticipated to use the site may enter and exit the development in a forward direction.</p> <p>Note: Swept Path Diagrams were prepared.</p> <p>3. VicRoads requires further review of the submitted traffic report. The proposed submitted volumes along the Great Ocean Road are based on volumes from 2010 traffic data. Current counts need to be undertaken. The report will also identify any mitigation works required.</p> <p>Note: The proponent discussed this requirement with VicRoads.</p> <p>VicRoads also relayed advice that a hydrological assessment of the capacity of a culvert under the Great Ocean road must be assessed.</p> <p>VicRoads confirmed on Thursday 11 August the further information had all been provided and they were satisfied with the response.</p> |
| Country Fire Authority | Did not comment. |
| CCMA | <p>Requested further information.</p> <p>Requested a flood study to determine pre and post development flood levels due to waterways traversing the site.</p> <p>The CCMA gave advice that the flood study could be deferred to the subdivision stage.</p> |

PLANNING COMMITTEE MEETING

BUILDINGS AND WORKS COMPRISING THE CONSTRUCTION OF TWO SHEDS/WAREHOUSES, KILN, OFFICE/AMENITIES BUILDING, EXTENSION TO MILL AND ASSOCIATED WORKS, AND A REDUCTION IN CAR PARKING REQUIREMENTS, AT 7-15 AND 18-24 FORREST ROAD, COLAC (PP252/2016) PC161412-3

| | | | |
|---------------------------|---|------------------------|-------------------------------------|
| LOCATION / ADDRESS | 7-15 and 18-24 Forrest Rd
Colac | GENERAL MANAGER | Gareth Smith |
| OFFICER | Blaithin Butler | DEPARTMENT | Development &
Community Services |
| TRIM FILE | F16/6696 | CONFIDENTIAL | No |
| ATTACHMENTS | Application for Planning Permit and plans | | |
| PURPOSE | A planning permit is sought to construct a dispatch shed/warehouse, a dry sticker shed/warehouse, an extension to the existing Green Mill, a new additional kiln and an office/amenities building on the Associated Kiln Driers Pty Ltd (AKD) timber milling plant at 7-15 and 18-24 Forest Street, Colac. The application also seeks a permit for a reduction in the car parking requirement associated with the proposed development. | | |

1. DECLARATION OF INTERESTS

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

Summary

- A planning permit is sought for new buildings and an extension to the existing sawmill at the AKD site in Forest Street, together with a total waiver of the car parking requirement for the proposed development.
- Key issues in the consideration of this application relate to the potential for the proposed development to impact on the character and amenity of the area.
- The land is in the Industrial 1 Zone (IN1Z), and covered by the Bushfire Management Overlay (BMO), and a Design and Development Overlay (DDO1).
- The proposed buildings and works would be on an established industrial site, in an industrial area.
- The land is occupied by AKD, which is one of Colac's major employers, and the proposed developments would allow significant improvements in productivity, operations and safety on the site.
- The application was exempt from a requirement for public notification under the provisions of the IN1Z and the BMO. Whilst not exempt under the provisions of DDO1 or Clause 52.06 (Car Parking) of the Planning Scheme, it was not considered that the additional development proposed on this industrial land would cause material detriment to any person, or be in conflict with the objectives of that overlay. In addition, it is not considered that additional parking is required to serve the development proposed, given the nature of the use of the land and also of the proposed buildings, and the availability of parking onsite. Public notification of the application was therefore not undertaken.
- The application was referred to the CFA and internally to other Council departments. No objections were received.
- It is considered that a planning permit could reasonably be issued for the proposed buildings and works, and for the reduction in parking.

2. BACKGROUND

The site has been used as a timber milling plant for many years, and AKD Softwoods is a significant employer and contributor to the Colac economy. The proposed works have an estimated value of \$4.2 million and would allow significant improvements in productivity.

3. ISSUES / OPTIONS

Council has the options of:

- a) Supporting the application subject to conditions;
- b) Supporting the application subject to conditions with changes;
- c) Refusing to grant a permit.

Key issues in the consideration of this application relate to the potential impact on the character and amenity of the area, having particular regard to the proximity of any sensitive uses. The land has an established industrial use and the nearest residential zone is a considerable distance from the site. It is recommended that Option a) is supported for the reasons outlined in the balance of this report.

4. PROPOSAL

A planning permit is sought for buildings and works at AKD Softwoods in Forest Street, and for a reduction in the associated car parking requirement, as summarised below:

Dispatch Shed/Warehouse:

This element of the proposal would involve the demolition of two existing storage sheds and an existing amenities building in the western portion of 18-24 Forest Street. A new, larger, 65 metre by 63 metre dispatch shed/warehouse (4,065sqm) would be constructed in this location as Stage 1 works. The shed would be constructed to match existing buildings on the site, with a similar Colorbond finish for the walls, a zincalume roof and concrete floor. The proposed shed would have an internal height ranging from 7 metres to 10 metres. Stage 2 (which it is anticipated would follow soon after Stage 1) would involve the construction of a further two bay, 14 metre by 65 metre (910sqm), covered truck parking/loading area to the north of this building. These works would provide a larger, more efficient covered storage area for finished timber products prior to being loaded onto trucks for dispatch.

Green Mill Extension:

An extension is proposed to the northern end of the existing green mill building, which is located towards the rear of 7-15 Forest Street. This extension would accommodate a new full integrated sawline, which would replace the existing circular, break-down saw system.

The proposed works would involve the construction of an extension of approximately 630sqm. The extension would be partially open-sided, and the roof height of the northern end of the existing building (currently 9.7 metres) would be raised by 2 metres to match the height of the proposed extension (11.7 metres). This is required to accommodate the new saw-milling equipment and overhead gantry. The application states that the new fully integrated sawline equipment would replace an existing 20 year old line with the latest technology, increasing the recovery of the mill with increased product output from the same log input, whilst also lowering processing noise levels in this area. The material, colours and shape of the exterior of the proposed extension would match the existing building.

Dry Sticker/Warehouse Building:

This building is proposed amongst existing buildings adjacent to the northern boundary of 7-15 Forest Street. This proposed storage shed is required to house timber that has been kiln dried prior to it going through the planer mill in the adjacent dry mill building, to produce the final finished timber.

This building would have an area of 48 metres by 70 metres (3,360sqm) with a height of 10.2 metres. It would be constructed with Colorbond walls and zincalume roofing, to match existing adjacent buildings. The north, south and west elevations would be open-sided.

This building would be located over the existing Barwon Water easement; however the applicant has advised that AKD and Barwon Water have agreed that the water mains will soon be relocated along Forest Street outside the site, and the existing water pipe would then become an AKD asset. Barwon Water has confirmed that discussions have taken place about the mains, which is a feeder main to the rural towns to the north of Colac, and that it is anticipated that the works to relocate the mains will occur next February or March. However, Barwon Water has also advised that no works should occur in the vicinity of the easement until the asset has been relocated, given the importance of its function. It is recommended that a condition be imposed on any permit issued ensuring that no building works occur in the vicinity of the easement until the feeder main has been relocated.

The power easement in this location was abolished and removed some years ago; however the plan of subdivision has not been updated to reflect this.

New Kiln:

The application states that when two kilns and a boiler room were recently constructed, provision made for a third kiln to the north of the boiler room on the western portion of 7-15 Forest Street. The boiler room was sized to cater for the installation of a third boiler to supply heat to a third kiln. Mill production capacity has now increased to the point where additional drying capacity is needed, so the second stage of the kiln redevelopment is now required. This new kiln would be located to the immediate north of the two existing kilns in the southwest corner of 7-15 Forest Street. The kiln would be a prefabricated structure imported from Germany and assembled on-site. The new kiln would look exactly the same as the two existing kilns, with aluminium cladding and roofing. It would be 37.2 metres by 8.62 metres (320.66sqm) and approximately 10 metres high, with a drying shed (4.4 metres by 9.95 metres, or 43.78sqm) attached to the western end.

Office/Amenities Building:

A new two-storey office/amenities building, measuring 12.8 metre by 12.8 metre (163.84sqm), is proposed adjacent to the road frontage in the southwest corner of 18-24 Forest Street, to replace one to be demolished for the proposed dispatch shed. This building would contain toilets, including a disabled access toilet, with a staff lunch room on the ground floor, and a meeting room, offices and store on the upper floor level. It would be constructed with Colorbond walls and zincalume roofing, and would have a height of approximately 6 metres.

Access

The main access point from Forest Street would be moved about 50 metres towards the north boundary, with the reinstatement of an existing crossover close to the southern property boundary. This would allow for better traffic flow to, from and within the site. It would require the relocation of 16 car parking spaces from the northwest corner to the southwest corner of the site, with no loss of parking spaces.

Reduction in the Car Parking Requirement:

The application states that there would be no increase in staff numbers due to the proposed works, and that no additional car parking spaces are proposed on-site as there is are surplus spaces in existing car parks. Based on Planning Scheme car parking requirements, the applicant calculates that some 35 spaces would be required for the additional industrial buildings (at 2.9 spaces per 100 square metres) and over 20,000 square metres for the 'warehouse/store' buildings (at 10% of the site area). A reduction of this parking requirement is sought, on the basis that no additional parking would be needed in association with the proposed works.

Other matters:

The applicant advises that there would be no requirement for additional external storage or waste treatment areas. Additional loading would be provided in the dispatch warehouse and adjoining covered truck parking/loading area.

There is no plan for additional stormwater discharge into the Colac Forrest Road open drain as the proposed buildings would be sited some distance from this frontage. AKD currently has a stormwater recycling and reuse system in place. The new amenities building and dispatch shed would discharge directly to the stormwater main on the east side of Forest Street. The other buildings and paved areas would be directed to the recycled water holding tanks (located to the southwest of the existing workshop building). This water would then be pumped to an existing dam, which feeds a large holding tank that supplies water to the drying kilns on the site. Water discharged from the kilns goes back into the recycling system again in a continuous loop.

The application states that there would be no change to the hours of operation of the plant; no additional noise, odour or wastes; no expected additional truck movements in the short term; no additional signage; and no additional detriment from changes to lighting within the site associated with the proposed works. The application also states that there is scope for additional landscape plantings to the west of the new amenities building along the Forest Street frontage.

The application was accompanied by a Bushfire Management Statement, as required by BMO provisions.

Site & Surrounds

The site is located on the east side of Forest Street and the north side of Colac-Forrest Road in Colac.

The proposed buildings and works would be located across two titles, being 7-15 Forest Street (Lot 1 TP162902, with an area of approximately 7.5ha) and 18-24 Forest Street (Lot 4 TP943900, with an area of approximately 12.9ha). The parcels have a combined frontage to Forest Street of approximately 245 metres and a combined area of approximately 20.4ha. 7-15 Forest Street also has a frontage to Colac-Forrest Road of approximately 300 metres. No restrictions or covenants affect these titles.

Three easements, for electricity and water supply purposes, cross the western portion of each of these lots. As discussed above, however, the water mains will soon be relocated along Forest Street outside the site. The applicant has also confirmed that the power easement was abolished and removed some years ago; however the plan of subdivision has not been updated to reflect this.

AKD operates from the lots that form the subject of this application and also from adjoining lots, processing (saw milling), storing and dispatching timber. The western portion of the land contains a mix of processing and storage sheds, storage areas, parking and accessways associated with the timber business. The eastern portion of the AKD land is currently cleared vacant land that is also used as a timber plantation.

The western portion of the land is located within the Industrial 1 Zone (IN1Z), and is covered by a Design and Development Overlay (DDO1) and the Bushfire Management Overlay (BMO). The eastern portion of land is located within the Farming Zone (FZ) and covered by the BMO only. Planning Scheme Amendment C86 proposes to rezone that part of the land within the FZ and to remove the BMO from the land.

The land to the north and south, which is within the Industrial 1 Zone, is also owned by AKD and is used as part of the same timber business. The land to the west is also zoned Industrial 1 and comprises a mix of industrial uses.

Public Notice

The application is exempt from notice and review under Clause 33.01-4 of the Industrial 1 Zone, as the buildings and works would not be within 30 metres of land (not a road) which is in a residential zone.

The application is also exempt from notice under the provisions of Clause 44.06-5 of the Bushfire Management Overlay.

The application is not specifically exempt from notice under Clause 43.02-2 and Schedule 1 of the Design and Development Overlay, or Clause 52.05 (Car Parking). However it is considered that the grant of a permit would not cause material detriment to any person, for the following reasons and, as such, public notification of the application was not undertaken:

1. No new industrial use with adverse amenity potential is proposed under this application.
2. The proposed buildings and works would be sited amongst existing development on the site and would not be highly visible from the Forest Street or Colac-Forrest Road frontages, or from other approaches to the site. The proposed buildings are considered to be generally consistent with DDO1 provisions in that they would not impact on the entrance to Colac, views of the lake or the landscape character of this entrance to town.
3. The installation of new mill technology and the covering of processing areas would lower processing noise levels in the area.
4. There is likely to be no detriment to the amenity of surrounding properties as a result of the reduction in the car parking requirement, given that there would be no additional staff as a result of this proposal and there is a surplus of parking available for existing staff.

Referrals

The application was accompanied by a Bushfire Management Statement as required by BMO provisions. The application was referred to the CFA, which raised no objection subject to conditions being included on any permit issued.

The application was also internally referred to Council's Infrastructure Department and Building Unit, neither of which raised any objection to the application. The Infrastructure Department requested that conditions relating to stormwater and access be included on any permit issued. The Building Unit has advised that it has no objection to the proposal, and that the relevant Building Surveyor would need to ensure that all fire protection measures and compartmentation of the various buildings is addressed prior to granting any building permits for the works as a whole or in stages.

The application was not referred to the EPA as the application states that there would be no change to the current operations of the green mill and, as such, no change to the current EPA permits for the operation. The sawmill use is established on this site and this element of the use is located outside the 500 metre threshold to a residential zone. As such, it is considered that the provisions of Clause 52.10 (Uses with Adverse Amenity Potential) are satisfied and referral to the EPA under Clause 66.02-7 is not required.

Planning Controls

The following State and local planning policies are considered to be relevant to the consideration of this application:

State Planning Policy Framework:

- Clause 13.04-1 - Noise abatement
- Clause 13.04-2 - Air quality
- Clause 17.02 - Industry
- Clause 17.02-1 - Industrial Land Development
- Clause 17.02-2 - Design of Industrial Development
- Clause 18.02-5 - Car Parking
- Clause 19.03 - Development Infrastructure

Local Planning Policy Framework:

- Clause 21.03-2 - Colac
- Clause 21.05-2 - Timber Production
- Clause 21.05-3 - Manufacturing
- Clause 33.01 - Industrial 1 Zone

Purpose

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To provide for manufacturing industry, the storage and distribution of goods and associated uses in a manner which does not affect the safety and amenity of local communities.*

The western portions of the subject lots are within the Industrial 1 Zone. No works are proposed within the Farming Zone on the eastern portion of 18-24 Forest Street.

Clause 33.01-1 - Table of Uses

The use of the land for industry and associated warehousing is already established on this land and has existed for many years. The proposed buildings and works would be ancillary to the existing industrial use of the site and would not introduce any new uses or processes.

'Industry' and 'Warehouse' are Section 1 (permit not required) uses in an Industrial 1 Zone provided that specified conditions are met. A 500 metre minimum threshold distance is required from any part of the land between a sawmill and a residential zone under Clause 52.10 (Uses with Adverse Amenity Potential). There is no threshold for the storage of timber or the other proposed works, as they are not listed uses under Clause 52.10.

The sawmill (green mill) extension would be located outside the 500 metre threshold to a residential zone, and the warehouse and other industrial buildings would be located well outside 30 metres to a residential zone. As such, there is no permit trigger for use under this proposal.

Clause 33.01-4 - Buildings and Works

A permit is required to construct a building or construct or carry out works in an Industrial 1 Zone pursuant to Clause 33.01-4.

Clause 43.02 - Design and Development Overlay (DDO1)

The western portion of the land is covered by the Design and Development Overlay (DDO1 – Colac Eastern Entrance and Industrial Area).

A permit is required for buildings and works under this overlay, pursuant to Clause 43.02-2.

The Design Objectives from Schedule 1 are:

- *To enhance the arrival experience into central Colac from the east.*
- *To ensure that the industrial area on the eastern entrances to Colac is retained for the development of large scale industrial uses on large lots so that views of the lake and the quality of buildings and works do not detract from the landscape character of this entrance to the town.*

Section 2.0 to Schedule 1 requires that all applications should incorporate the following matters in respect to plot ratio, setbacks and lot sizes:

- *All buildings and works are to be set back 20 metres from the road frontage and only landscaping, visitor car parking and access ways is to be located within the setback area.*
- *All staff parking and loading bays are to be located to the side or rear of any buildings.*
- *Locating office components in a visible location at the front of the building and facades that are designed to add visual interest.*
- *Larger buildings should address bulk and massing issues through using a range of building materials and colours.*
- *The plot ratio for buildings and works is not to exceed 40 % of the site area.*
- *Buildings should not exceed a height of 8 metres above natural ground level.*
- *Landscaping is to provide a range of indigenous and exotic species where appropriate to soften the appearance of car parks and buildings. Landscaping should provide shading for buildings, define entrances and provide a buffer between buildings. A landscape strip along the front of buildings*

should be considered to screen views to the industrial area from the highway and frame views of the lake. Landscaping is to be completed within 6 months of the development or works being constructed.

Clause 44.06 - Bushfire Management Overlay (BMO)

Both lots are covered by the Bushfire Management Overlay.

The purpose of this overlay is

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To ensure that the development of land prioritises the protection of human life and strengthens community resilience to bushfire.*
- *To identify areas where the bushfire hazard warrants bushfire protection measures to be implemented.*
- *To ensure development is only permitted where the risk to life and property from bushfire can be reduced.*

A permit is required for to construct a building or construct or carry out works associated with Industry pursuant to Clause 44.06-1. Under Clause 44.06-3, an application must be referred to the CFA.

Clause 52 - Particular Provisions

The following particular provisions are relevant to this application and are addressed in detail in the 'Consideration of the Proposal' section of this report:

Clause 52.05 - Advertising Signs

Clause 52.06 - Car Parking

Clause 52.07 - Loading and Unloading of Vehicles

Clause 52.10 - Uses with Adverse Amenity Potential

Clause 52.29 - Land Adjacent to a Road Zone Category 1

Clause 52.34 - Bicycle Parking

Clause 52.47 - Bushfire Protection: Planning Requirements

Clause 52.48 - Bushfire Protection: Exemptions

Clause 65 Decision Guidelines

For use and development:

- *The matters set out in Section 60 of the Act.*
- *The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *The purpose of the zone, overlay or other provision.*
- *Any matter required to be considered in the zone, overlay or other provision.*
- *The orderly planning of the area.*
- *The effect on the amenity of the area.*
- *The proximity of the land to any public land.*
- *Factors likely to cause or contribute to land degradation, salinity or reduce water quality.*
- *Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.*
- *The extent and character of native vegetation and the likelihood of its destruction.*
- *Whether native vegetation is to be or can be protected, planted or allowed to regenerate.*
- *The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.*

5. CONSIDERATION OF PROPOSAL

State and Local Planning Policies

The proposal is considered to be consistent with the broader principles of the State and Local Planning Policy Frameworks. The proposal would assist in intensifying and consolidating the existing industrial use, enhancing its long term viability. AKD is one of the major employers within Colac, and the proposal would support and improve the existing industrial land use. The proposal would also promote the sustainable growth and development of regional Victoria within a location where utilities, transport, infrastructure and services are available. It is also considered that the proposal would contribute to the economic wellbeing of the existing facility and the local community. The proposed buildings and works would be acceptably sited amongst existing development on the site; the scale and design of the additional development would be consistent with the existing built form and should result in lower noise emissions. Car parking considerations are addressed below.

Industrial 1 Zone

A planning permit is required for buildings and works in an Industrial 1 Zone. There is no permit trigger for use in this instance.

The buildings and works proposed under this application are required to facilitate improved industrial use of this site. The proposed works would be suitably located and, with the exception of the new amenities building, would be recessed from both road frontages amongst the existing industrial built form. It is considered that the proposed materials, height, scale and position of the proposed buildings would be acceptable in the context of the existing industrial development. The external finishes have been selected to match existing buildings on site.

The land is surrounded by industrial land uses and there are no natural or cultural values in the area. There is also no interface with non-industrial areas. It is recommended that a permit condition require landscaping along the Forest Street frontage to screen the new amenities building and to improve the streetscape character of the area.

The main access point to Forest Street would be moved approximately 50 metres towards the north boundary, with the reinstatement of an existing crossover close to the southern property boundary. This would allow for better traffic flow to, from and within the site. It would require the relocation of 16 car parking spaces from the northwest corner to the southwest corner of the site, with no loss of parking spaces. A new loading area is proposed to the north of the proposed dispatch shed and there is ample area on-site for outdoor storage. There would be some modifications to lighting; however this would be within the site with no external impact expected.

There is no plan for additional stormwater discharge into the Colac Forrest Road open drain under this proposal, as the new buildings would be sited some distance from this frontage. AKD currently has a stormwater recycling and reuse system in place. The new amenities building and dispatch shed would discharge directly to the stormwater main on the east side of Forest Street. The other buildings and paved areas would be directed to the recycled water holding tanks (located to the southwest of the existing workshop building). This water would then be pumped to an existing dam, which feeds a large holding tank that supplies water to the drying kilns on the site. Water discharged from the kilns goes back into the recycling system again in a continuous loop. It is recommended that permit conditions require stormwater discharge, and maintenance of all buildings and works in good order and appearance, to the satisfaction of the Responsible Authority.

Design and Development Overlay (DDO1)

This overlay relates to Colac Eastern Entrance and Industrial Area. A permit is required for buildings and works in areas covered by this overlay, pursuant to Clause 43.02.

The proposed buildings and works would be located within the DDO1 area (western portion) of the land. It is considered that the proposed development is acceptable when considered against the Design Objectives and Decision Guidelines of this overlay.

The proposed buildings and works would be situated amongst existing industrial buildings on the land and would have no impact on the arrival experience into Colac from the east, or on views of the lake. Similarly, the buildings would not detract from the landscape character of the eastern entrance to town.

A new office/amenities building is proposed in a visible location close to Forest Street. This building would not be set back 20 metres from Forest Street as sought by DDO1; however it would have a setback of 6 metres which would be consistent with existing buildings along this frontage. The parent clause to the DDO states that a permit may be granted to construct a building or construct or carry out works which are not in accordance with any requirement in a schedule to the overlay, so this encroachment may be allowed. All other proposed development would have setbacks in excess of the recommended 20 metre setback from a road. Accessways and parking would be located in the Forest Street setback.

It is recommended that a permit condition require landscaping along the Forest Street frontage, to screen the proposed amenities building and to improve the streetscape character of the area.

The scale, height, building materials and colours of the other proposed developments would match the existing built form on the site, which is considered acceptable in this industrial context. It is necessary that building height exceeds 8 metres above natural ground level, given the purpose of the proposed buildings and the equipment to be accommodated. Plot ratio would not exceed 40% of the site area. There is no additional signage proposed.

Bushfire Management Overlay (BMO)

As discussed above, both of the lots on which development is proposed are currently covered by the BMO, which triggers a requirement for a permit for buildings and works associated with industry under Clause 44.06-1. It is noted that Planning Scheme Amendment C86 proposes to remove the BMO from the land.

The application was accompanied by a Bushfire Management Statement (prepared by 2020 Engineering Solutions, dated 25 October 2016) as required by this overlay. This was referred to the CFA, which raised no objection to the proposal subject to conditions being imposed on any permit issued. These conditions have been included in the recommendation at the end of this report.

Particular Provisions

The following Particular Provisions are relevant to this application and are addressed in detail below.

Clause 52.05 - Advertising Signs

No additional advertising signs are proposed as part of this application.

Clause 52.06 – Car Parking

Under the provisions of Clause 52.06, prior to the floor area or site area of an existing use being increased, or an existing use being increased, the car parking spaces required under Clause 52.06-5 must be provided on the land, or as approved under Clause 52.06-3, to the satisfaction of the Responsible Authority.

Under Clause 52.06-3, a permit is required to reduce (including reduce to zero) the number of car parking spaces required under Clause 52.06-5.

The car parking requirement for 'industry' under this Clause is 2.9 car spaces to each 100sqm of net floor area. The car parking requirement for a 'warehouse' is 2 spaces to each premise plus 1.5 spaces to each 100sqm of net floor area. The car parking requirement for a 'store' is 10% of the site area, and the car parking rate for an 'office' is 3.5 spaces to each 100sqm of net floor area.

On the basis of the site being in industrial use and a rate of 2.9 car spaces being applied for all of the proposed development, 234 parking spaces would be required.

If the rate for each individual type of use is applied, the car parking requirement for this proposal is as follows:

| Use/Area | Rate | Requirement |
|--|--|---|
| Dispatch Shed (4,975sqm) less credit for 2 demolished store sheds (1,341sqm) | Warehouse - 2 spaces to each premise plus 1.5 spaces to each 100sqm of net floor area; or
Store - 10% of the site area. | 22 spaces
(Warehouse)
or
12,900sqm (Store) |
| Dry Sticker Shed – 3,360sqm | Warehouse - 2 spaces to each premise plus 1.5 spaces to each 100sqm of net floor area; or
Store - 10% of the site area. | 52 spaces
(Warehouse)
or
7,500sqm (Store) |
| Green Mill Addition – 630sqm | Industry - 2.9 car spaces to each 100sqm of net floor area. | 18 spaces |
| Kiln – 364sqm | Industry - 2.9 car spaces to each 100sqm of net floor area. | 10 spaces |
| Office/Amenities Building (163.84sqm) less credit for demolished Amenities Building (82.5sqm) – 81.34sqm | Office - 3.5 spaces to each 100sqm of net floor area. | 2 spaces |
| | Total Requirement | 104 spaces
or
30 spaces plus
20,400sqm |

No additional car parking is proposed on-site and approval is sought as part of this application to reduce the above car parking requirement to zero.

The application states that there would be no increase in staff numbers as a result of the proposed works. The proposed development would allow for a greater output of timber and more efficient processing and storage of timber products, with no requirement to employ any additional staff. As such, there would be no additional demand for parking. Existing car parking areas accommodate current staffing levels, with a consistent surplus of 5 to 10 spaces in Car Park 3A.

Consideration has been given to relevant Decision Guidelines of Clause 52.06-6, and it is considered reasonable to reduce the car parking requirements associated with this application. It is considered that the Planning Scheme requirements would be excessive in this case, and do not accurately reflect demand for on-site parking having regard to the specific use of the land. It is considered reasonable to accept that no additional onsite parking would be needed as a result of the proposed developments, and it is considered that sufficient justification has been provided to allow a reduction of car parking for this proposal. It is not considered that there would be a deficiency of parking or any material impact on local amenity as a result of reducing the car parking requirement. It is also noted that there would be ample space available on-site should there be any instance where additional parking is required.

Clause 52.07 – Loading and Unloading of Vehicles

Clause 52.07 states that no building or works may be constructed for the manufacture, servicing, storage or sale of goods or materials unless space is provided on the land for loading and unloading vehicles as specified (area 27.4sqm, length 7.6m, width 3.6m, height clearance 4.0 m).

Under this proposal, a covered truck parking/loading area of 14 metres by 65 metres (910sqm) is proposed adjoining the proposed dispatch shed. Ample area is also available on the site should additional loading be required.

Whilst generally a condition is imposed to require loading and unloading occur only with a designated loading bay, in this case it is considered that such a condition would be unnecessary and that, in the event it was ever necessary to load/unload elsewhere, there would be ample space onsite to accommodate this.

Clause 52.10 – Uses with Adverse Amenity Potential

The table to Clause 52.10 specifies minimum separation distance for uses with adverse amenity potential from specified zones, uses and overlays. Of relevance is the fact that the table to Clause 52.10 sets a buffer distance for a sawmill of 500 metres to the nearest residential zoned land. The proposed extension to the green mill would be located outside the 500 metre threshold to a residential zone, being approximately 545 metres southeast of the nearest residential area in Bruce Street. The warehouse and other industrial buildings would not be used for purposes specified in this clause.

Clause 52.29 – Land Adjacent to a Road Zone Category 1

There is no permit trigger under this clause as the proposal does not include the creation or alteration of access to Colac Forest Road (a Road Zone Category 1), and subdivision is not proposed.

Clause 52.34 – Bicycle Parking

A new use must not commence, or the floor area of an existing use must not be increased, until the required bicycle facilities and associated signage have been provided on the land.

For an industrial use there is a requirement for one (1) bicycle space to each 1000sqm of net floor area for employees. Under this proposal, one (1) space is required for the proposed 994.44sqm of industrial buildings. There is no requirement for a bicycle space for a 'store' or 'warehouse' under these provisions, and the requirement for an 'office' does not apply as the office area would not exceed 1000sqm. A bicycle rack is proposed as part of the application. Shower and change room requirements do not apply as only one (1) bicycle space is required. It is, however, noted that showers and change rooms would be accommodated in the office/amenities building.

Clause 65 Decision Guidelines

It is considered that the proposal would result in an acceptable outcome when assessed against the Decision Guidelines in Clause 65. The proposal is considered to accord with relevant State and local planning policy considerations, and is acceptable in the Industrial 1 Zone. The proposed siting and built form are considered acceptable in terms of the DDO1 provisions and the CFA has advised that the proposal would satisfy BMO requirements. Stormwater would have to be managed to the satisfaction of Council's Infrastructure Department. It is considered that the proposal would provide an orderly planning outcome that is suited to its industrial context, with no anticipated material detriment to the amenity of the area.

6. COUNCIL PLAN / OTHER STRATEGIES / POLICY

Relevant pillars in the Council Plan are:

A Planned Future

Creates an attractive shire with quality buildings and spaces, accessible travel and transport, and a community that has the services and facilities it needs now and in the future; supports a prosperous economy where trade, manufacturing and business activity flourishes.

Our Goal:

Facilitate the growth, liveability and development of the shire and encourage innovation and efficiency in the local economy.

It is considered that allowing development to enhance the productivity of one of the major employers in Colac, would accord with the aim of supporting a prosperous economy whilst, for the reasons outlined earlier in this report, not resulting in any material detriment.

The Colac Otway Structure Plan 2007 is a reference document as listed under Clause 21.07 of the Planning Scheme. The Plan provides key recommendations in response to the main issues identified through early consultation with the community, agency stakeholders and Council representatives. The vision for Colac is:

‘Colac will be a thriving town with a vibrant town centre that takes pride in its Lakeside location, is responsive to the housing needs of its residents and offers a variety of opportunities for employment and economic development’.

The proposal is considered to be consistent with the preferred direction as set out within the Structure Plan as it would result in significant economic investment and development. It is noted that work has recently commenced on the Colac 2050 project, which will ultimately supersede the 2007 Structure Plan.

In addition it is not considered, for the reasons outlined earlier in this report in the assessment of the proposed buildings and works, that the proposal would compromise the Colac CBD and Entrances Project, which should be delivered in the near future.

7. FINANCIAL AND OTHER RESOURCE IMPLICATIONS

The proposal raises no financial or resourcing implications for Council.

8. RISK MANAGEMENT AND COMPLIANCE ISSUES

The proposal raises no risk management or compliance implications for Council.

9. ENVIRONMENTAL CONSIDERATIONS / CLIMATE CHANGE

Any relevant environmental considerations have been addressed within this report.

10. COMMUNICATION STRATEGY / CONSULTATION PERIOD

As discussed above, notice of this application was not required under Section 52 of the Planning and Environment Act 1987, as it was considered that the proposal would result in no additional material detriment to the amenity of the area.

11. CONCLUSION

The subject site has been used as a timber milling plant for many years, and AKD Softwoods is a significant employer and contributor to the Colac economy. The proposed works, with an estimated value of \$4.2 million, would be ancillary to the established use of the land and would allow significant improvements in productivity, operations and safety.

For the reasons outlined above, it is considered that a planning permit could reasonably be issued for the proposed buildings and works, and associated reduction in car parking. The proposal is suited to its industrial surrounds and it is not considered that it would cause additional material detriment to the amenity of the area by way of visual impact, noise emissions or parking.

Recommendation

That Council's Planning Committee resolves to Grant a Permit for Buildings and Works Comprising the Construction of Two Sheds/Warehouses, Kiln, Office/Amenities Building, Extension to Mill and Associated Works, and a Reduction in Car Parking Requirements, at 7-15 Forest Street, Colac Lot 1 on (TP162902N) and 18-24 Forest Street, Colac (Lot 4 on TP943900P), subject to the following conditions:

Conditions:

Endorsed Plans

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

Barwon Water Easement

2. *The building annotated as the 'dry sticker shed' on the endorsed plans must not be constructed until the feeder main in the Barwon Water easement on Lot 1 TP162902 has been relocated and the new main commissioned. No other works associated with the development hereby permitted may be undertaken within 3m either side of the Barwon Water easement on Lot 1 TP162902 before the feeder main has been relocated, unless the prior written consent of Barwon Water has been obtained to such works. Written confirmation that the new main has been commissioned must be obtained from Barwon Water prior to the commencement of the construction of the 'dry sticker shed'.*

Landscaping

3. *Prior to the commencement of development, a landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The plan must show:*
 - a) *landscaping along Forest Street frontage in the front setback area adjacent to the office/amenities building hereby permitted;*
 - 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. Landscaping is to be completed within 6 months of the office/amenities building being constructed. 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.

Amenity

4. *Any external lighting on the development hereby permitted must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the Responsible Authority.*
5. *All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.*

Stormwater

6. *All stormwater is to be directed to the legal point of discharge to the satisfaction of the Responsible Authority.*

Access

7. *Prior to the commencement of development, access must be constructed in accordance with the endorsed plans.*
8. *Prior to commencement of the development, the redundant vehicular crossing must be reinstated to kerb and channel, footpath and nature strip to the satisfaction of the Responsible Authority.*

CFA conditions

Mandatory conditions for buildings and works

9. *The bushfire mitigation 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.*

Bushfire Management Plan endorsed

10. *The Bushfire Management Plan at Attachment 4 of the Bushfire Management Statement prepared by 20 20 Engineering and dated 16/11/2016 must be endorsed to form part of the permit and must not be altered unless otherwise agreed in writing by the CFA and the Responsible Authority.*

Expiry

11. *This permit will expire if one of the following circumstances applies:*
 - a) *The development is not commenced within two (2) years of the date of this permit.*
 - b) *The development is not completed within four (4) years of the date of this permit.*

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

Notes

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

The relevant Building Surveyor will need to ensure that all fire protection measures and compartmentation of the various buildings is addressed prior to granting any building permits for the works as a whole or in stages.

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Planning Enquiries  
Phone: 03 5232 9400  
Web: <http://www.colacotway.vic.gov.au>

## Office Use Only

Application No.:

Date Lodged: / /

# Application for Planning Permit

If you need help to complete this form, read [How to Complete the Application for Planning Permit form](#).

⚠ Any material submitted with this application, including plans and personal information, will be made available for public viewing, including electronically, and copies may be made for interested parties for the purpose of enabling consideration and review as part of a planning process under the *Planning and Environment Act 1987*. If you have any concerns, please contact Council's planning department.

Questions marked with an asterisk (\*) are mandatory and must be completed.

## The Land

- ① Address of the land. Complete the Street Address and one of the Formal Land Descriptions.

### Street Address \*

Unit No.:	St. No.: 7-15 & 18-24	St. Name: Forest Street
Suburb/Locality: Colac		Postcode: 3250

### Formal Land Description \*

Complete either A or B.

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

A Lot No.: 1 & 4  Lodged Plan  Title Plan  Subdivision Plan No.: 933900P

OR

B Crown Allotment No.: Part Crown portions 45 & 46 Section No.:

Parish/Township Name: Colac

## 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.

- ② For what use, development or other matter do you require a permit? \*

If you need help about the title, read:  
[How to Complete the Application for Planning Permit Form](#)

Construction of Dispatch Shed, Dry Sticker Shed, Amenities Building, Green Mill addition, CDK Kiln #3, and waiver of carparking.

Provide additional information providing details of the proposal, including: plans and elevations; any information required by the planning scheme, requested by Council or outlined in a Council planning permit checklist; and if required, a description of the likely effect of the proposal.

- ③ Estimated cost of development for which the permit is required \*

Cost \$ 4,200,000.00 ⚠ You may be required to verify this estimate.

Insert '0' if no development is proposed (eg. change of use, subdivision, removal of covenant, liquor licence)

## Existing Conditions

- ④ Describe how the land is used and developed now \*

eg. vacant, three dwellings, medical centre with two practitioners, licensed restaurant with 80 seats, grazing.

Timber Mill, storage, dispatch and associated offices

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

### Title Information

5 Encumbrances on title \*

If you need help about the title, read: How to Complete the Application for Planning Permit Form

Does the proposal breach, in any way, an encumbrance on title such as a restrictive covenant, section 173 agreement or other obligation such as an easement or building envelope?

- Yes. (If 'yes' contact Council for advice on how to proceed before continuing with this application.)
- No
- Not applicable (no such encumbrance applies).

Provide a full, current copy of the title for each individual parcel of land forming the subject site. (The title includes: the covering 'register search statement', the title diagram and the associated title documents, known as 'instruments', eg. restrictive covenants.)

### Applicant and Owner Details

6 Provide details of the applicant and the owner of the land.

**Applicant \***

The person or organisation who wants the permit.

Where the preferred contact person for the application is different from the applicant, provide the details of that person.

Please provide at least one contact phone number \*

**Owner \***

The person or organisation who owns the land

Where the owner is different from the applicant, provide the details of that person or organisation.

<b>Name:</b>		
Title: Mr	First Name: Geoffrey	Surname: De La Rue
Organisation (if applicable): Architect		
<b>Postal Address:</b>		If it is a P.O. Box, enter the details here:
Unit No.:	St. No.:	St. Name: PO Box 92
Suburb/Locality: COLAC	State: VIC	Postcode: 3250
<b>Contact person's details *</b>		
Name:		Same as applicant (if so, go to 'contact information') <input checked="" type="checkbox"/>
Title:	First Name: Geoffrey	Surname: De La Rue
Organisation (if applicable): Architect		
<b>Postal Address:</b>		If it is a P.O. Box, enter the details here:
Unit No.:	St. No.:	St. Name: PO Box 92
Suburb/Locality: COLAC	State: VIC	Postcode: 3250
<b>Contact information</b>		
Business Phone: 5231 4787	Email: gdelarue@inet.net.au	
Mobile Phone: 0419 351 185	Fax:	
<b>Owner *</b>		
Name:		Same as applicant <input type="checkbox"/>
Title: Mr	First Name: Shane	Surname: Vicary
Organisation (if applicable): AKD Softwoods		
<b>Postal Address:</b>		If it is a P.O. Box, enter the details here:
Unit No.:	St. No.: 7-15	St. Name: Forest Street
Suburb/Locality: Colac	State: VIC	Postcode: 3250
Owner's Signature (Optional):	Date:	
	day / month / year	

### Declaration

7 This form must be signed by the applicant

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

I declare that I am the applicant; and that all the information in this application is true and correct; and the owner (if not myself) has been notified of the permit application.

Signature:  Date: 16 Sep 2016  
day / month / year

## Need help with the Application?

If you need help to complete this form, read *How to complete the Application for Planning Permit Form* or contact Council's planning department. General information about the planning process is available at <http://www.dse.vic.gov.au/planning>

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

8 Has there been a pre-application meeting with a Council planning officer? \*

No  Yes

If 'yes', with whom?:

Date:  day / month / year

## Checklist

9 Have you:

Filled in the form completely?

Paid or included the application fee? ⚠ Most applications require a fee to be paid. Contact Council to determine the appropriate fee.

Provided all necessary supporting information and documents?

A Full, current copy of title information for each individual parcel of land, forming the subject site.

A plan of the existing conditions.

Plans showing the layout and details of the proposal.

Any information required by the planning scheme, requested by council or outlined in a council planning permit check list.

If required, a description of the likely effect of the proposal (eg. traffic, noise, environmental impacts).

Completed the relevant Council planning permit checklist?

Signed the declaration (section 7)?

## Lodgement

Lodge the completed and signed form and all documents with:

Colac Otway Shire Council  
 PO Box 283 Colac 3250 VIC  
 2 - 6 Rae Street, Colac 3250 VIC

**Contact information:**  
 Telephone: 03 5232 9400  
 Fax: 03 5232 1046  
 Email: [inq@colacotway.vic.gov.au](mailto:inq@colacotway.vic.gov.au)  
 TTY: (03) 5231 6787

PP252/2016-1  
SITE PLAN  
7-15 & 18-24 FOREST STREET, COLAC





1

legend:

- existing line
- new line
- proposed
- cancel
- new work
- cancel work
- new work
- cancel work
- new work
- cancel work

RECEIVED 07 DEC 2015

BY: .....

area schedule:

- total area existing: 2294 sq m
- storage shed: 3276 sq m
- dry sticker shed: 4311 sq m
- new kiln: 2212 sq m
- proposed dry sticker shed: 4042 sq m
- dry sticker shed: 3673 sq m
- total area proposed: 8284 sq m
- total area: 10578 sq m
- total site area: 16822 sq m



location plan

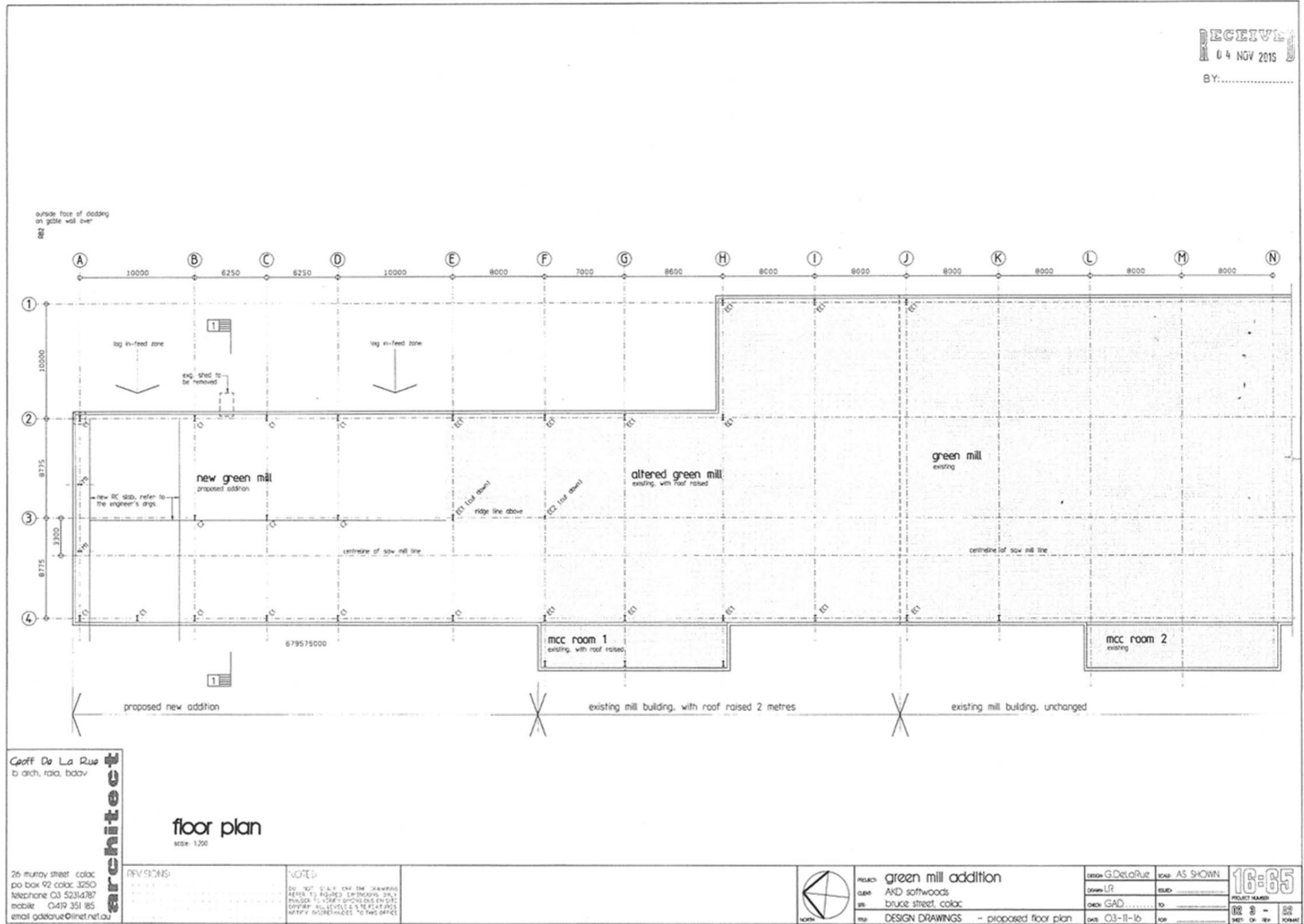
Coaff De La Rue  
 architects  
**architect**  
 20 mairi street, motor  
 buxton qd vic 3250  
 telephone 03 5741487  
 mobile 0429 351 95  
 email colac@coaffdelarue.com.au

REV	DATE	BY	DESCRIPTION

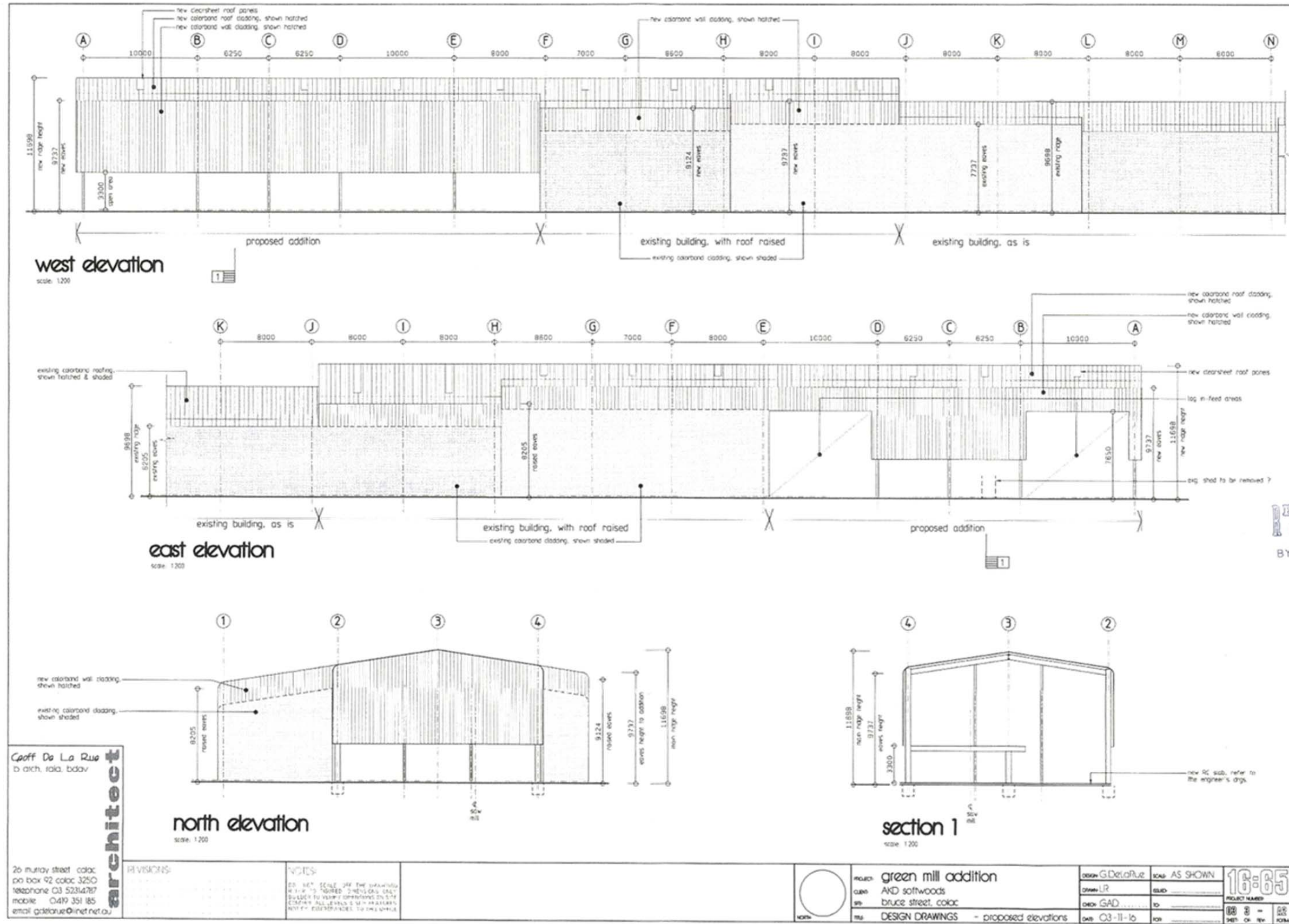
NOTES:  
 1. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.  
 2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.  
 3. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.

PROJECT <b>timber mill additions</b>	DATE 12/06/15	SCALE AS SHOWN	PROJECT NO. 1000
CHECKED AND/ARCHITECT	DRAWN H.L.	TITLE DRAWING NO. 1000	DATE 12/06/15
DATE 12/06/15	DESIGN DRAWINGS - overall site plan		

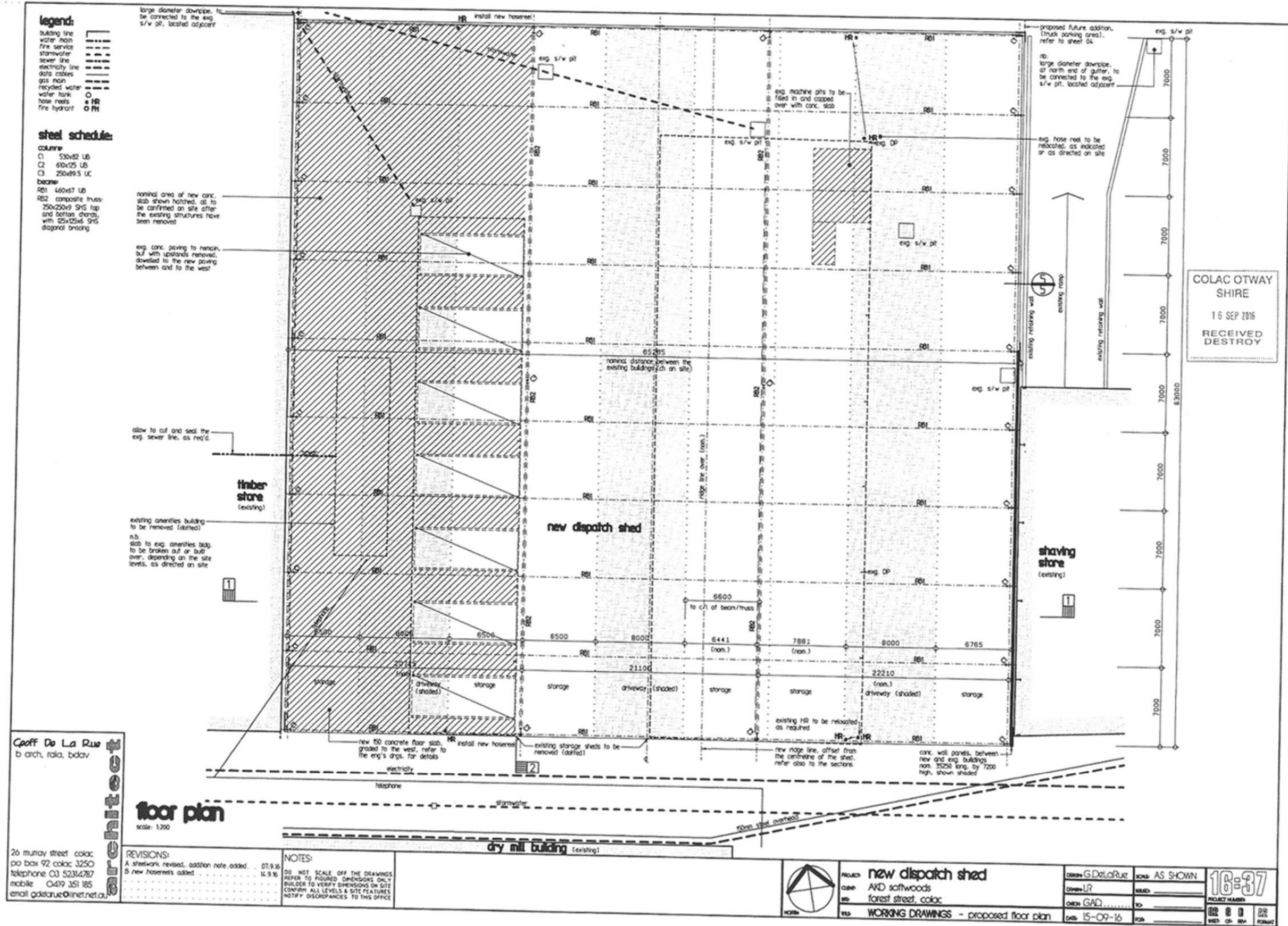
2



3



4



**Cooff De La Rue**  
 b arch, rala, bdcv

**architect**

26 murray street colac  
 po box 92 colac 3250  
 telephone 03 52314787  
 mobile 0419 351 185  
 email gdelarue@inet.net.au

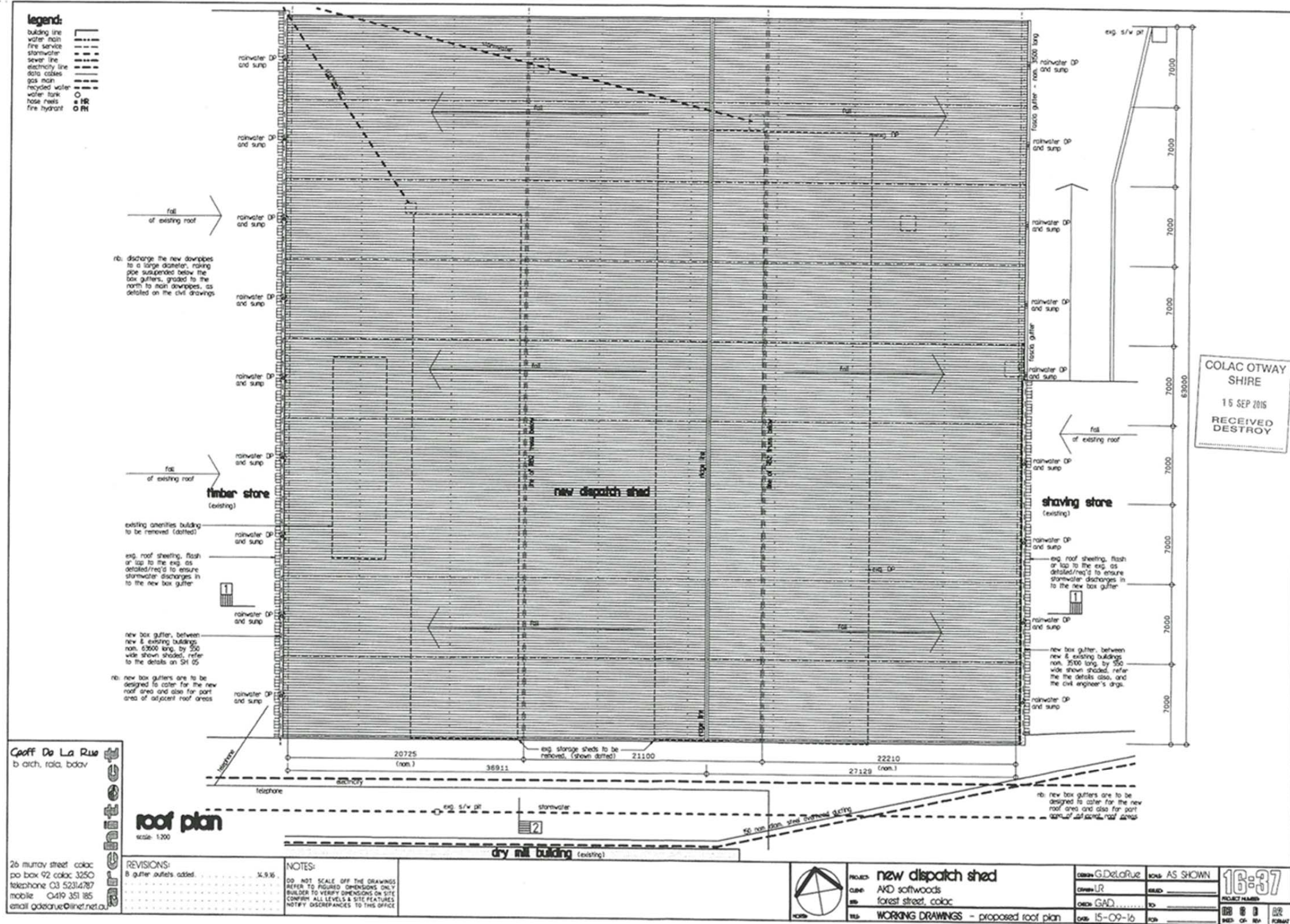
**floor plan**  
 scale: 1:200

REVISIONS:	NOTES:
A streetwork revised, addition note added. 07.9.16	DO NOT SCALE OFF THE DRAWINGS REFER TO FIGURED DIMENSIONS ONLY BUILDER TO VERIFY DIMENSIONS ON SITE CONFIRM ALL LEVELS & SITE FEATURES NOTIFY DISCREPANCIES TO THIS OFFICE
B new hosevents added. 14.9.16	

PROJECT: new dispatch shed	DESIGN: G.DelaRue	DATE: AS SHOWN
CLIENT: AKD softwoods	DRAWN: LR	SCALE: 16:37
LOCATION: forest street, colac	CHECK: GAD	PROJECT NUMBER:
WORKING DRAWINGS - proposed floor plan	DATE: 15-09-16	REV: 01



5



Goeff De La Rue  
b arch, raia, bday

26 murray street colac  
po box 92 colac 3250  
telephone 03 52314787  
mobile 0419 351 185  
email gdelarue@inet.net.au

**REVISIONS:**

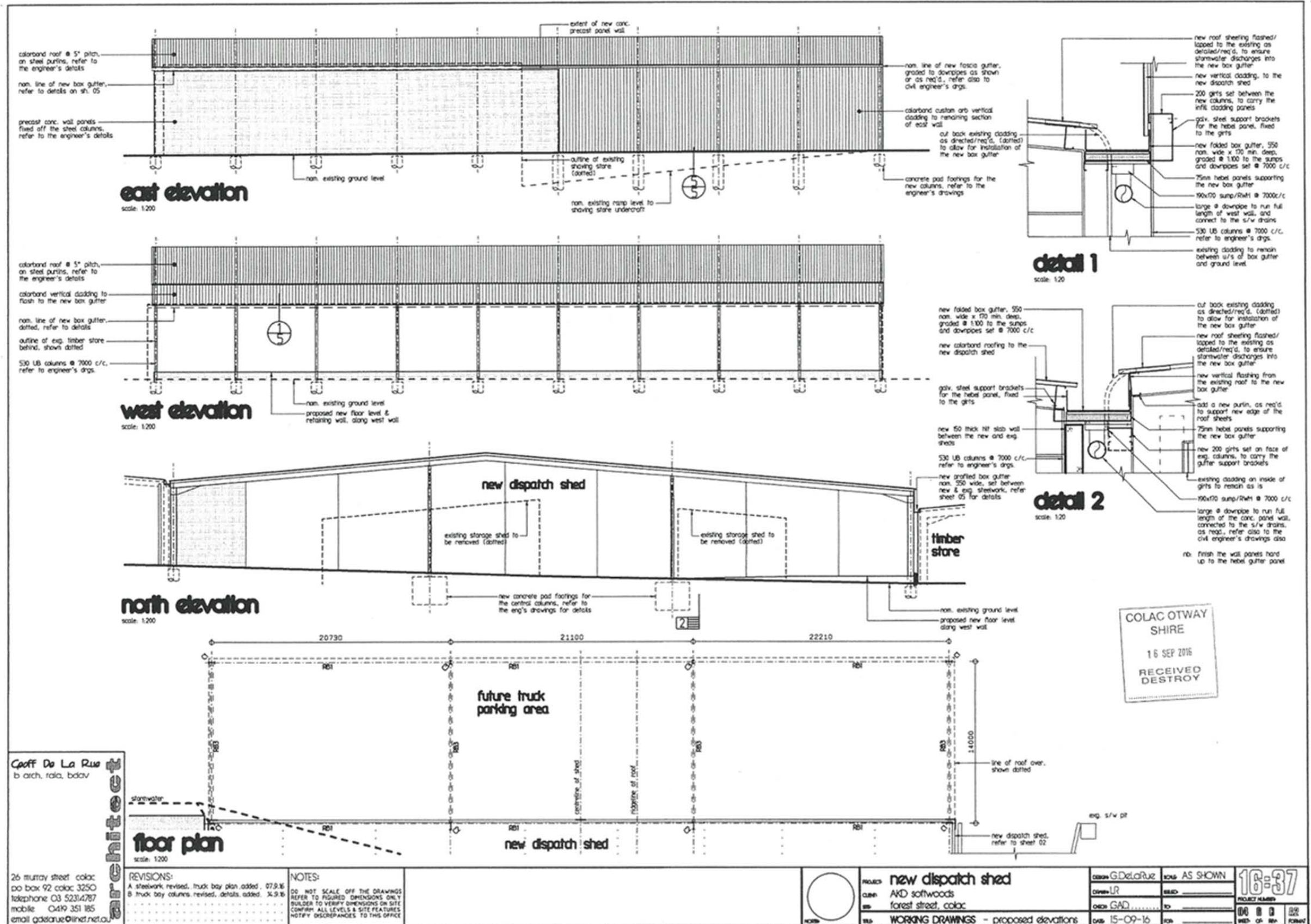
B gutter outlets added	K.S.K.
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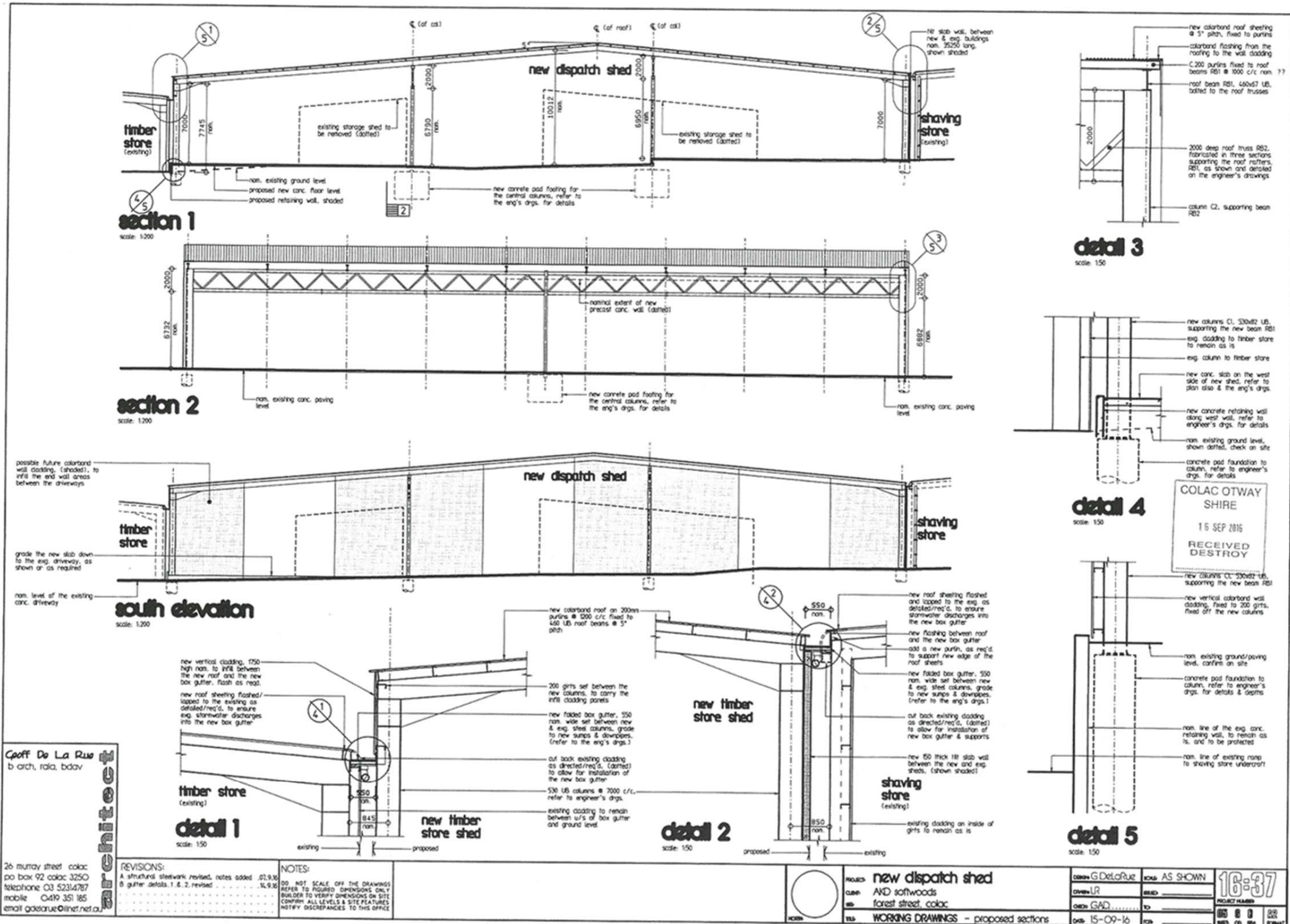
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NOTIFY DISCREPANCIES TO THIS OFFICE

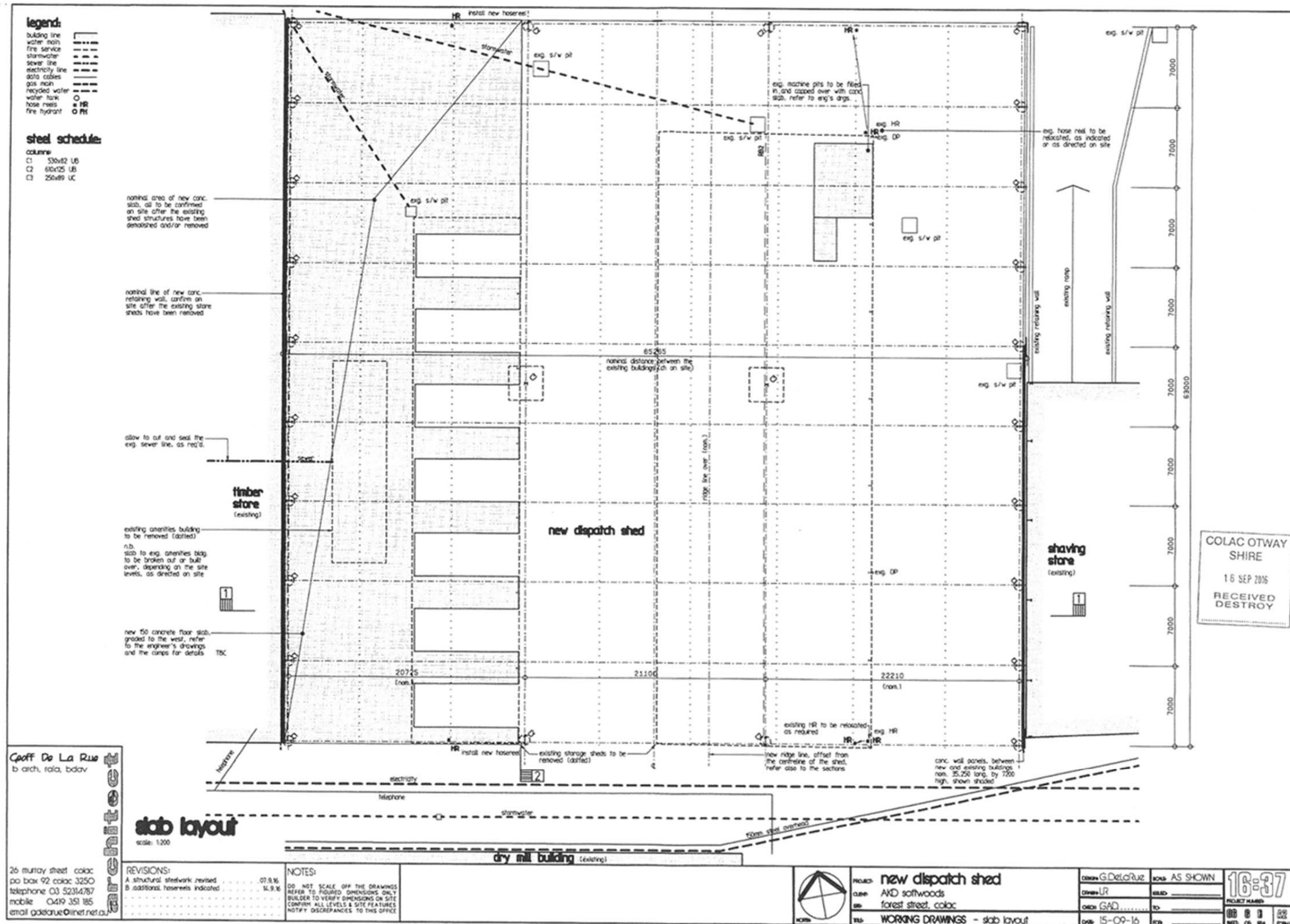
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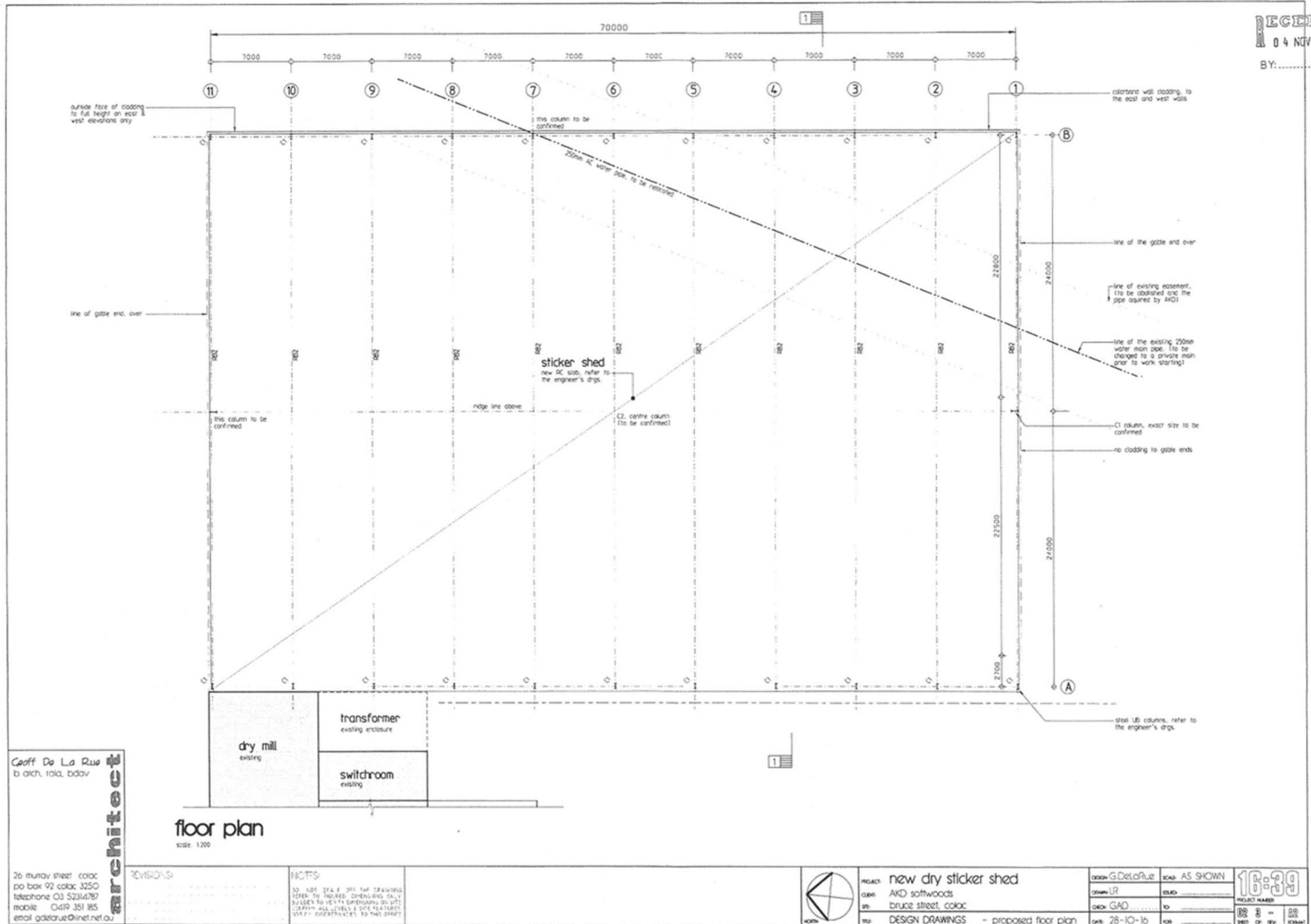




COLAC OTWAY SHIRE  
 16 SEP 2016  
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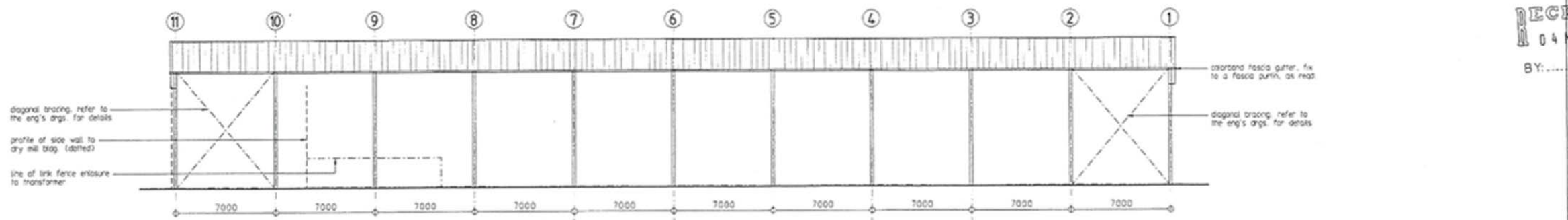
Cooff De La Rue  
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**architect**  
26 murray street colac  
po box 92 colac 3250  
telephone 03 52314787  
mobile 0419 351 885  
email gdelarue@inet.net.au

floor plan  
scale: 1:200

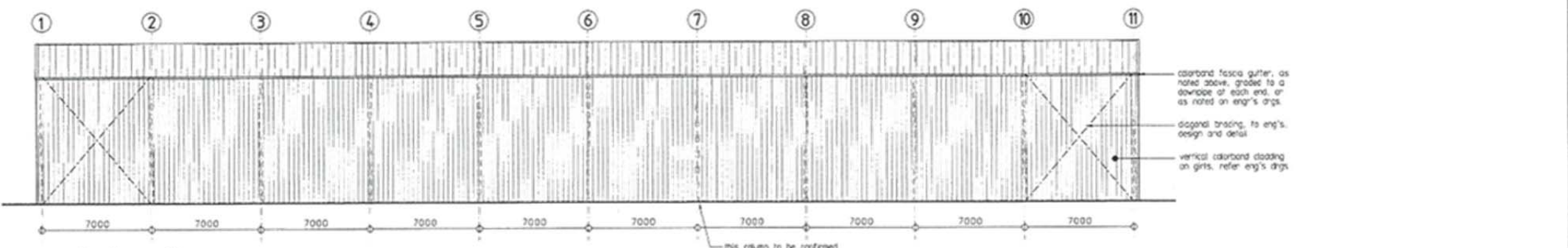
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	PROJECT: new dry sticker shed	DESIGN: G.DeLaRue	SCALE: AS SHOWN	
	CLIENT: AKD softwoods	DRAWN: LR	FIELD: .....	
	SITE: BRUCE STREET, COLAC	CHECK: GAD	NO: .....	
	TITLE: DESIGN DRAWINGS - proposed floor plan	DATE: 28-10-16	FOR: .....	

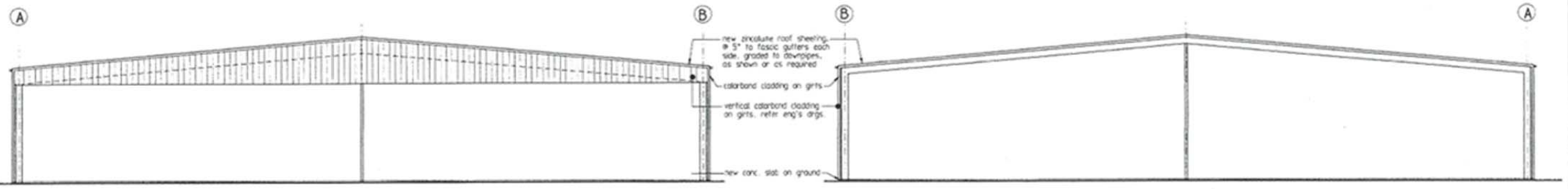
10  
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**west elevation**  
 scale: 1:200

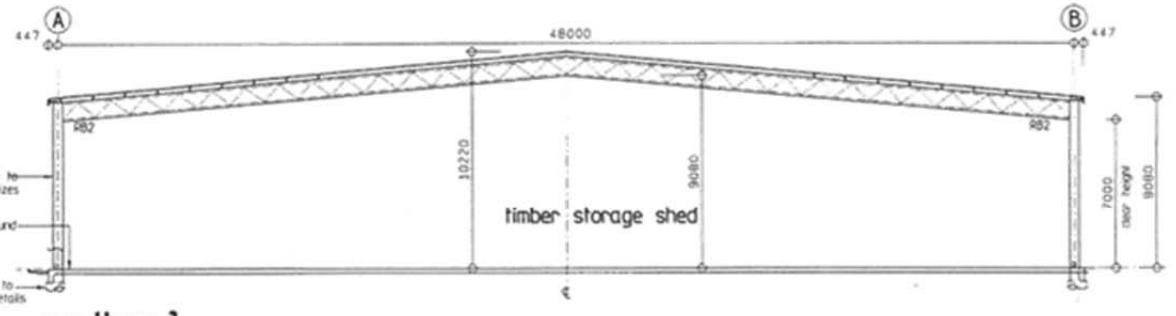


**east elevation**  
 scale: 1:200



**south elevation**  
 scale: 1:200

**north elevation**  
 scale: 1:200

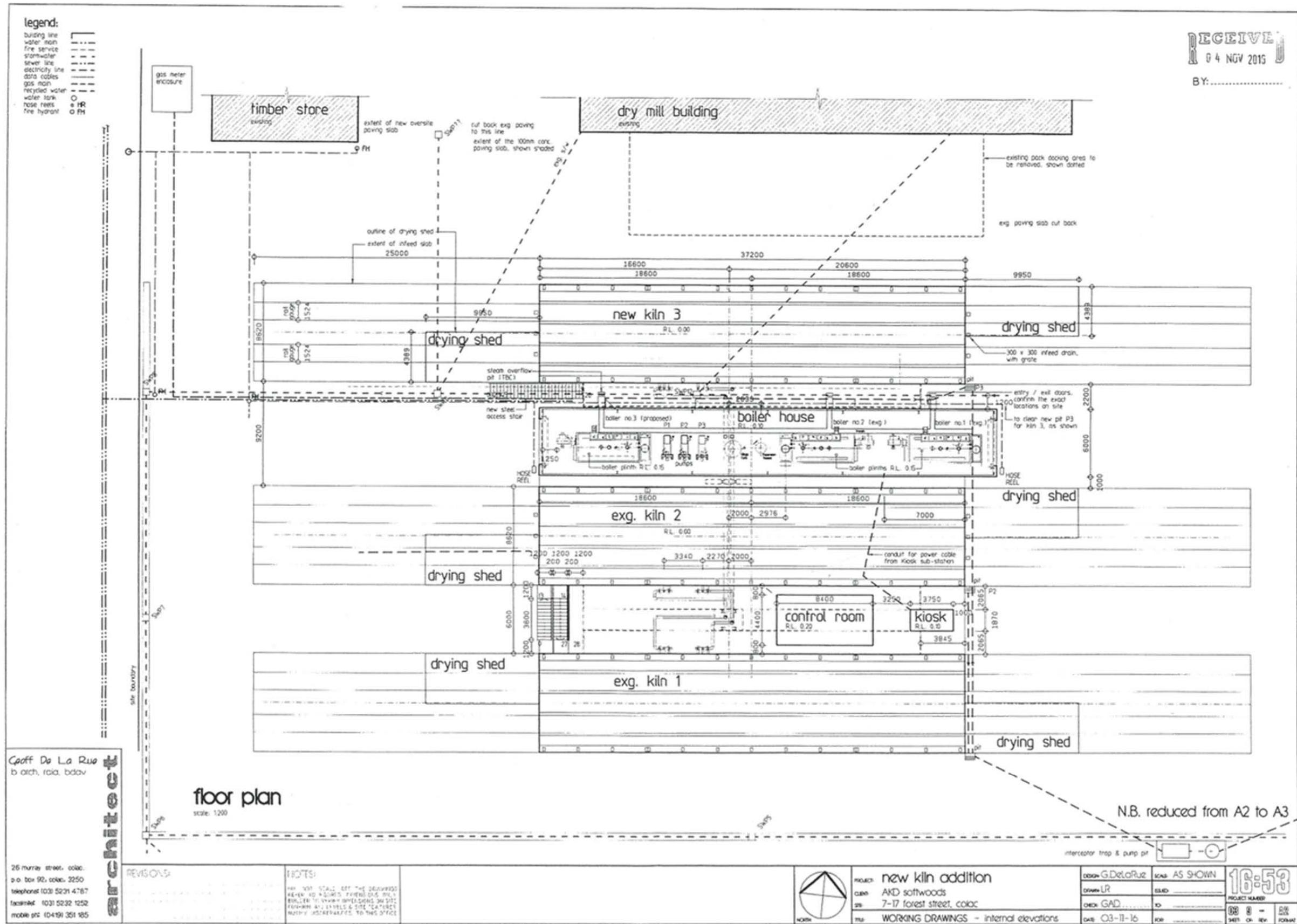


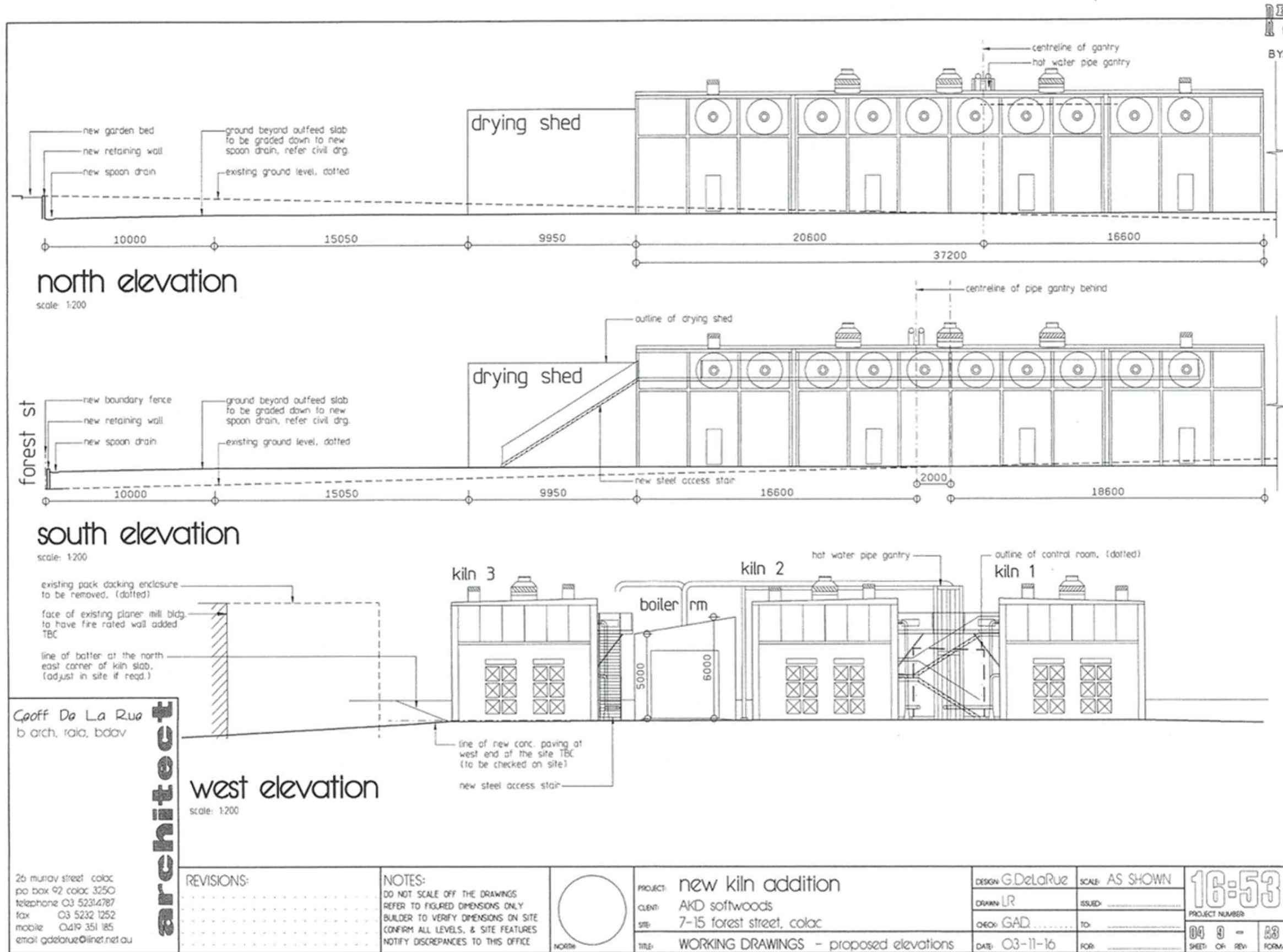
**section 1**  
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 email cdearue@inet.net.au

REVISIONS:	NOTES:
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 NORTH	PROJECT: <b>new dry sticker shed</b>	DESIGN: G DeLaRue	SCALE: AS SHOWN	<b>10-30</b> PROJECT MARKED SHEET OF REV. FORMAT
	CLIENT: AKD softwoods	OWNER: LR	ISSUED: .....	
	BY: bruce street, colac	CHECK: GAD	DATE: 03-11-16	
	TYPE: DESIGN DRAWINGS - proposed elevations	DATE: 03-11-16	FOR: .....	

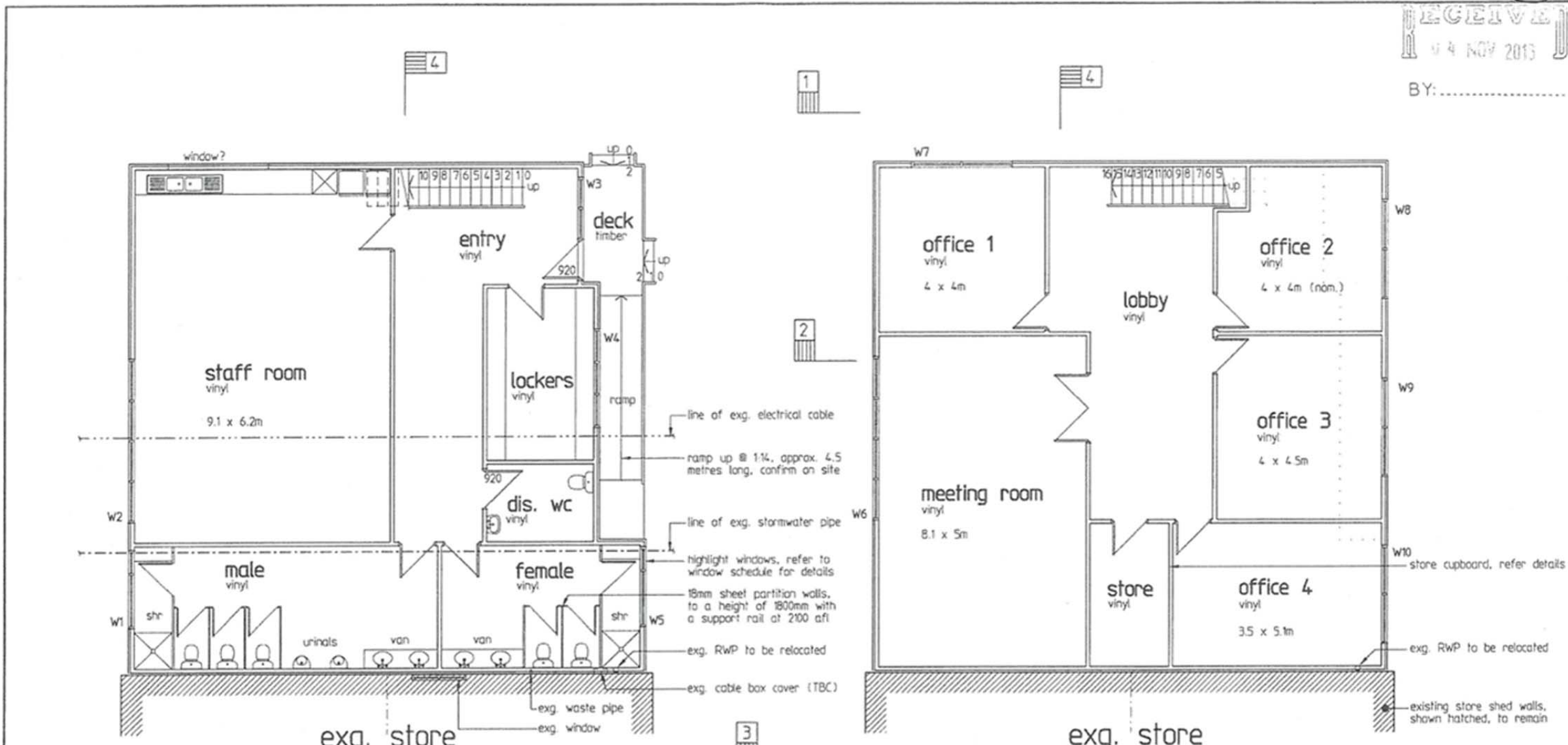




13

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BY: .....



lower floor plan

scale: 1:100

upper floor plan

scale: 1:100

window schedule:

W #:	size:	type:	lintel:
W1	900x5000	awning	
W2	600x2865	awning	240x45 f17
W3	600x1955	awning	140x45 f17
W4	600x2400	awning	190x45 f17
W5	2100x3000	dr. & sl	240x45 f17
W6	600x2400	awning	190x45 f17
W7	1200x5000	awning	
W8	900x1800	awning	140x45 f17
W9	900x1800	fixed	140x45 f17
W10	900x1800	fixed	140x45 f17
W11	900x3600	fixed	
W12	900x1800	fixed	140x45 f17

NB: all windows to be double glazed, low E glass, UNO

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REVISIONS:  
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NOTES:  
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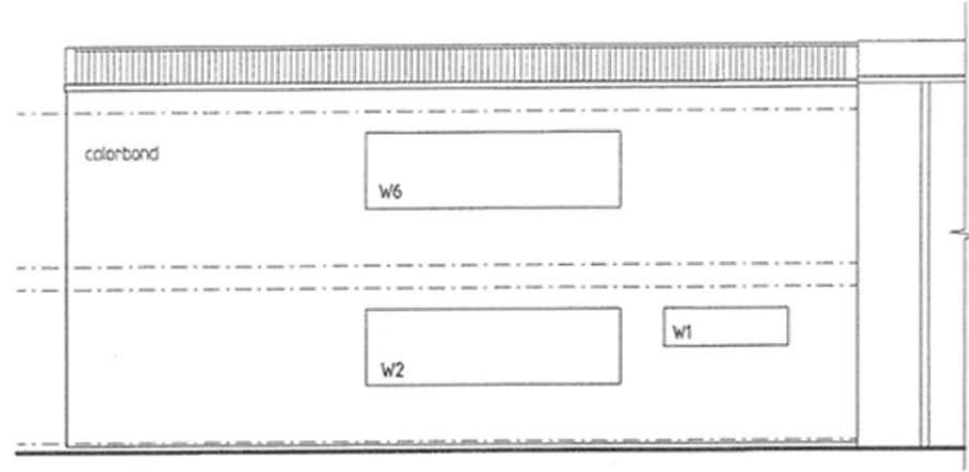


PROJECT: new offices & amenities  
CLIENT: AKD softwoods  
SITE: 7 forest street, colac  
TITLE: DESIGN DRAWINGS - proposed floor plan

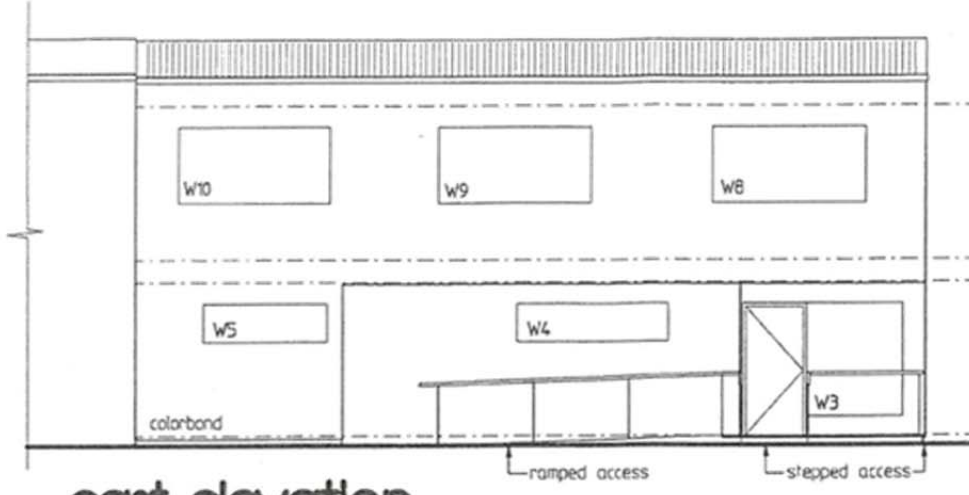
DESIGN: G.DeLaRue  
DRAWN: LR  
CHECK: GAD.....  
DATE: 01-11-16  
SCALE: AS SHOWN  
ISSUED: .....

**16-32**  
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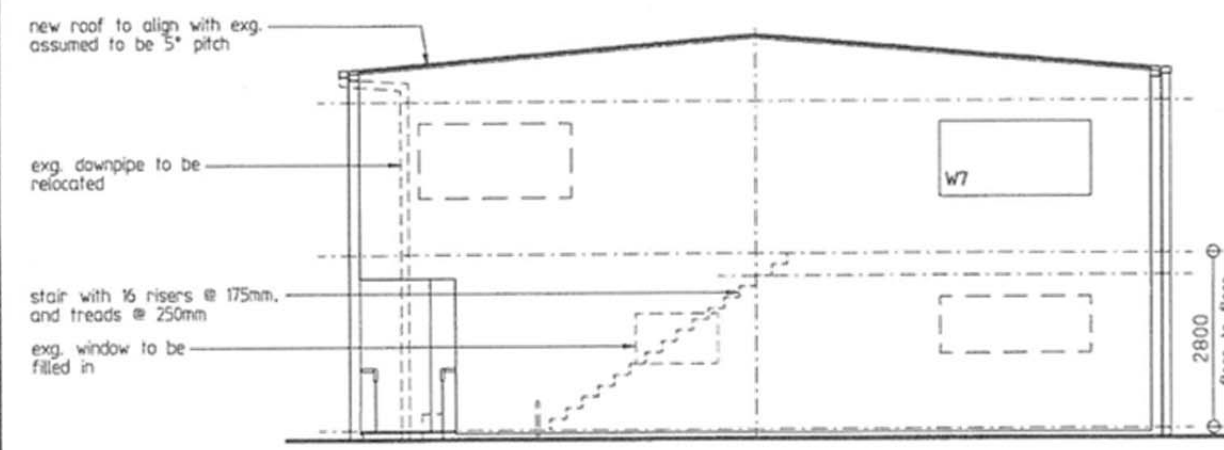
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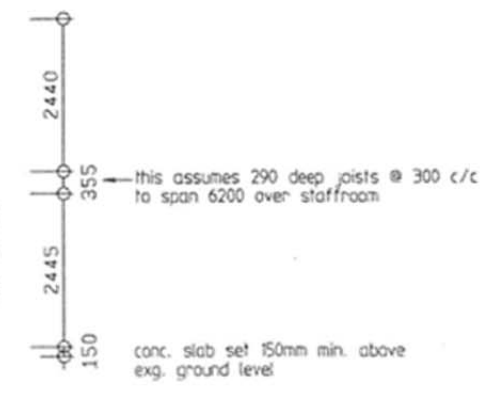
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scale: 1:100



east elevation  
scale: 1:100



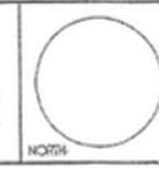
north elevation  
scale: 1:100



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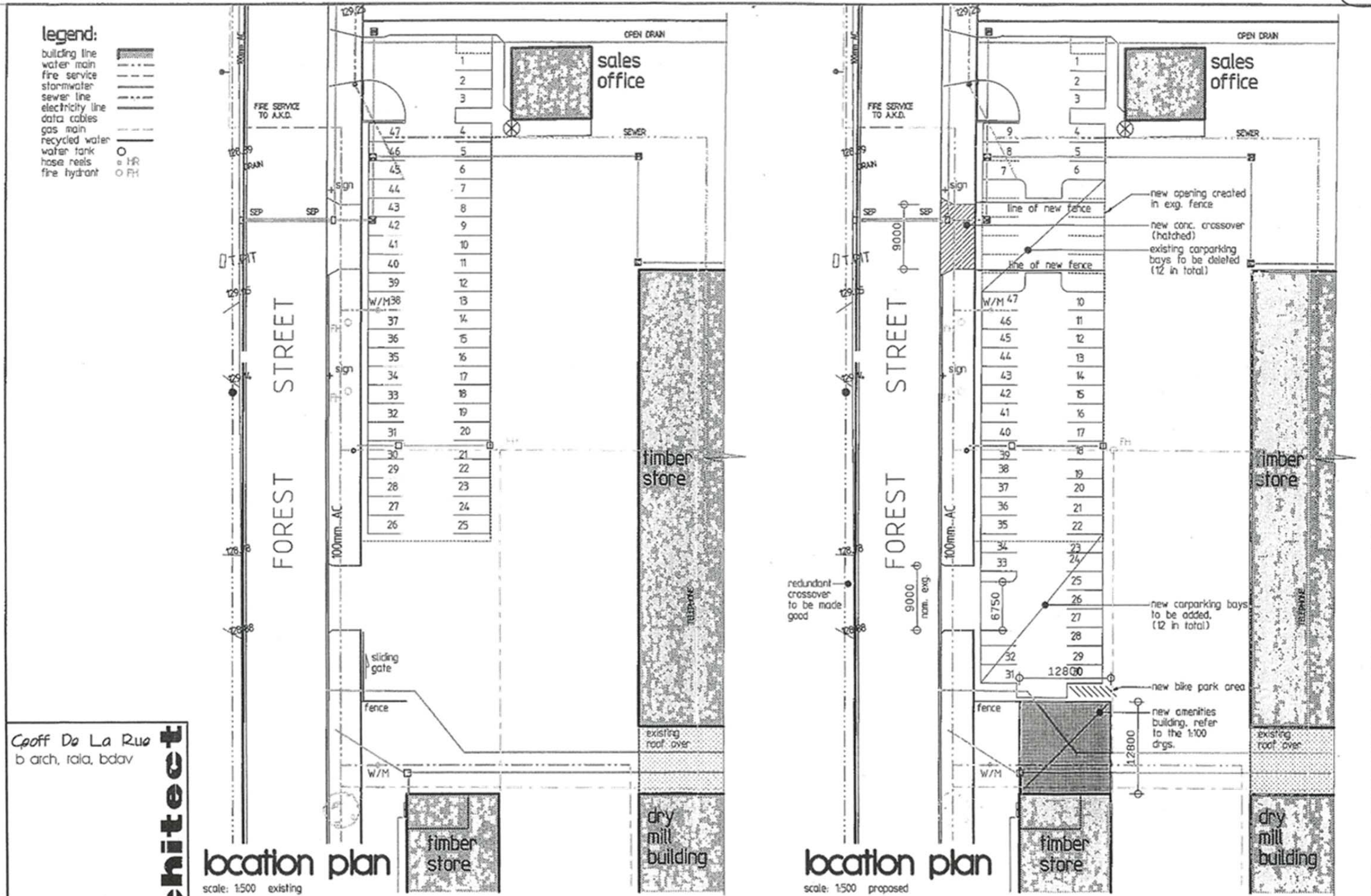


PROJECT: new offices & amenities  
CLIENT: AKD softwoods  
SITE: 7 forest street, colac  
TITLE: DESIGN DRAWINGS - proposed elevations

DESIGN: G.DeLaRue  
DRAWN: LR  
CHECKED: GAD  
DATE: 01-11-16  
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REVISIONS:


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PROJECT: new offices & amenities  
 CLIENT: AKD softwoods  
 SITE: forest street, colac  
 TITLE: DESIGN DRAWINGS - location plans

DESIGN: G.DeLaRue  
 DRAWN: LR  
 CHECK: GAD  
 DATE: 01-12-16

SCALE: AS SHOWN  
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## PLANNING COMMITTEE MEETING

### SECTION 96A COMBINED PLANNING SCHEME AMENDMENT C92 AND PLANNING PERMIT APPLICATION NO. PP82/2016-1 - REZONING AND SUBDIVISION OF LAND AT 120 POUND ROAD, ELLIMINYT PC161412-4

<b>LOCATION / ADDRESS</b>	120 Pound Road Elliminyt	<b>GENERAL MANAGER</b>	Gareth Smith
<b>OFFICER</b>	Francis Wong	<b>DEPARTMENT</b>	Development & Community Services
<b>TRIM FILE</b>	F16/3154	<b>CONFIDENTIAL</b>	No
<b>ATTACHMENTS</b>	<ol style="list-style-type: none"><li>1. Amendment C92 – 120 Pound Road ELLIMINYT - Figure 1 - Rezoning</li><li>2. Amendment C92 – 120 Pound Road ELLIMINYT - Figure 2 - Amended Colac Framework Plan</li><li>3. Amendment C92 – 120 Pound Road ELLIMINYT - Clause 21.03 tracked changes</li><li>4. Amendment C92 – 120 Pound Road ELLIMINYT - Explanatory Report</li><li>5. Amendment C92 – 120 Pound Road ELLIMINYT - Draft Planning Permit PP82/2016-1</li></ol>		
<b>PURPOSE</b>	To recommend that Council adopts the Planning Scheme Amendment C92, and authorises officers to submit the amendment and the planning permit for the subdivision of the land to the Minister for Planning (Minister) for approval.		

## 1. DECLARATION OF INTERESTS

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

## 2. BACKGROUND

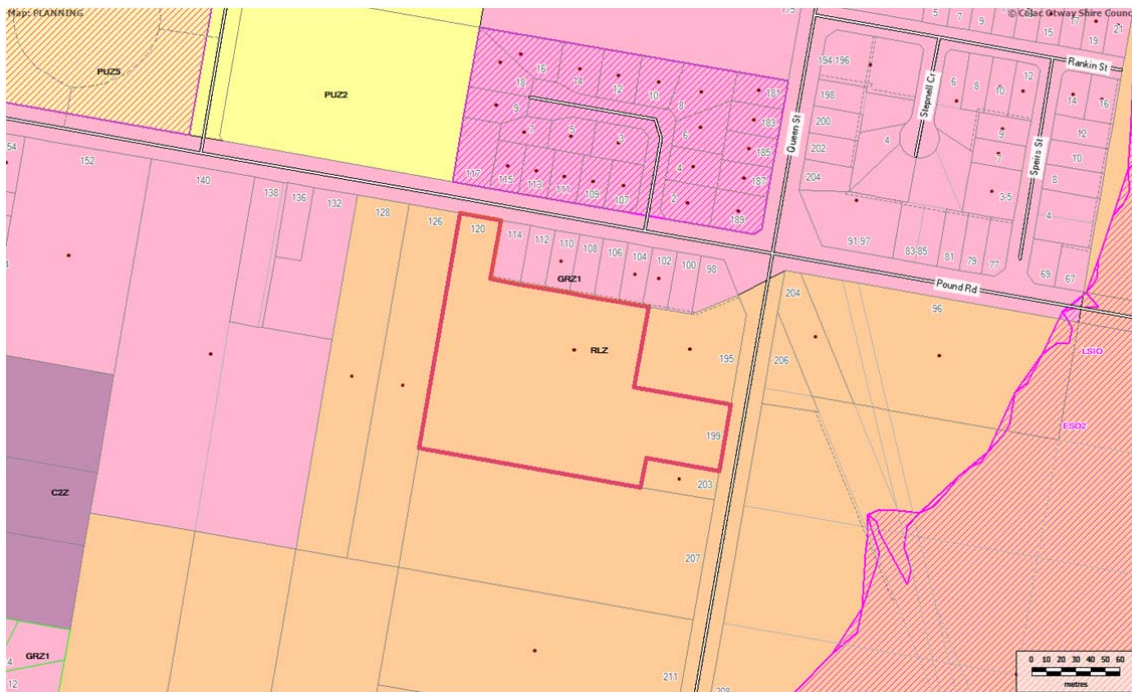
A combined rezoning (C92) and subdivision (PP82/2016-1) application has been submitted to Council under Section 96A of the *Planning and Environment Act 1987* (the Act). Planning Scheme Amendment C92 proposes to rezone part of the land at 120 Pound Road/199 Queen Street, Elliminyt from Rural Living Zone (RLZ) to General Residential Zone (GRZ) and to amend the settlement boundary within the Colac Framework Plan (Clause 21.03-2 - Colac) to reflect this change. The combined application also seeks to subdivide the land at 120 Pound Road/199 Queen Street along the proposed zone boundary.

This application was previously considered at the Ordinary Council meeting held on 24 August 2016, when it was resolved to put the proposal on public exhibition for a period of six (6) weeks. No submissions were received during the public exhibition period, which ran until 2 November 2016.





Above: Aerial image taken in December 2014 showing two dwellings on the subject land.



Above: Current lot layout, zones and overlays in the surrounding area

The proposed re-zoning and subdivision concerns the land known and described as Lot 2 PS537971, commonly known as 120 Pound Road/199 Queen Street, Elliminyt (see aerial image and zoning map above). The whole of the land is currently zoned as Rural Living Zone (RLZ), with no overlays affecting the land. The land contains two dwellings, with one dwelling fronting Pound Road to the north and the other dwelling fronting Queen Street to the east. The dwelling which fronts Pound Road sits within an existing residential streetscape. Adjoining and nearby parcels of land fronting Pound Road are located within the General Residential Zone (GRZ) and used for residential purposes, whilst land to the east, south and west is within the RLZ. Land to the northwest is within the Public Use Zone Schedule 2 (PUZ2), which is designated for education purposes and is currently vacant.

The land is close to existing services: the Colac Community Library and Learning Centre, and Colac Secondary College are located approximately 150 metres to the north. A childcare centre is located approximately 130 metres to the northeast. The Colac Cemetery is located approximately 190 metres to the northwest, and the Colac CBD is located approximately 1.4 kilometres to the north.

The proposal also seeks to subdivide the land into two lots so that each of the existing dwellings on the land would occupy one lot, with independent access to their respective road frontages being retained. This would be achieved by subdividing off the northwest rectangular part of the land, which would generally reflect the adjoining residential lot layout fronting Pound Road to the immediate east. The two lot subdivision would result in proposed Lot 1 (in the GRZ) having a lot size of 1068 square metres and proposed Lot 2 (remain in the RLZ) having a lot size of 1.963 hectares.

This subdivision is not possible under the current zone, as the Rural Living Zone has a minimum subdivision area in Elliminyt of 1.2 hectares. The only option to achieve the subdivision is through a planning scheme amendment to rezone the proposed Lot 1 to GRZ, with the balance lot remaining in the RLZ consistent with the existing land use.

If the rezoning is supported, the Colac Framework Plan at Clause 21.03-2 of the Colac Otway Planning Scheme would need to be amended to reflect the proposed rezoning, and to also fix a minor anomaly on the Plan to include the adjoining GRZ lots to the east fronting Pound Road within the long term settlement boundary.

### **3. COUNCIL PLAN / OTHER STRATEGIES / POLICY**

A Planned Future

*Creates an attractive shire with quality buildings and spaces, accessible travel and transport, and a community that has the services and facilities it needs now and in the future; supports a prosperous economy where trade, manufacturing and business activity flourishes.*

*Our Goal:*

*Facilitate the growth, liveability and development of the shire and encourage innovation and efficiency in the local economy.*

A Place to Live and Grow

*Is a community where people feel cared for and supported; where buildings and spaces facilitate creativity, social activity and enrichment of life, and people have access to gain the skills and education needed to reach their potential.*

*Our Goal:*

*Improve access to buildings, spaces, services and education to support and enable quality of life.*

The Planning Scheme Amendment would apply the most appropriate zone (GRZ) to proposed Lot 1, which would be consistent with the current use and development of that land, and also of neighbouring lots fronting Pound Road. It would also address a minor anomaly in the Colac Framework Plan, to include Nos. 98-114 Pound Road (even numbers), which are already zoned GRZ, within the long term settlement boundary.

### **4. ISSUES / OPTIONS**

Strategic justification for rezoning

It is considered that the proposed rezoning is strategically justified and would appropriately reflect the current use and development already established on the land. The rezoning, and associated subdivision, would formalise the existing use and development of proposed Lot 1, reflecting the use and development of adjoining land to the east fronting Pound Road.

The rezoning would not alter the planning controls, or the existing use and development of proposed Lot 2, which will remain RLZ. Proposed Lot 1 would utilise the existing access onto Pound Road, whilst the proposed Lot 2 would continue to utilise the access onto Queen Street. The proposal would not change the neighbourhood character, as it is not proposed to modify the existing dwellings and no additional buildings are proposed. It is considered that the proposal essentially would constitute a mapping change which would reflect existing conditions. The subdivision also proposed as part of the combined application would be in keeping with the character of the area and would align with the new zone boundaries. Proposed Lot 1, with an area of 1068 square metres, would have an area comparable to properties to the east (which range in lot size between 674 and 823 square metres).

The proposed rezoning, and associated subdivision, is considered acceptable as it would reflect the current use of the land, and would ensure that the existing dwellings and their ancillary buildings and works are on the same title.

**Amendment to the long term settlement boundary**

The Colac Framework Plan at Clause 21.03-2 indicates the future strategic direction for Colac and includes a long term settlement boundary which designates where existing or future residential development should occur. To appropriately reflect the strategic intent for the area, the Colac Framework Plan would need to be amended as part of this process to include the proposed GRZ lot within the long term settlement boundary. Moreover, the adjoining lots to the east fronting Pound Road and within the GRZ, which currently contain a row of dwellings, located outside the long term settlement boundary. This is anomalous with the existing zoning and should be corrected.

Public Exhibition

After receiving authorisation from the Minister on 9 September 2016, Planning Scheme Amendment C92 was publicly exhibited between 21 September and 2 November 2016 (six weeks).

The notification was undertaken through the following methods: A notice of Amendment was published in the Colac Herald newspaper and in the Government Gazette. A notice of Amendment was also sent to the Prescribed Ministers, and owners and occupiers of adjoining and properties opposite to the subject land. The exhibition documents were made available for public viewing at the Council office in Colac and on Council’s website.

No submissions were received.

**Options**

Council may adopt or abandon Amendment C92. If adopted, Council must submit the amendment to the Minister for approval, together with a copy of the recommendation on the proposed subdivision and the draft permit. If Council resolves to abandon the amendment, it must notify the proponent of its decision.

**5. PROPOSAL**

As noted earlier in this report, the combined application proposes to rezone 1068 square metres of the subject land to GRZ and subdivide the rezoned parcel of land from the balance of the existing lot which would remain in RLZ. It also proposes the correction of an existing anomaly in the Planning Scheme relating to the long term settlement boundary.

**6. FINANCIAL AND OTHER RESOURCE IMPLICATIONS**

The financial cost of the amendment is being borne by the proponent.

## **7. RISK MANAGEMENT AND COMPLIANCE ISSUES**

There are no risk management or compliance issues associated with the proposed combined amendment.

## **8. ENVIRONMENTAL AND CLIMATE CHANGE CONSIDERATIONS**

There are no environmental or climate change considerations associated with the proposed combined amendment.

## **9. COMMUNITY ENGAGEMENT**

The community engagement strategy follows the recommendations of the Colac Otway Shire Council Community Engagement Policy of July 2013, which details five levels of engagement – inform, consult, involve, collaborate and empower.

The method selected for this amendment was to inform and consult. Public exhibition of the amendment and associated subdivision proposal was undertaken for a period of six weeks between 21 September and 2 November 2016. No submissions were received.

## **10. IMPLEMENTATION**

The rezoning and subdivision would be implemented via a combined subdivision permit application and Planning Scheme Amendment C92. In order to proceed with the amendment, it must be adopted by Council and submitted to the Minister for approval.

## **11. CONCLUSION**

Amendment C92 seeks to rezone land at 120 Pound Road/199 Queen Street, Elliminyt and to make a minor correction to part of the Colac Framework Plan to reflect the current use and development of the subject land and adjoining lots. The Planning Scheme Amendment was part of a combined application under Section 96A of the Act, with the subdivision of the land into two lots aligned with the new zone boundary also proposed.

It is recommended that the Planning Committee adopts the amendment, recommends that a permit is granted for the proposed subdivision, and submits the amendment and a copy of the proposed permit to the Minister for approval.

**Recommendation**

**That Council:**

- 1. Pursuant to section 29 of the Planning and Environment Act 1987, adopt Amendment C92 as exhibited without changes.**
- 2. Pursuant to section 31 of the Planning and Environment Act 1987, submit the adopted Amendment C92 to the Minister for Planning together with the prescribed information.**
- 3. Pursuant to section 96G of the Planning and Environment Act 1987, recommend to the Minister that proposed planning permit PP82/2016-1 be granted as exhibited without changes.**
- 4. Pursuant to section 96H of the Planning and Environment Act 1987, submit proposed planning permit PP82/2016-1 to the Minister, together with adopted Amendment C92.**

~~~~~

COLAC OTWAY PLANNING SCHEME



LEGEND

GRZ1 GENERAL RESIDENTIAL ZONE - SCHEDULE 1

Part of Planning Scheme Map 11

AMENDMENT C92

Figure 1: Proposed rezoning from Rural Living Zone (RLZ) to General Residential Zone (GRZ).

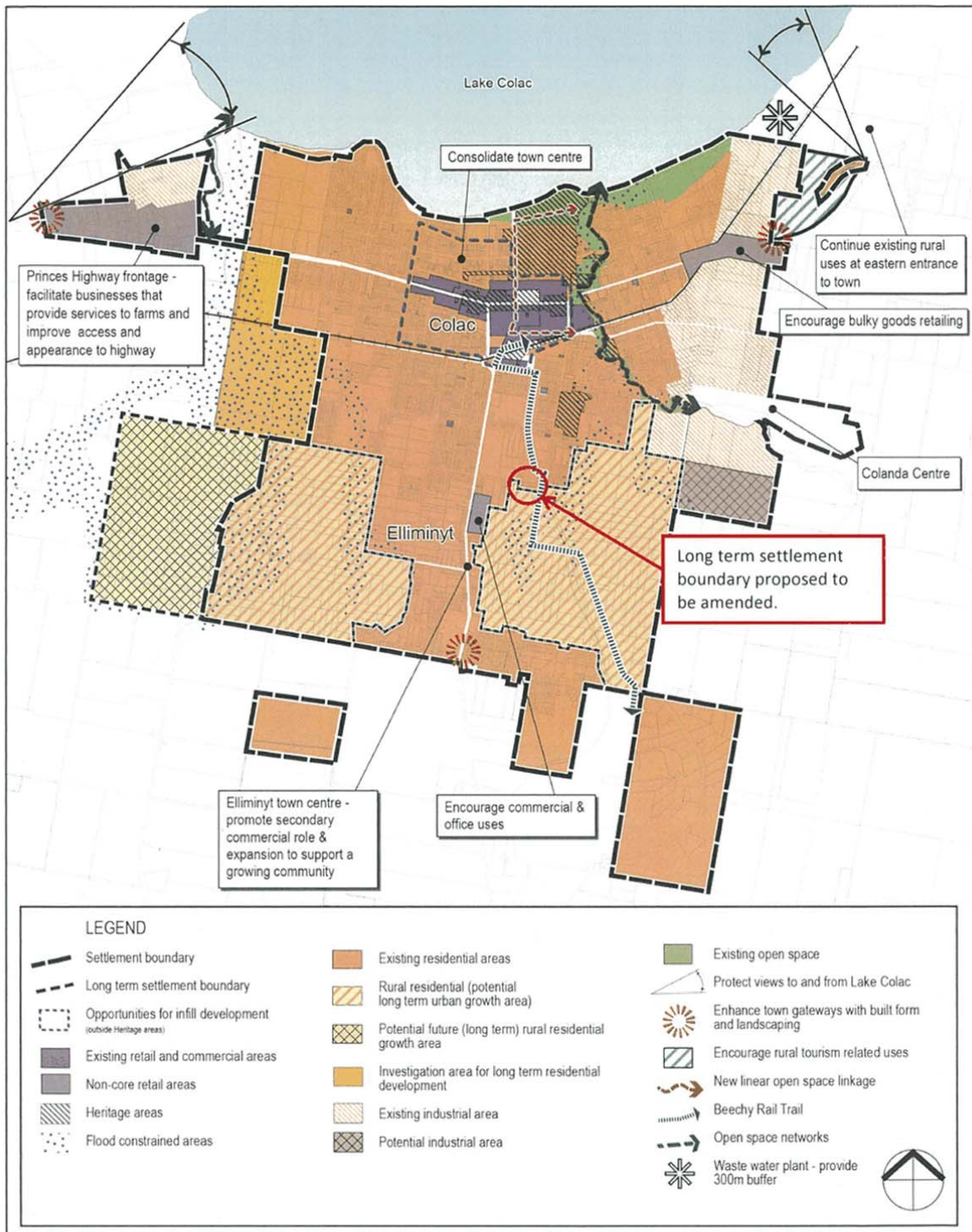


Figure 2: Amended Colac Framework Plan

COLAC OTWAY PLANNING SCHEME

21.03 SETTLEMENT19/02/2015
C74**21.03-1 General**11/09/2014
C75**Overview**

- Colac is the major regional centre in the Shire for residential, service and manufacturing industry, retail, office services, recreation and education facilities.
- Apollo Bay is the major coastal urban centre in the Shire. It is experiencing high rates of development for both permanent and short-term (tourist) accommodation. It also provides a range of entertainment and recreational related facilities, including swimming, fishing, golf, cafes and restaurants.
- Colac and the coastal townships are experiencing increased rates of development.
- The management of residential, tourism and infrastructure development pressures is required, particularly in coastal areas.
- The development of the major towns in the Shire should take place in accordance with the recently completed Structure Plans for Colac and Apollo Bay.
- Smaller coastal settlements occur at Kennett River, Marengo, Separation Creek, Skenes Creek and Wye River, where development is expected to occur within current settlement boundaries due to various environmental constraints to growth.
- Other townships are located at Alvie, Barwon Downs, Beeac, Beech Forest, Birregurra, Carlisle River, Coragulac, Cororooke, Cressy, Forrest, Gellibrand, Lavers Hill, Pirron Yallock, Swan Marsh and Warrion.
- The future development of other townships in the Shire should proceed in a manner that contributes to the economic development of these townships, acknowledges and responds to environmental constraints and protects the broader landscapes within which these townships are located.
- Effluent disposal is a major problem in the smaller settlements, particularly in the peak periods with high tourist numbers.
- Rural residential living provides a desirable lifestyle for a number of residents and if appropriately located can reduce land use conflict in farming areas and contribute toward the economic development of small townships.
- The Rural Living Strategy 2011 has identified and designated suitable locations for rural living areas which do not take up high quality agricultural land and where an adequate level of services can be provided.
- The Rural Living Strategy highlights the role of small townships in accessing rural living land.
- A number of settlements have been identified with potentially suitable locations for additional rural living and township development subject to further investigation including Beech Forest, Gellibrand, Forrest, Alvie, Cororooke and Beeac.
- A number of de facto rural living areas have developed over a number of years on old subdivisions within the localities of Barongarook – Bushby’s Road, Barongarook – Robinson Road, Barongarook – Everett Crescent, Barramunga, Bungador, Cororooke – Langdons Lane, Grey River, Irrewarra – Pyles Road, Johanna, Kawarren, Marengo – Alice Court, Petticoat Creek, Warncoort and Wecaprainah.
- A number of largely undeveloped, old and inappropriate subdivisions unsuitable for development are found within the Shire abutting the township boundaries of Cressy and

COLAC OTWAY PLANNING SCHEME

Pirron Yallock and in the localities of Gerangamete and Irrewillipe – Swan Marsh-Irrewillipe Road.

- There is a need to encourage excellence in the design of new development, including the layout of subdivisions and the recognition of cultural heritage.
- New urban development should be supported by the provision of or upgrade of public open space to meet the needs of the community it is to serve.

Objectives

- To facilitate the development of the various settlements in the Shire in accordance with the needs of each local community.
- To facilitate a range of developments in an environmentally sensitive way to provide greater residential choice.
- To direct rural residential and small town development to preferred locations.
- To provide limited opportunities for rural living development where these do not detract from the key environmental qualities of the region and do not cause land use conflict in farming areas.
- To minimise ad hoc development of unserviced old and inappropriate subdivision in the Farming Zone.
- To provide for and improve public open space to meet the needs of the community.

Strategies

- Ensure that there is sufficient fully serviced residential land to meet the needs of the existing and future population.
- Encourage future residential development into existing zoned and serviced areas to avoid an oversupply of residential zoned land and to make the most effective use of infrastructure services.
- Provide opportunities for the provision of a wide range of housing choices for residents, short-term holiday residents and tourists.
- Development within rural living areas should be contained within the existing Rural Living Zone land and further subdivision, other than in Elliminyt, should be discouraged.
- Restructure existing lots in old and inappropriate subdivisions in Cressy, Gerangamete, Pirron Yallock and Irrewillipe in order to minimise development, retain the land in agriculture, prevent further servicing problems and avoid ad hoc development outside designated settlement boundaries.
- Ensure that development incorporates Environmentally Sustainable Development (ESD) practises.
- Promote a pattern of settlements in the coastal strip that balances between opportunity for growth and retention of environmental and cultural qualities.
- Restrict the expansion of other coastal settlements in accordance with environmental constraints.
- Ensure that development of the Colac and Apollo Bay airfields is not prejudiced by encroaching urban development.
- Ensure the provision of public open space meets the needs of the communities it is to serve by improving access, facilities and presentation.

COLAC OTWAY PLANNING SCHEME

21.03-2 Colac

11/09/2014

C75

Proposed CBD

Overview

A Structure Plan for Colac was adopted by Council (February 2007) and articulates the preferred development future for this key centre of the municipality and broader region. Key issues to emerge from the Structure Plan include the need for:

- A township boundary to clearly identify the extent of future development and enable the protection of valuable farming land that surrounds the township.
- Consolidation around the town centre and activity nodes taking into account heritage constraints.
- Provision of a secondary commercial node to cater for the growing area of Elliminyt.
- Retention and enhancement of Colac's heritage assets.
- Protection of Lake Colac from inappropriate industrial development.
- Provision of an adequate supply of industrial land consolidated in east Colac.
- An increase in the amount of public open space (both linear and non-linear) and development of policy direction supporting future open space provision for residential development.
- Better integration between Colac and Lake Colac through design features and foreshore development.
- Increased opportunity for recreational linkages between key activity areas including Lake Colac.
- Urban design improvements for the enhancement of the Colac Town Centre and main street.
- Improved traffic management in Colac.
- Strategies to create a precinct to focus community learning through a multi-purpose education, recreation and community precinct.
- There is a need to identify a heavy vehicle by-pass of the Murray Street retail centre.

The *Colac CBD and Entrances Project (2012)* outlines proposals for the enhancement of Colac's CBD and its eastern and western entrances which focus on the design of buildings and spaces.

The Plan's key recommendations are to:

- Develop Colac as a 'Botanic Garden City' with thematic tree planting throughout the CBD, linking the Botanic Gardens, Beechy Precinct and Barongarook Creek corridor.
- Improve the eastern entrance to the CBD with enhanced landscaping and views to heritage buildings, widened pedestrian pathways over the Barongarook Creek bridge and improved visibility to the Visitor Information Centre.
- Enhance priority streetscapes: Improve Murray Street West's streetscape with tree planting and other works, continuing the design theme of the central part of Murray Street. Improve Bromfield Street's streetscape with new tree planting, improved pedestrian access, bicycle lanes and the redevelopment of underused land at the rear of Murray Street shops with improved pedestrian links through to Murray Street. Upgrade Memorial Square's western edge with refurbished amenities and a shared space where pedestrians have priority which could ultimately be extended around the park and south along Gellibrand Street to the Station. Improve Murray Street East's streetscape with road side tree planting, upgraded footpath pavement, pedestrian crossings and street furniture, and infill planting where gaps exist.

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COLAC OTWAY PLANNING SCHEME

- Improve the outer approaches to Colac with new landscaping, framing views to the Lake and emphasis on reducing the visual clutter of advertising signage.
- Improve the laneway network.
- Provide new and improved bicycle lanes.
- Apply built form guidelines to the CBD with emphasis on the inner retail areas to maintain the 'fine grain' character of these areas and to ensure a high quality of new architecture and the protection of heritage buildings.

Objectives

- To manage the growth of Colac consistent with its role as the major urban centre of the Shire.
- To enhance the built and natural environment of Colac.
- To develop a unifying design theme for Colac – 'Colac Botanic Garden City' – as a memorable and identifying feature of the town.
- To create landscape links between the main activity areas of the CBD and its principal open spaces.
- To improve the amenity and appearance of Colac's main pedestrian streets and town entrances.
- To create a pedestrian-focussed, accessible and well-connected public realm, particularly for those with limited mobility.
- To promote sustainable methods of transport, supporting walking and cycling as viable alternatives to car travel.
- To manage the road network to optimise its safety, efficiency and amenity for all road users.

Strategies

- Ensure that the development of Colac occurs generally in accordance with the strategic directions outlined in the Colac Framework Plan and the Colac CBD Framework Plan attached to this Clause.
- Encourage medium density development in the existing Colac town centre and ensure that infill housing proposals demonstrate that they are designed in a manner that is compatible and appropriate for the prevailing character and heritage values of the precinct.
- Create additional residential opportunities close to the Colac town centre.
- Provide adequate car parking to cater for commercial development consistent with the Colac Commercial Centre Parking Precinct Plan 2011, recognising that opportunity exists to take advantage of underutilised street parking and shared off street parking.
- Ensure new development in the hospital precinct of the CBD provides on site parking to meet projected demand and does not contribute further to on street parking pressures.
- Retain heritage places and areas as significant components of Colac's character and attractiveness and encourage their adaptive re-use and restoration including by supporting innovative uses that attract visitors and customers into disused retail areas.
- Designate areas of rural land between Elliminyt and Colac (east and west of Colac - Lavers Hill Road) as rural lifestyle opportunities.
- Support an increase in the amount of usable public open space (both linear and non-linear) to support recreational land uses and linkages between activities.

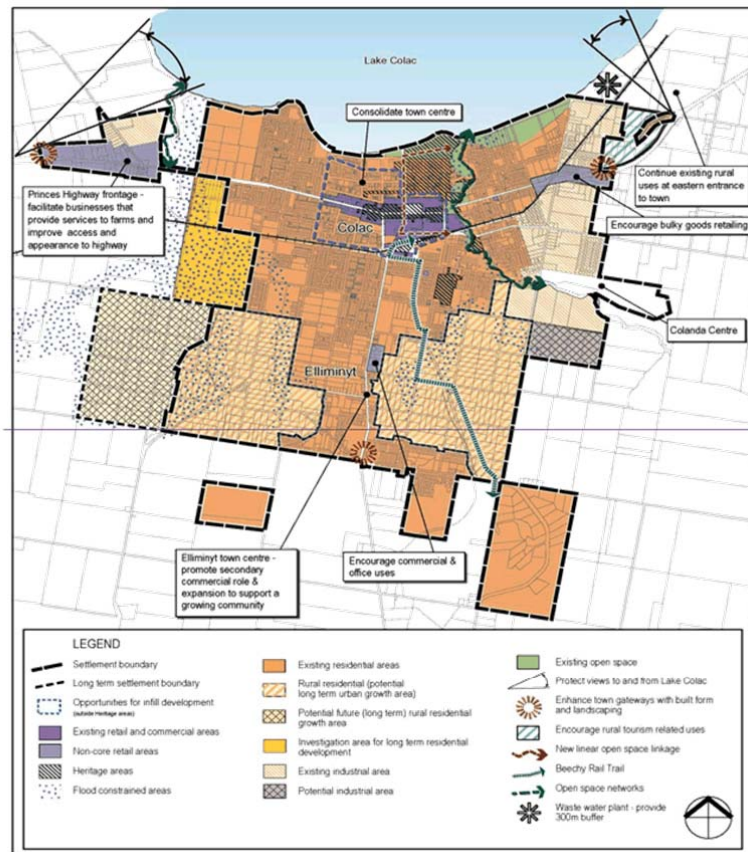
COLAC OTWAY PLANNING SCHEME

- Discourage any additional or new industrial development adjacent to Lake Colac.
- Encourage the relocation of existing 'inappropriate' industrial uses out of the town centre.
- Identify new industrial opportunities in Colac East which provide areas suited to a diverse range of light to general industrial activities.
- Improve the appearance of existing industrial development in Colac to provide more attractive and inviting entrances to the town.
- Designate land in Elliminyt for a community / commercial node.
- Provide for commercial type uses on Colac-Lavers Hill Road.
- Provide opportunities for expansion of the east Colac Highway Commercial area.
- Ensure major retail and commercial developments locate within the Colac CBD (Commercial 1 Zoned land only) rather than outside the town centre
- Minimise the impact of the Colac Water Reclamation Plant on development on nearby land.
- Ensure that future use and development of the Colac Water Reclamation Plant is not detrimentally affected by allowing inconsistent and potentially conflicting development to occur within its buffer area.
- Create a multi-purpose education, recreation and community precinct to focus community learning.
- Investigate options for a heavy vehicle by-pass of the Murray Street retail centre.
- Encourage redevelopment of underused or vacant sites (e.g. surface car parks, vacant land at the rear of buildings, upper levels of single storey buildings) in the CBD.
- Encourage the upgrading of shopfronts and building facades in the CBD, particularly on Murray Street and around Memorial Square.
- Support innovative uses that attract visitors and customers in disused areas in the Colac CBD.
- Encourage the removal of excessive roof top, above verandah and free standing signs, and other visually dominant signs, as sites are redeveloped.
- Develop a permeable network of active laneways and arcades in the CBD, including
 - improved pedestrian thoroughfares between Murray and Bromfield Streets.
- Encourage and facilitate a high quality of architecture within the CBD through the implementation of building design guidelines.
- Encourage new development to provide an active frontage to the streetscapes and car parks, including the provision of active frontages to Bromfield Street for buildings fronting Murray Street.
- Encourage the reinstatement of verandahs on older buildings and encourage verandahs on new buildings for weather protection.
- Encourage planting on properties along the eastern and western entrances to Colac, particularly where it has potential to screen industrial activities.
- Undertake and implement a strategy for the co-ordination and design of all signage along the eastern and western entrance corridors to Colac.
- Encourage new development within the CBD to incorporate Environmentally Sustainable Design (ESD) initiatives.
- Maintain the 'fine grain' character of inner retail areas.

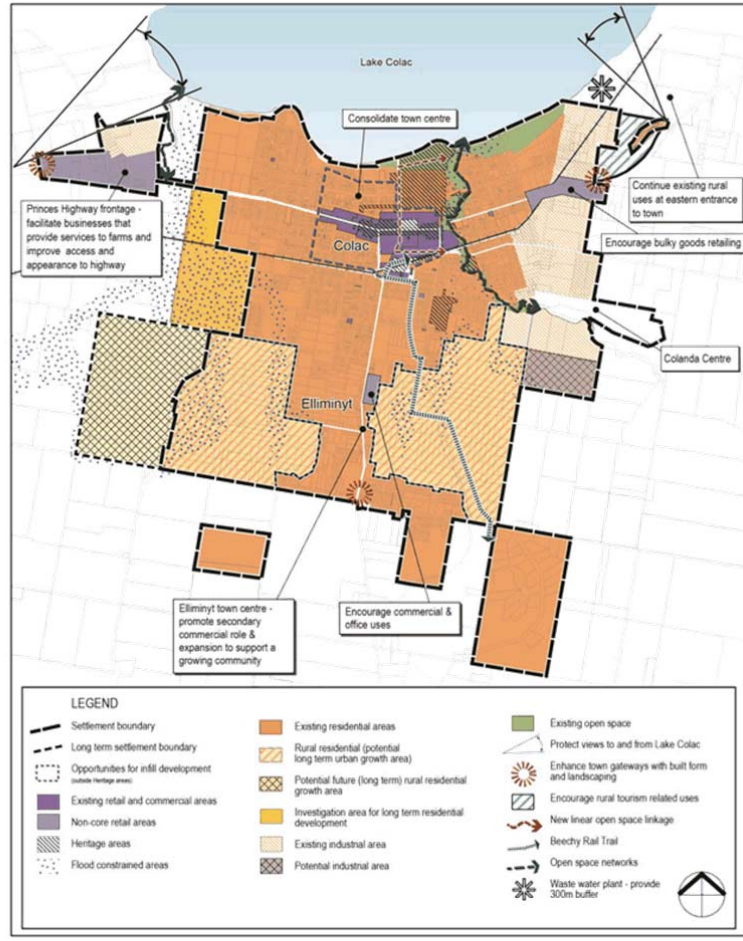
COLAC OTWAY PLANNING SCHEME

- Explore the potential of developing a neighbourhood park on the Irrewillipe Road Basin Reserve.
- Improve and enhance the pathways along Barongarook Creek.
- Improve and expand organised sports facilities at the Golf Club/Turf Club site.
- Investigate opportunities for open space at the former High School site.

Colac Framework Plan

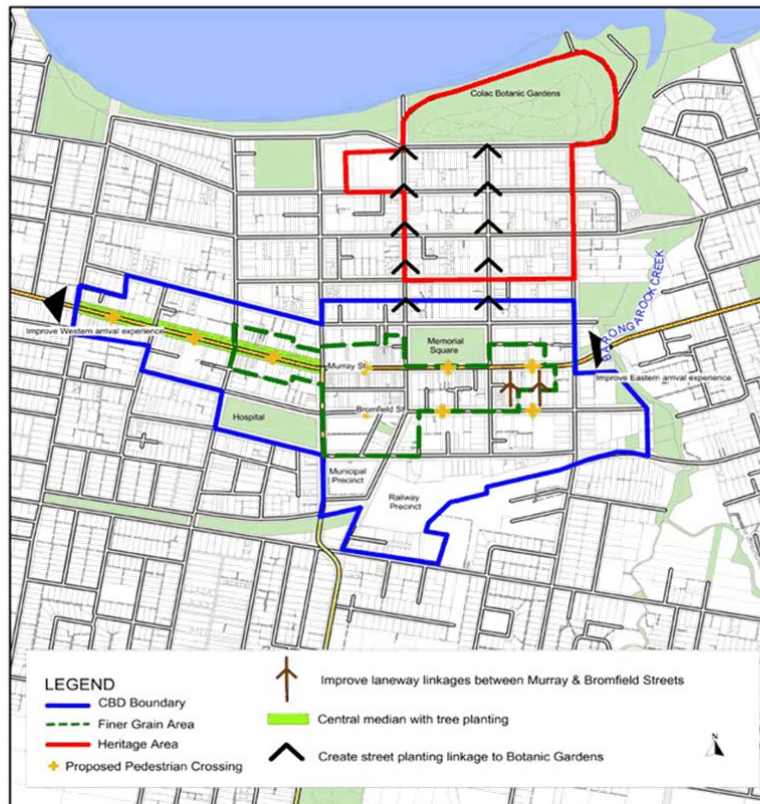


COLAC OTWAY PLANNING SCHEME



COLAC OTWAY PLANNING SCHEME

Colac CBD Framework Plan



COLAC OTWAY PLANNING SCHEME

21.03-3 Apollo Bay and Marengo19/02/2015
C74**Overview**

A Structure Plan for Apollo Bay (including Marengo and Skenes Creek) was adopted by Council (April 2007) and articulates the preferred development future for this key coastal centre. Key issues to emerge from the Structure Plan were that:

- Apollo Bay, Marengo and Skenes Creek are to remain as distinct coastal settlements with development to be contained within coastal settlement boundaries.
- Each settlement has a separate identity and local character;
- A key role of Apollo Bay is to provide a diversity of housing opportunities consistent with its identity and local character;
- The natural beauty of the area, with its unspoilt beaches set against a dramatic backdrop of rolling hills, providing the overarching character which unites the settlements, to be reflected in new development;
- The seaside fishing village character of Apollo Bay, focused around a robust working harbour, is highly valued and this character should be preserved and strengthened by new development;
- Change in Apollo Bay, Marengo and Skenes Creek should take place with a demonstrated commitment to healthy lifestyles and ecological sustainability, and be responsive to the natural environment;
- The settlements should continue to provide for high quality living, offering improved community facilities and services, as well as economic development opportunities, for a self sustaining lifestyle.
- Water supply is a potential constraint to the future growth of Apollo Bay which can only proceed subject to the demonstrated availability of an adequate water supply.
- A settlement boundary and urban design review was completed in 2012. This reviewed a number of urban investigation areas. The settlement boundary now allows for sufficient urban development to cater for growth to 2030.

Objectives

- To develop Apollo Bay as an attractive residential community which provides a high quality environment as a significant tourist centre.
- To retain Apollo Bay, Marengo and Skenes Creek as distinct coastal settlements with their own local character.
- To ensure that the natural beauty of the area is reflected in new development.
- To preserve the seaside village character of Apollo Bay.
- To ensure that change demonstrates a commitment to sustainability and is responsive to the natural environment.

Strategies

- Ensure that the development of Apollo Bay and Marengo occurs generally in accordance with the strategic directions outlined in the Apollo Bay Framework Plan attached to this Clause.

COLAC OTWAY PLANNING SCHEME

Settlement Character and Form

- Consolidate the town centre of Apollo Bay, limit building heights and provide a greater diversity of accommodation at higher densities within and in close proximity to the commercial area.
- Improve pedestrian linkages in the town centre with new mid-block links between the Great Ocean Road and Pascoe Street.
- In the residential areas outside the town centre of Apollo Bay, limit building heights and ensure upper levels are well articulated to respect the character of the area and provide for a more traditional dwelling density to contribute to a diversity of housing choice.
- Require new development and streetscape works in the Apollo Bay town centre to build on and reinforce the fishing village coastal character of the township, and contribute to the creation of a vibrant public realm.
- Reinforce and improve the informal character, accessibility and amenity of streetscapes in the residential areas of Apollo Bay, Marengo and Skenes Creek, reflecting the distinct existing and preferred future character of each settlement in new improvements.
- Achieve excellent architectural quality in new development or improvements to existing buildings in the town centre, drawing on the existing valued qualities of the centre and setting a new direction in the use of innovative, high quality design.
- Promote Apollo Bay and Marengo as leaders in environmental sustainability within the Great Ocean Road Region and improve the ecological integrity of environmental features within and around settlements.
- Conserve and enhance heritage places as a significant factor in developing tourism.
- Upgrade Pascoe Street in the town centre to improve pedestrian and visual amenity and function.

The Size of Settlements

- Utilise natural boundaries, where appropriate, to define settlement edges and set limits to urban expansion.
- Define and maintain a hard edge to the urban area of each of these settlements, particularly when viewed from the Great Ocean Road.
- Ensure that urban development results in the efficient utilisation of existing infrastructure and minimises the requirements for new infrastructure.
- Encourage infill development of medium density housing and accommodation within walking distance of the commercial area of Apollo Bay, to reduce the pressure to expand the urban area, and provide alternative housing choice.

Activities: Business, Tourism, Community and Recreation

- Intensify commercial and business land uses within the commercial area of Apollo Bay and ensure a future supply of Business Zoned land to meet demand.
- Develop the Apollo Bay Harbour Precinct with a tourism, fishing, boating, commercial and recreational focus strengthening links to the town centre of Apollo Bay and providing net community benefits.
- Encourage future recreation facilities to be located together with other community facilities in a central and accessible location.
- Ensure that community, health, education and recreation facilities are provided to meet the needs of current and projected future residents and visitors to the area.

COLAC OTWAY PLANNING SCHEME

- Support the growth of tourism as a major employer for the region.
- Provide for future industrial development while minimising offsite impacts on surrounding residential uses, the environment (particularly local waterways) and views from residential areas and the Great Ocean Road.
- Improve the provision and quality of neighbourhood parks in the urban residential areas.
- Establish a future use for the Heathland Estate Reserve.

Landscape Setting and Environment

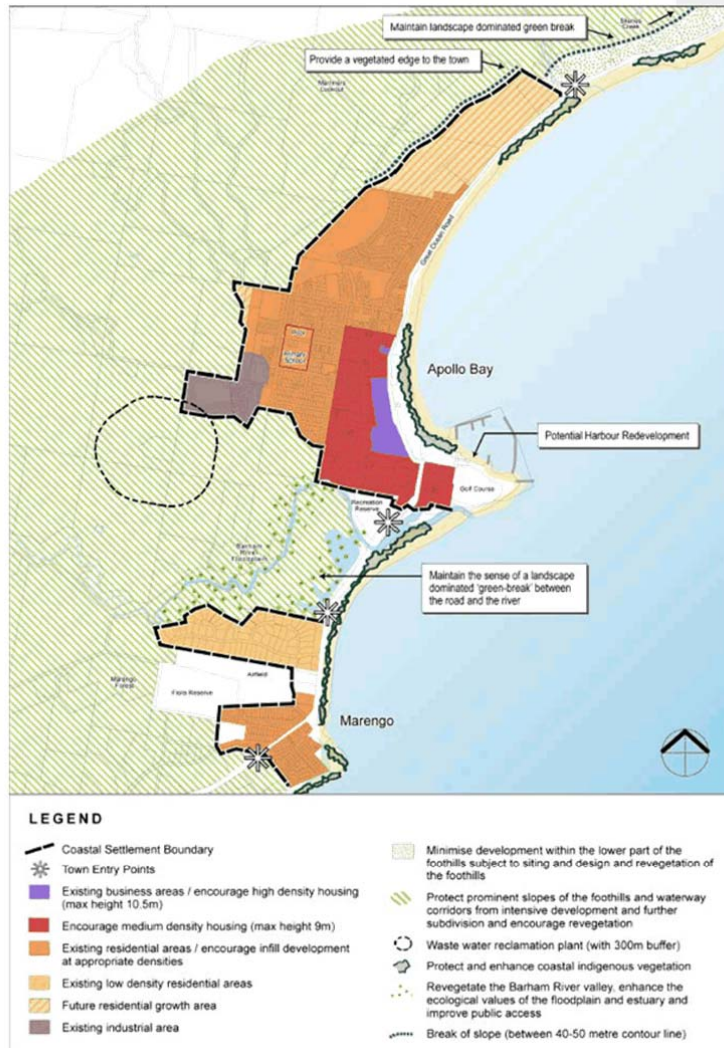
- Maintain the 'green-breaks' and landscape dominance between the settlements to ensure that each settlement remains distinct.
- Protect the Otway foothills as a scenic, undeveloped backdrop to Apollo Bay and Marengo.
- Recognise and protect ecological values and avoid development in areas at risk from the effects of flooding, wildfire, acid sulphate soil disturbance, erosion, landslip and salinity.
- Reinforce and enhance the identity and the sense of arrival and departure at the entrances to Apollo Bay and Marengo.
- Improve the appearance and amenity of the foreshore reserve in Apollo Bay and reduce the impact of the existing and future structures on the naturalness of the setting.
- Achieve improved visual and physical links between the Apollo Bay town centre and the beach.
- Protect and enhance the significant views and vistas available from the settlements, the beach and the harbour, as well as views available from key vantage points in the hills.

Access and Parking

- Strengthen the pedestrian and cyclist connections between Marengo, Apollo Bay and Skenes Creek.
- Create a highly walkable town centre in Apollo Bay with safe and convenient access to shops, community facilities and recreational activities.
- Manage the orderly flow of traffic at all times of the year and enhance pedestrian safety and movement.
- Ensure the future parking needs of Apollo Bay are met and parking congestion in the Great Ocean Road is minimised, with car parking for commercial development in the CBD to comply with the Apollo Bay Parking Precinct Plan (2011).
- Upgrade and provide new mid-block pedestrian linkages in the town centre to improve the utilisation of parking to the rear of shops.
- Consolidate and formalise car parking areas to the rear of the main shops in the town centre.
- Encourage greater use of car parks by improved signage.
- Improve the safety of pedestrian access across the Great Ocean Road to the foreshore reserve at key locations.
- Support, promote and improve public transport.
- Ensure continued and improved air access to the Apollo Bay region.

COLAC OTWAY PLANNING SCHEME

Apollo Bay, Marengo and Skenes Creek Framework Plan



COLAC OTWAY PLANNING SCHEME

21.03-425/09/2014
C76**Birregurra****Overview**

The township of Birregurra is located approximately 20 kilometres east of Colac and approximately 6 kilometres to the south of the Princes Highway. Birregurra is a small town offering a village lifestyle in an attractive rural setting to its diverse and active community. The town has a relatively compact urban form based on an attractive and connected network of grid streets and open space links, and sits discretely within its rural surrounds.

Development pressures, high costs of accommodation for tourists and workers and an increase in tourist numbers in Lorne and other coastal communities has seen more people exploring Birregurra for permanent living, holiday accommodation and recreation.

Birregurra is an attractive town for many reasons including for:

- The built form of the town and the many heritage buildings throughout the town and in particular along the south side of Main Street with attractive shop fronts many with verandahs.
- The consolidated commercial town core and community node that provides retail, community and health services that cater for resident's local needs and provides support for surrounding farming areas. The Church precinct located on the elevated land to the south of the town.
- The extent and variety of exotic and native vegetation existing throughout the town. The extent of the vegetation is clearly seen due to the elevated nature of the land, particularly on the southern side of the town.
- The topography of the land surrounding the town including the Barwon River valley and associated tributaries and undulating farming land.

The Birregurra Structure Plan 2013 and Birregurra Neighbourhood Character Study 2012 identify urban design and built form opportunities to improve the presentation of this important centre in the municipality. The Birregurra Structure Plan 2013 encourages infill development to accommodate growth within Birregurra without the need to expand the existing defined township boundary.

Settlement and Housing**Objectives**

- To manage modest growth and development in Birregurra in a coordinated and sustainable manner that ensures Birregurra retains its rural township character.
- To retain and protect the township's significant and contributory heritage places and articulate Birregurra's history in the public realm.
- To encourage consolidation of commercial uses in the core town centre of Birregurra on Main Street and broaden the commercial, retail and tourism opportunities in the township.

Strategies

- Contain urban development within the existing defined township boundary.
- Encourage sensitive infill development on vacant lots and support further subdivision of larger developed lots within the existing township boundary.
- Control the density of development and apply development standards as recommended by the Neighbourhood Character Study 2012 to preserve character.

COLAC OTWAY PLANNING SCHEME

- To encourage a mix of housing types and styles that provide diversity, affordability and respond to the community's life cycle needs.
- Support new commercial uses and re-development of existing premises on both sides of Main Street between Roadknight Street / Austin Street to the west and the unnamed watercourse / Strachan Street to the east and encourage active street frontages.
- Ensure any new commercial development to the rear of properties on Main Street has regard to sensitive residential interfaces.
- Support an increase and diversification of tourist based activities and accommodation in Birregurra.
- Encourage adaption and re-use of heritage buildings, especially in Main Street, and ensure new development provides a sympathetic design response to existing heritage buildings.
- Retain low building heights throughout the township and the single storey built form of Main Street.
- Consolidate civic, community and health facilities in a community node on the north-east edge of the town centre.
- Support retirement/aged care living in proximity to the community and health node, and Main Street.
- Direct any potential petrol station to locate in or close to the town centre, away from the heritage core and identified township gateways.
- Protect the ongoing integrity of industrial activities in the Industrial 1 zoned land and encourage consolidation of industrial uses in this area.
- Ensure any new development in the Industrial 1 Zone reflects the rural township character of Birregurra and has regard to visual amenity.
- New subdivisions should include a grid-based road network that easily integrates with the existing surrounding road network. Avoid cul-de-sacs and battleaxe driveways as a means of providing access to new residential lots.
- Ensure roads provide safe access for all users and that road upgrades retain and enhance the character of Birregurra and the informal nature of road reserves.
- Ensure an efficient and cost effective provision of physical infrastructure that addresses the ongoing needs of the community, whilst protecting the landscape and township character values of Birregurra

Landscape, Environment and Open Space**Objectives**

- Protect and extend areas of native vegetation, including endangered EVCs along waterways.
- Protect and enhance the landscape character and view lines of township entrances as defining elements of the north, east and west gateways.
- To preserve and enhance the Barwon River corridor and connected waterways.
- To establish a connected network of accessible public open space and recreation facilities that provide a range of passive and active recreation opportunities.
- To provide safe and improved opportunities for walking and cycling throughout the town and encourage walkable neighbourhood design in new developments.

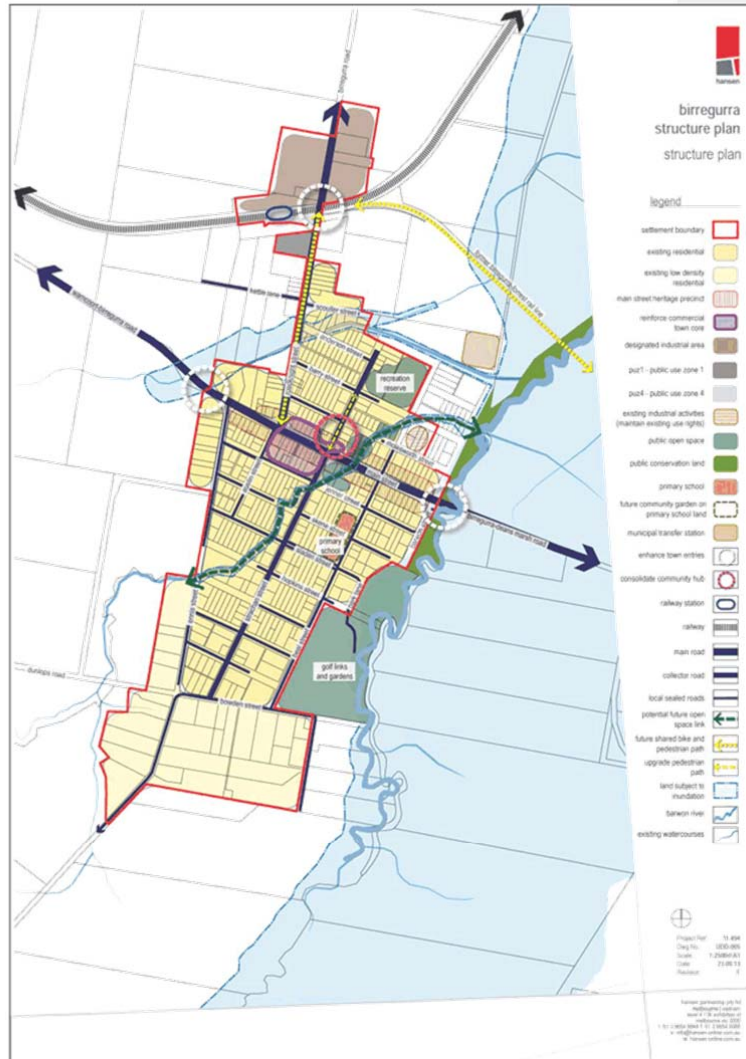
COLAC OTWAY PLANNING SCHEME

Strategies

- Investigate the potential public open space corridor along the unnamed waterway running south-west to north-east through the middle of the town and the development of a linear shared pedestrian /cycle path connecting to parkland adjoining the Barwon River.
- Encourage built form along this open space corridor to:
 - Be appropriately set back from the waterway in accordance with Corangamite CMA requirements.
 - Provide an active interface through the avoidance of solid fencing to this boundary.
 - Provide pedestrian access to the corridor where possible.
- To encourage the retention of trees where possible and the planting of new canopy trees and understorey vegetation.
- Require the use of building envelopes or tree protection zones to protect vegetation on lots that contain significant trees.
- Encourage the dominance of landscape over built form in residential areas.
- Improve open space provision as the community expands and improve linkages between key destinations.
- Investigate development of the Tiger Rail Trail from Birregurra to Barwon Downs and Forrest.

COLAC OTWAY PLANNING SCHEME

Birregurra Framework Plan



COLAC OTWAY PLANNING SCHEME

21.03-5 Skenes Creek18/07/2013
C69**Overview**

Skenes Creek is a coastal hamlet set on rolling topography at the base of the Otway Ranges. There is a sense of openness to the town created by the spacious siting of buildings and expansive views to the coast and hillsides. A green wedge corridor through the centre of the township links the town with a vegetated hillside backdrop and is enhanced by regeneration of indigenous and appropriate coastal shrubs around dwellings and public areas.

Objective

- To protect the nationally significant Great Ocean Road Region landscape and the distinctive landscape qualities and coastal setting of Skenes Creek township.

Strategies

- Ensure new development responds to the above key issues and achieves the following Preferred Character Statement for the Character Areas identified at Schedule 4 to Clause 43.02.

Skenes Creek Precinct 1 – Preferred Character Statement

This precinct provides a native 'green wedge' for the whole township, extending from the hill slopes behind the town to the Great Ocean Road. The character of the precinct will be strengthened by the planting and regeneration of indigenous and native vegetation. Dwellings will be set far enough apart to accommodate substantial native bush areas including canopy trees, and will be set substantially below the vegetation canopy. The semi-rural feel of the area will be retained by the lack of fencing and frequent unmade roads. Views to the dwellings will be softened by native vegetation in frontages to major roads and in the public domain along road verges.

Skenes Creek Precinct 2 – Preferred Character Statement

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.

21.03-6 Kennett River, Wye River and Separation Creek18/07/2013
C69**Overview**

The structure plan for Kennett River, Wye River and Separation Creek articulates the preferred development future for these coastal townships. Key issues to emerge from the structure plan were that:

- Kennett River, Wye River and Separation Creek will remain as distinct coastal townships nestled in the foothills of the Otway Ranges.
- The primary roles of the townships will be to provide housing for permanent and part time residents and to provide a diverse range of holiday accommodation.

COLAC OTWAY PLANNING SCHEME

- The existing and preferred character of the townships is characterised by low scale buildings which respond to the constraints of the topography in their coastal location and generally sit below the predominant tree canopy height.
- The informal, open and spacious character of the townships is highly valued and should be preserved and strengthened by new development.
- The impact of the townships on the natural environment will be as minimal as possible with water and wastewater being sustainably managed and vegetation acknowledged and valued.
- Future development within the townships should respond appropriately to a range of acknowledged environmental constraints including land slip, wildfire threat, coastal inundation and erosion, storm water management, water supply and effluent disposal.
- The townships have a low growth capacity and all future growth will be contained within existing urban or appropriately zoned land.

Objectives

- To protect and maintain the nationally significant Great Ocean Road Region landscape and the distinctive landscape qualities and coastal setting of Kennett River, Wye River and Separation Creek.
- To support limited tourist, commercial and retail services to the townships.
- To limit the growth of the coastal townships and discourage development outside of existing settlement boundaries.
- To preserve and enhance the environmental qualities of the townships and ensure development responds to the preferred neighbourhood character.
- To ensure that waste water from existing and proposed development is managed in a way that minimises its impact on the environment.
- To ensure that stormwater drainage systems respond to the constraints posed by the townships unique climatic, geological and environmental setting.
- To improve pedestrian access between the hamlets and the foreshores.
- To plan for the impacts of future climate change.

Strategies

- Maintain the existing settlement boundaries as identified on the framework plans forming part of this clause.
- Ensure that future growth of the townships is limited to infill development and renewal contained within existing settlement boundaries.
- Encourage any infill development within the townships, particularly tourist accommodation, to locate in the flatter, less vegetated areas near the centre of the townships (as identified on the framework plans forming part of this clause) but taking into account the need to respond to climate change induced coastal hazards.
- Ensure that any development outside the settlement boundaries is low scale and sensitively sited with minimal impact on the landscape and meets the criteria of the Great Ocean Road Region Landscape Assessment Study.
- Restrict commercial and retail development to small, incremental changes to existing facilities.
- Maintain and preserve the natural setting of the foreshores by minimising new structures in these areas.

COLAC OTWAY PLANNING SCHEME

- Create or enhance safe pedestrian access from all parts of the townships to the foreshores.
- Encourage opportunities to improve the general store and cafe of Kennett River, including incorporating an outdoor dining area and improved car parking areas to be more landscaped and pedestrian friendly.
- Encourage more diverse accommodation in Separation Creek with small scale projects.
- Collaborate with State Government in developing and implementing new initiatives to manage the impacts of climate change in the future.
- Ensure all new development achieves the following Preferred Character Statement for the Character Precincts identified at Schedule 4 to Clause 43.02:

Kennett River Precinct 1 – Preferred Character Statement

This precinct will be dominated by continuous native bush, with dwellings set below and amongst remnant canopy trees. Frontages will be open and consist of diverse native understorey that screens views of buildings from roads. The low scale dwellings will avoid prominent locations and ridgelines, and will be sited to provide for the reasonable sharing of views to the coast where available. Vegetation will be retained or replaced with any new developments to screen buildings when viewed from the Great Ocean Road. Innovative house styles will be encouraged of a scale, materials and colours that blend with the bush character and follow the topography. The informal bush character of the precinct will be assisted by the streetscape planting and lack of formal kerbing.

Kennett River Precinct 2 – Preferred Character Statement

This precinct will consist of coastal style dwellings set amongst gardens of native species. A spacious garden character will be maintained by setting buildings apart and encouraging landscaping between dwellings. Dwellings will be carefully designed, sited and landscaped to be unobtrusive when viewed from roads and to provide for a sharing of views to the coast where available. Trees in both public and private domains will provide a sense of continuity through the precinct and visually link with the adjacent bushland areas.

Wye River Precinct 1 – Preferred Character Statement

This precinct will continue to be characterised by dominant native bush that forms a consistent canopy, linking to the adjacent bushland. Dwelling scale, bulk and siting will respond to the site and topography, allowing space and setbacks to maintain native bush, both as canopy and understorey. Buildings will be set beneath the canopy, and appropriately sited and designed so as to allow for the sharing of views to the coast where available, and to be hidden from view from the Great Ocean Road. The informality of the streetscapes will be retained by the lack of front fencing, frequent unmade roads and remnant vegetation.

Wye River Precinct 2 – Preferred Character Statement

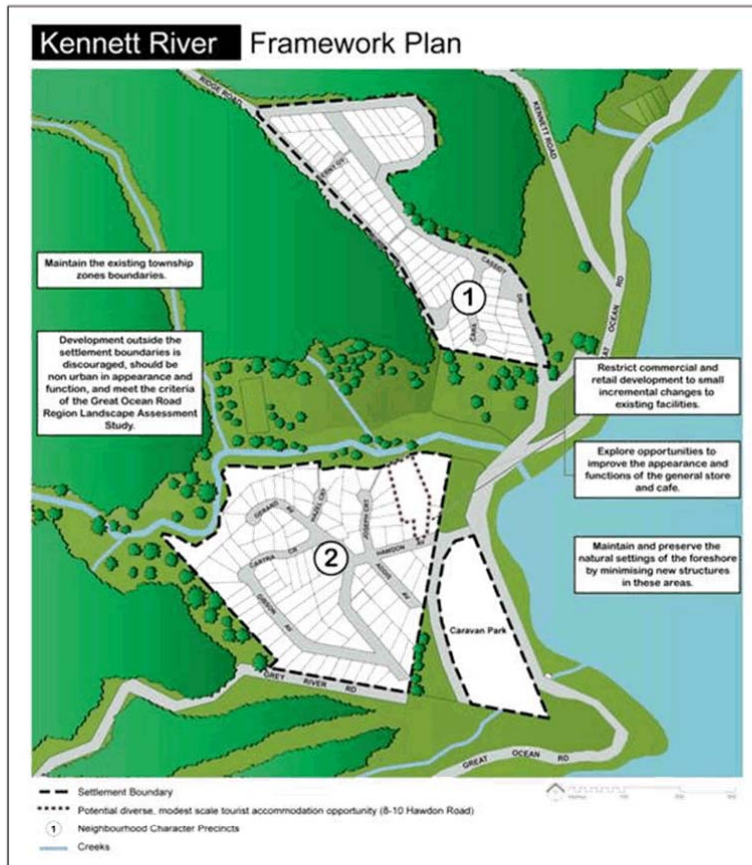
This precinct will achieve a more consistent native vegetation coverage to provide a unifying feature throughout. Space around dwellings will be sufficient to maintain trees and understorey, and minimises the appearance of building bulk and density. On hill slopes, buildings will relate to topography and be set amongst and beneath a dominant, native tree canopy. Buildings and structures in prominent locations when viewed from the Great Ocean Road will be designed to reduce their visual intrusion. Retention and planting of canopy trees in the public domain and around dwellings will be encouraged to establish a consistent tree canopy.

COLAC OTWAY PLANNING SCHEME

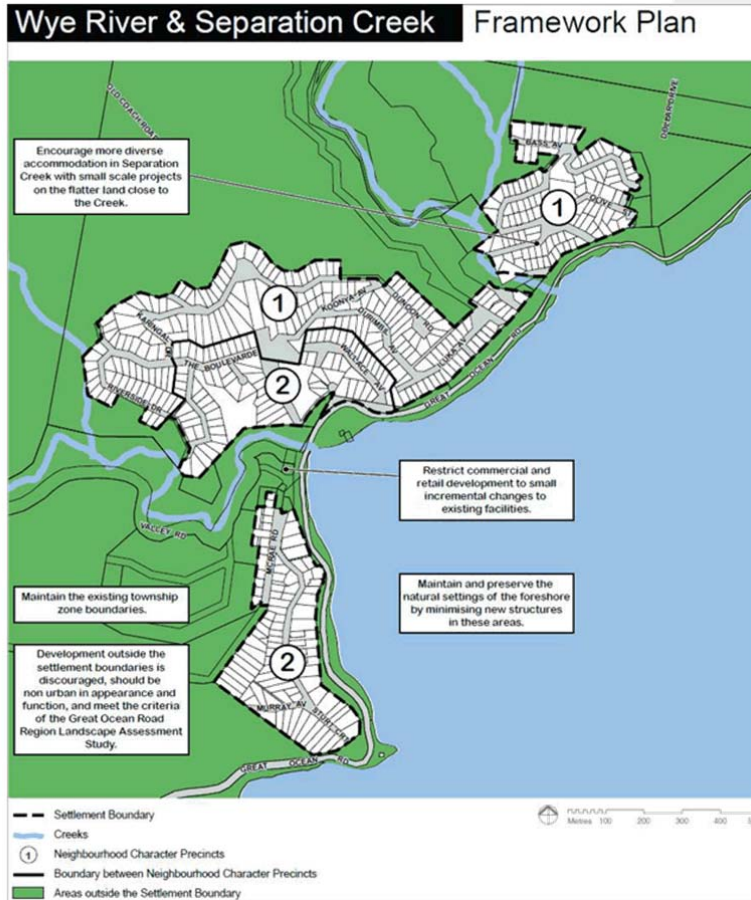
Separation Creek Precinct 1 – Preferred Character Statement

This precinct will consist of a mix of low, coastal style dwellings and newer coastal styles, in established gardens and amongst native canopy trees in the vegetated hillfaces. Dwellings will be of materials and colours that reflect the coastal setting, and be designed and sited so as to minimise intrusion into views from roads, public spaces and adjacent dwellings and impact on the topography. Establishment of native and coastal trees in public and private gardens will unite the precinct and provide visual links to the surrounding bushland and creek environs.

COLAC OTWAY PLANNING SCHEME



COLAC OTWAY PLANNING SCHEME



COLAC OTWAY PLANNING SCHEME

21.03-7 Forrest18/07/2013
C69**Overview**

Forrest is located 32.6 kilometres from Colac and is placed at the foothills of the Otways approximately 161 kilometres from Melbourne and 76 kilometres from Geelong.

A Structure Plan for Forrest was adopted by Council (August 2011) and articulates the preferred development future for Forrest. Key issues to emerge from the Structure Plan were that:

- The role of Forrest as an outdoor recreation and tourism destination has been well established over recent years along with an emerging trend for rural lifestyle residential development.
- Forrest's tourism functions will continue to play a primary role in the town's growth and development into the future.
- There are significant environmental constraints within Forrest including bushfire, flooding and landslip risks that impact on future potential for expansion of the town.

Objectives

- To support Forrest's role within the Otways as a key destination for tourism and recreational pursuits and as a small town with limited potential for residential growth.

To limit residential development to the existing urban area contained within Forrest's settlement boundary, subject to the outcome of further investigation into the viability of development adjoining the north west edge of the town in accordance with the Forrest Framework Plan attached to this Clause.

- To encourage the development of accommodation facilities which contribute to the viability of tourism and recreation-based activities.
- To promote Grant Street as the primary location for future commercial activities within Forrest.
- To encourage development and activities which add commercial and recreational diversity to the Forrest Township.
- To ensure that the various cultural and environmental heritage assets of the township are protected, maintained and continue to be articulated within Forrest's private and public realm.
- To ensure new residential and commercial development is responsive to the environmental, biodiversity, conservation and landscape values of the local region.
- To ensure that development within Forrest responds to and mitigates any identified bushfire risks.
- To improve pedestrian access and movement along Grant Street.
- To facilitate the provision of community services and social infrastructure within Forrest which promote the town's liveability and increase social equity.

Strategies

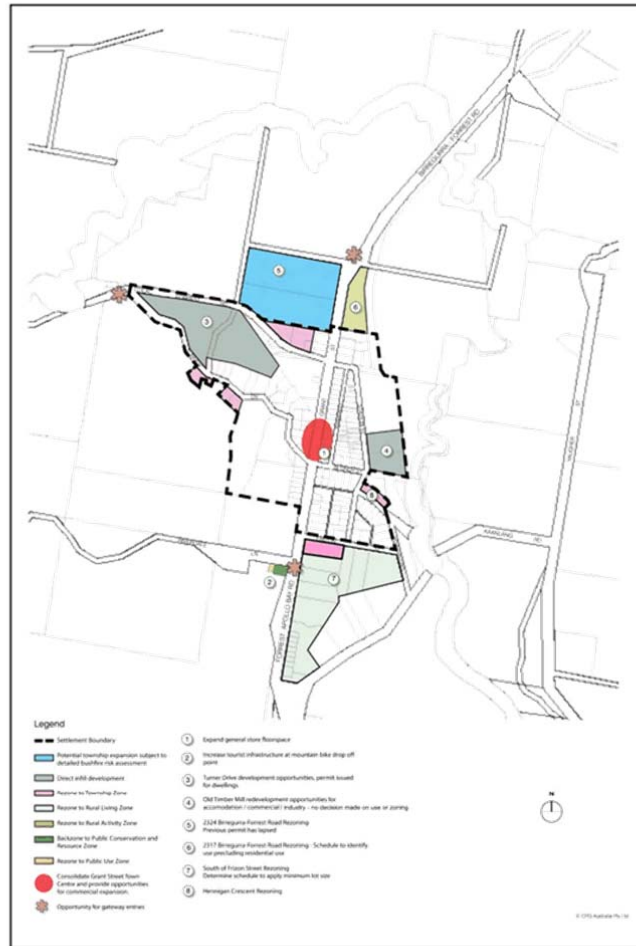
- Maintain settlement boundaries shown on the Framework Plan in this Clause pending detailed strategic assessment of bushfire risks and potential measures to manage bushfire risk for the town and broader area.
- Ensure that future growth of the township maximises infill development.

COLAC OTWAY PLANNING SCHEME

- Concentrate small scale businesses and commercial uses (such as retail premises, shop, restaurant, industry and accommodation) along Grant Street between the Community Hall and Turner Drive/Blundy Street.
- Encourage some commercial development, particularly accommodation, to locate on Rural Activity Zoned land taking into account the need to respond to bushfire risks and the environmental values of the surrounding landscape.
- Encourage the re-development of the existing general store to provide additional floor space, an active street front and expanded provision of commercial services.
- Encourage and consolidate street based retailing in the form of cafes and outdoor seating on the eastern side of Grant Street.
- Upgrade existing pedestrian infrastructure including new footpaths along the eastern side of Grant Street to accommodate pedestrian access, seating and bicycle parking and ensure any new development is designed to activate the streetscape.
- Ensure land use and development does not detrimentally impact upon identified significant flora and fauna habitats, including areas of roadside vegetation.
- Support tourism related use and development within the town boundary taking into account the need to respond to bushfire risks and environmental values and to protect the amenity of nearby residential uses.

COLAC OTWAY PLANNING SCHEME

Forrest Framework Plan



COLAC OTWAY PLANNING SCHEME

21.03-8 Smaller Townships18/07/2013
C69**Overview**

It is important to protect the character of the smaller townships within the Shire, particularly those located along the spectacular Great Ocean Road and nestled within the majestic and beautiful Otway Ranges.

Township Master Plans (focussing on public infrastructure improvements) have been prepared for Carlisle River, Gellibrand, Forrest, Barwon Downs and Beech Forest. Urban Design Frameworks have been prepared for Beecac, Cressy, Lavers Hill and Swan Marsh. The Master Plans and Urban Design Frameworks identify urban design and built form opportunities to improve the presentation of these important centres in the municipality.

So as to improve the viability of small townships it is acknowledged that future planning needs to anticipate and respond to the needs of existing and future communities through provision of zoned and serviced land for housing, employment, recreation and open space, community facilities and related infrastructure.

The Rural Living Strategy 2011 highlights the role of small towns and settlements in supporting tourism and rural lifestyle demand.

The Rural Living Strategy 2011 also provides a strategic basis for future land use studies to investigate opportunities for small scale expansion within some of the Shire's small towns, including Alvie, Beecac, Cororooke, Gellibrand and Beech Forest. Gellibrand and Beech Forest's growth potential will be subject to an investigation into fire risk and effluent management issues.

Objectives

- To provide an attractive and safe residential environment within the smaller communities of the Shire.
- To encourage development of smaller townships in the Shire that contributes to their economic development, acknowledges and responds to environmental constraints and protects the broader landscapes within which these townships are located.
- To facilitate the ongoing economic future of small communities.
- To recognise the different roles of smaller townships and centres containing a range of community and other facilities.
- To maintain and enhance the environmental quality of small communities.

Strategies

- Ensure that development of the Shire's small communities occurs generally in accordance with relevant township masterplans, structure plans and other strategies.
- Encourage the development of small-scale economic activity which complements the resources and industries of the region.
- Encourage the location of tourist accommodation facilities within small communities in the region.
- Retain heritage places as significant components of the character and attractiveness of smaller townships.
- Encourage high quality design input to development in small communities.
- Maintain existing township zonings in Alvie, Cororooke and Beecac pending the preparation of town plans.

COLAC OTWAY PLANNING SCHEME

- Maintain existing township zonings in Gellibrand and Beech Forest pending further strategic assessment of the potential for expansion having regard to bushfire risk and effluent management.
- Otherwise generally restrict the expansion of communities in potable water supply areas and areas subject to or at risk of landslip, high fire risk and flooding.
- Encourage the implementation of landscape features that recognise indigenous flora and fauna.

Specific Implementation**Policy guidance**

Assess proposals in townships (other than Colac, Apollo Bay and Marengo) against the following criteria:

- Development should not exceed 8 metres in height, unless special characteristics of the site justify a higher structure and no off-site detriment is caused.
- Building site coverage should not exceed 50 per cent, except on business zoned land.
- The slope of the roof should relate to the topography of the surrounding landform. Dominant or multiple angular roof slopes and designs should be avoided.
- External building material colours should be of muted toning and roofing material should be non-reflective.
- External materials should be in harmony with the surrounding landscape of the settlement.
- Landscaping should enable development to blend into the surrounding area. This may be achieved by:
 - Using a mixture of low, medium and high growing native trees and shrubs, including some species of trees with a growing height above the roof level of the proposed building.
 - Providing replacement planting for vegetation that is removed.

When deciding on the design, siting, mass and scale of new development in townships (other than Colac, Apollo Bay and Marengo) consider, as appropriate:

- Whether it is a major development node or a settlement with limited development potential and only serving the immediate community.
- The visual character of the particular settlement and the likely impact of the development on that visual character.
- The view of the site from the Great Ocean Road and major viewing points in the Otway Ranges and the likely impact of the development on these views.

21.03-9 Rural Living

18/07/2013
C69

Overview

Council prepared and adopted a Rural Land Strategy (September 2007) which identified a range of issues affecting rural land use in the Shire, and has since adopted the Rural Living Strategy 2011. The Rural Living Strategy provides the basis for policy on the use and development of land for dwellings and subdivisions in rural areas. It identified the following in regards to rural living development within the Shire:

COLAC OTWAY PLANNING SCHEME

- Rural land traditionally used for farming is being used for lifestyle purposes in the absence of land which can accommodate rural lifestyle demand. This is causing problems associated with increasing property values inhibiting farm growth, servicing, provision of infrastructure and conflict with adjoining land uses which has the potential to undermine the objective of protecting the agricultural base of the Shire.
- The greatest opportunities to accommodate rural living development are around Colac where there is greatest supply and fewest constraints for development.
- There are sufficient levels of services and infrastructure to accommodate demand for rural lifestyle development in Coragulac.
- There is scope to conduct investigations into the potential development of some smaller towns in the Shire to accommodate some moderate township expansion, which may contribute to the overall supply of land desirable for rural living purposes.

Objectives – Rural living

- To provide opportunities for rural residential style development in appropriate locations that do not negatively impact on the ability to farm.
- To recognise the function of already-developed old and inappropriate rural subdivisions as 'de facto' rural living developments;
- To restrict the intensification of existing old and inappropriate subdivisions and prevent the further encroachment of rural living development on surrounding farming land.

Strategies – Rural living

- Direct future rural living development to nominated areas where there are fewer economic, environmental, social, land use and servicing constraints for settlement.
- Recognise the function of already-developed old and inappropriate rural subdivisions as 'de facto' rural living developments.
- Restrict the development of existing old and inappropriate subdivisions through the implementation of lot sizes which limit further subdivision and prevent the further encroachment of rural living development on surrounding farming land.

Planning and Environment Act 1987

COLAC OTWAY PLANNING SCHEME
SECTION 96A COMBINED AMENDMENT C92 & PLANNING
APPLICATION NO. PP82/2016-1

EXPLANATORY REPORT

Who is the planning authority?

The Amendment has been made at the request of Rod Bright & Assoc. Pty Ltd on behalf of the landowners Damian & Jenny Gatens. This amendment has been prepared by the Colac Otway Shire Council which is the planning authority for this amendment.

Land affected by the Amendment

The Amendment applies to 120 Pound Road, Elliminyt, being part of Lot 2 PS537971S contained in Certificate of Title V/F 10928/014. The land contains two dwellings with two separate addresses – 120 Pound Road and 199 Queen Street (as shown in Figures 1 and 2).

The amendment also applies to the land known as 98 Pound Road, 100 Pound Road, 102 Pound Road, 104 Pound Road, 106 Pound Road, 108 Pound Road, 110 Pound Road, 112 Pound Road, 114 Pound Road all located within Elliminyt

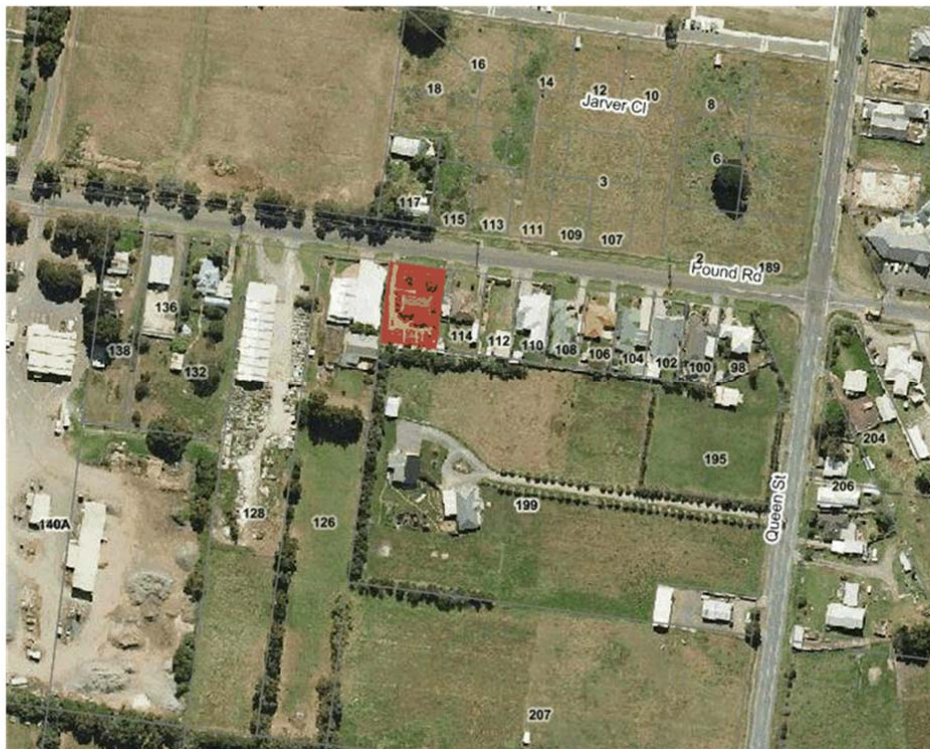


Figure 1: Area affected by amendment highlighted red.

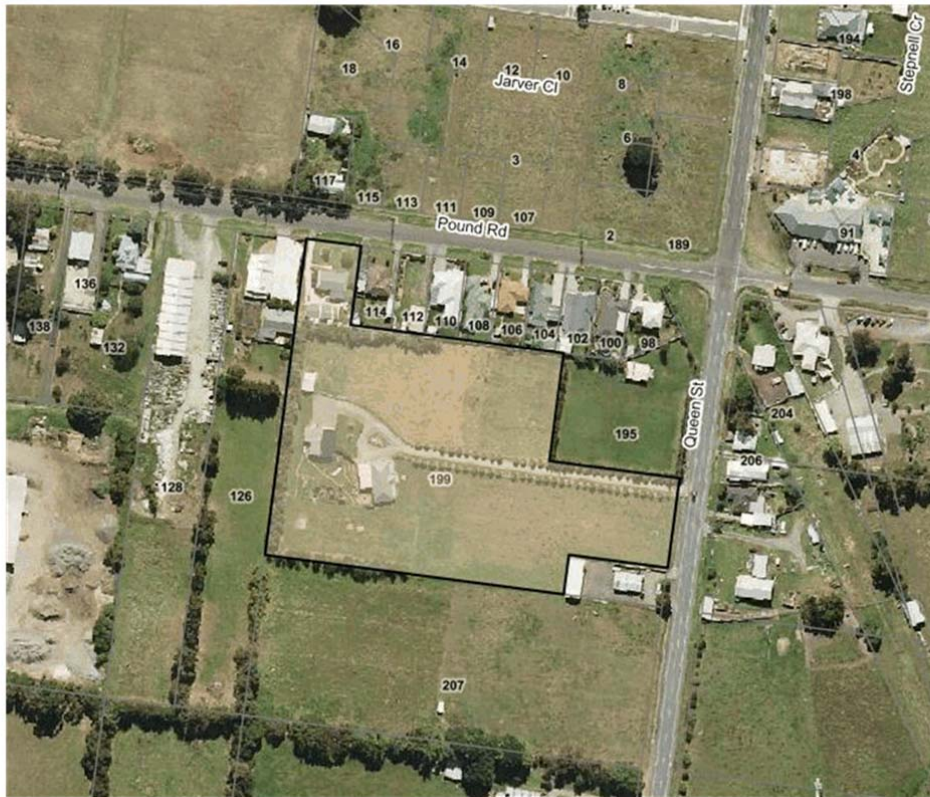


Figure 2: Land affected by the amendment forms part of a larger title including 199 Queen Street which is proposed to be subdivided.



Figure 3 Land proposed to be included within the long term settlement boundary in the Colac Framework Plan at Clause 21.03 of the Colac Otway Planning Scheme

The combined permit and amendment process

The amendment has been prepared under Section 96A of the *Planning and Environment Act 1987* (the Act) to facilitate the combined planning permit and amendment process.

What the permit application does

Concurrent to the preparation of the planning scheme amendment, an application for a planning permit (PP82/2016-1) has been made under Section 96A(1) of the Act. The application proposes a two (2) lot subdivision with the new title boundary aligning with the new proposed zone boundary to create two titles each containing an existing dwelling.

What the amendment does

The amendment proposes to:

- Rezone 1068m² of land fronting Pound Road (proposed Lot 1 on PS745316R) from Rural Living Zone (RLZ) to General Residential Zone Schedule 1 (GRZ1), and
- Amend the long term settlement boundary of the Colac Framework Plan within Clause 21.03-2 of the Municipal Strategic Statement to include part of 120 Pound Road, Elliminyt, and 98 Pound Road, 100 Pound Road, 102 Pound Road, 104 Pound Road, 106 Pound Road, 108 Pound Road, 110 Pound Road, 112 Pound Road, 114 Pound Road.

Strategic assessment of the Amendment**Why is the Amendment required?**

The planning scheme amendment is required to:

- (a) Recognise the existing residential use and development of 120 Pound Road, consistent with adjoining land;
- (b) Update the Colac Framework Plan long term settlement boundary in this location to reflect the existing and proposed residential zoning, and existing residential use and development; and
- (c) Enable the subdivision of the 120 Pound Road from the parent title into lots less than 1.2 hectares (which is currently prohibited under the Rural Living Zone).

The proposed rezoning would allow for 120 Pound Road to be subdivided and the two existing dwellings to be located on separate lots. The proposed larger lot would remain within the RLZ.

The settlement boundary within the Colac Framework Plan at Clause 21.03 currently incorrectly excludes the GRZ1 zoned land fronting the south side of Pound Road as shown in Figure 4. The amendment is therefore required to amend the Colac Framework Plan to include these properties and the proposed new lot at 120 Pound Road within the settlement boundary as shown in Figure 5.

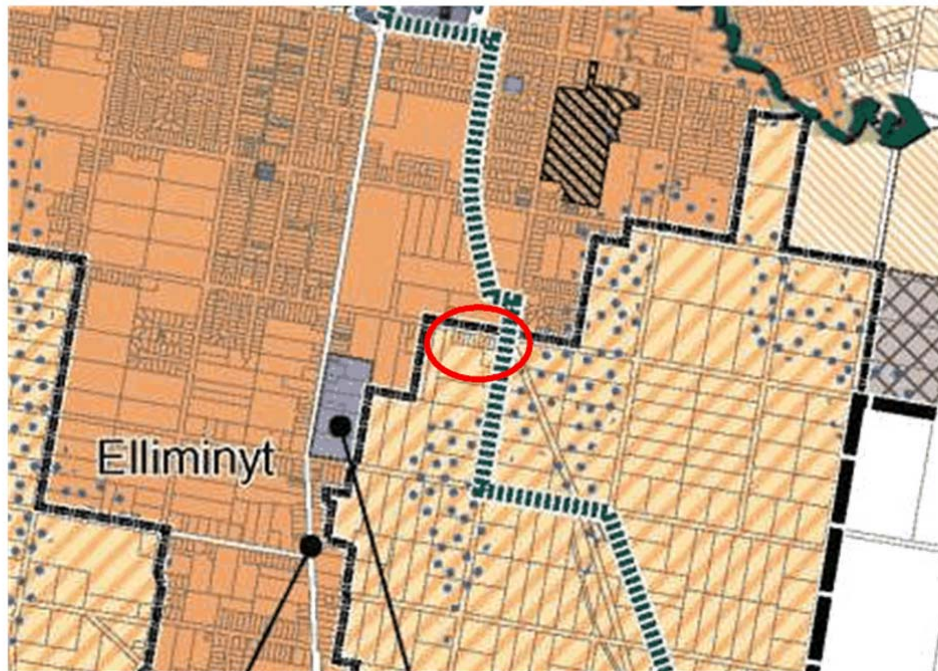


Figure 4 Extract from current Colac Framework Plan at Clause 21.03 which shows existing area of residential zoned land outside of the long term settlement boundary

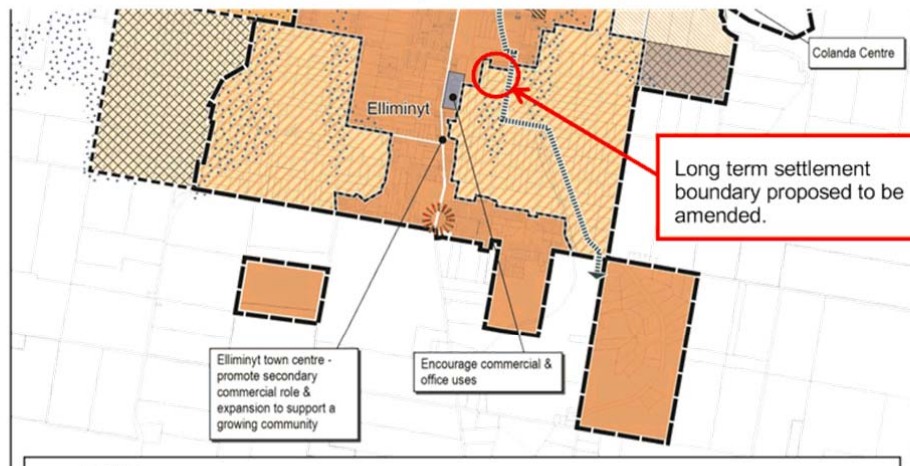


Figure 5 Extract from proposed Colac Framework Plan at Clause 21.03 with adjusted long term settlement boundary

How does the Amendment implement the objectives of planning in Victoria?

The amendment implements the objectives of Planning in Victoria as specified within Section 4 of the *Planning and Environment Act 1987* by:

- Providing for the fair and orderly use and development of the land, by rezoning the land to reflect the current use and development of the land;
- Facilitating a (subdivision) development which will also provide for the fair and orderly use and development of the land.

How does the Amendment address any environmental, social and economic effects?

There are no adverse environmental, social or economic effects anticipated as part of this amendment.

All reticulated infrastructure services are available and connected to the land, preventing any potential for adverse environmental impacts.

Does the Amendment address relevant bushfire risk?

The land subject to the amendment is not within a Bushfire Prone Area.

Does the Amendment comply with the requirements of any Minister's Direction applicable to the amendment?

The amendment complies with the requirements of the Ministerial Direction on the Form and Content on Planning Schemes under Section 7(5) of the Act.

The amendment is consistent with Ministerial Direction No 11 in relation to the Strategic Assessment of Amendments.

How does the Amendment support or implement the State Planning Policy Framework and any adopted State policy?

The amendment and application support and implements policy and strategies relating to:

- the intensification of urban land supply and efficient infrastructure provision, in particular:
 - Clause 11.02-1 – Supply of Urban Land
 - Clause 11.07-1 Geelong (G21 Regional Growth – Planning for Growth) which targets Colac for regional growth.
- neighbourhood and subdivision design, in particular Clause 15.01-3 – Neighbourhood and Subdivision Design

How does the Amendment support or implement the Local Planning Policy Framework, and specifically the Municipal Strategic Statement?

The Amendment supports and implements the Local Planning Policy and the Municipal Strategic Statement. Specifically the following:

- Clause 21.02-2 – Land Use Vision
- Clause 21.03-2 – Colac to manage the growth of Colac consistent with its role as the major urban centre of the Shire.

Does the Amendment make proper use of the Victoria Planning Provisions?

The amendment makes proper use of the Victorian Planning Provisions through the application of the General Residential Zone Schedule 1 to land which is currently being used for residential purposes within an existing residential area.

How does the Amendment address the views of any relevant agency?

The amendment will be placed on public exhibition and referred to relevant servicing authorities as part of the combined permit application process.

Does the Amendment address relevant requirements of the Transport Integration Act 2010?

The amendment will not have any impact on the transport system.

Resource and administrative costs

- **What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?**

There are no significant resource or administrative cost implications for the responsible authority arising from the proposed amendment.

Where you may inspect this Amendment

The Amendment is available for public inspection, free of charge, during office hours at the following places:

| | |
|--|---|
| <p>Colac Otway Shire Council</p> <p>Development and Community Service Centre</p> <p>101-105 Gellibrand Street</p> <p>COLAC VIC 3250</p> | <p>Colac Otway Shire Council</p> <p>Apollo Bay Customer Service Centre</p> <p>69-71 Nelson Street</p> <p>APOLLO BAY VIC 3233</p> |
|--|---|

Website: www.colacotway.vic.gov.au

The Amendment can also be inspected free of charge at the Department of Environment, Land, Water and Planning website at www.delwp.vic.gov.au/public-inspection.

Submissions

Any person who may be affected by the Amendment may make a submission to the planning authority. Submissions about the Amendment must be received by **[insert date]**.

A submission should be titled "Amendment C92 and PP82/2016-1 Submission" and emailed to inq@colacotway.vic.gov.au or mailed to:

Strategic Planning
Colac Otway Shire Council
PO Box 283
COLAC VIC 3250

Panel hearing dates

In accordance with clause 4(2) of Ministerial Direction No.15 the following panel hearing dates have been set for this amendment:

- directions hearing: **[insert directions hearing date]**
- panel hearing: **[insert panel hearing date]]**

PLANNING PERMIT

GRANTED UNDER SECTION 96I OF THE
PLANNING AND ENVIRONMENT ACT 1987

Permit No.: PP82/2016-1

Planning scheme: Colac Otway

Responsible authority: Colac Otway Shire

ADDRESS OF THE LAND: 120 Pound Road ELLIMINYT, 199 Queen Street ELLIMINYT
Lot: 2 PS: 537971 V/F: 10928/014 Parish of Elliminyt

THE PERMIT ALLOWS: Two (2) Lot Subdivision in accordance with the endorsed plans.

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

Endorsed plan

1. The layout and site dimensions of the subdivision hereby permitted, as shown on the endorsed plan/s, must not be altered or modified without the written consent of the Responsible Authority. There are no requirements to alter or modify the endorsed plan if a plan is certified under the provisions of the Subdivision Act 1988 that is generally in accordance with the endorsed plan.

Expiry

2. This permit will expire if one of the following circumstances applies:
 - a) The plan of subdivision is not certified within two years of the date of the permit.
 - b) A statement of compliance is not issued within five years of the date of certification of the Plan.

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

Date issued:

Date permit comes into operation:
(or if no date is specified, the permit comes into operation on the same day as the amendment to which the permit applies comes into operation)

Signature for the responsible authority:

Permit No.:

Page 1 of 1

IMPORTANT INFORMATION ABOUT THIS PERMIT

WHAT HAS BEEN DECIDED?

The Responsible Authority has issued a permit. The permit was granted by the Minister under section 96I of the **Planning and Environment Act 1987** on approval of Amendment No. C92 to the Colac Otway Planning Scheme.

WHEN DOES THE PERMIT BEGIN?

The permit operates from a day specified in the permit being a day on or after the day on which the amendment to which the permit applies comes into operation.

WHEN DOES A PERMIT EXPIRE?

1. A permit for the development of land expires if—
 - the development or any stage of it does not start within the time specified in the permit; or
 - the development requires the certification of a plan of subdivision or consolidation under the **Subdivision Act 1988** and the plan is not certified within two years of the issue of a permit, unless the permit contains a different provision; or
 - the development or any stage is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit or in the case of a subdivision or consolidation within 5 years of the certification of the plan of subdivision or consolidation under the **Subdivision Act 1988**.
2. A permit for the use of land expires if—
 - the use does not start within the time specified in the permit, or if no time is specified, within two years after the issue of the permit; or
 - the use is discontinued for a period of two years.
3. A permit for the development and use of land expires if—
 - the development or any stage of it does not start within the time specified in the permit; or
 - the development or any stage of it is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit; or
 - the use does not start within the time specified in the permit, or, if no time is specified, within two years after the completion of the development; or
 - the use is discontinued for a period of two years.
4. If a permit for the use of land or the development and use of land or relating to any of the circumstances mentioned in section 6A(2) of the **Planning and Environment Act 1987**, or to any combination of use, development or any of those circumstances requires the certification of a plan under the **Subdivision Act 1988**, unless the permit contains a different provision—
 - the use or development of any stage is to be taken to have started when the plan is certified; and
 - the permit expires if the plan is not certified within two years of the issue of the permit.
5. The expiry of a permit does not affect the validity of anything done under that permit before the expiry.

WHAT ABOUT REVIEWS?

- In accordance with section 96M of the **Planning and Environment Act 1987**, the applicant may not apply to the Victorian Civil and Administrative Tribunal for a review of any condition in this permit.

PLANNING COMMITTEE MEETING

**PLANNING AND BUILDING STATISTICAL
REPORT FOR SEPTEMBER AND OCTOBER 2016**

PC161412-5

| | | | |
|---------------------------|--|------------------------|----------------------------------|
| LOCATION / ADDRESS | Whole of Municipality | GENERAL MANAGER | Gareth Smith |
| OFFICER | Jane Preston-Smith | DEPARTMENT | Development & Community Services |
| TRIM FILE | F16/6696 | CONFIDENTIAL | No |
| ATTACHMENTS | Planning Statistical Report - September 2016
Planning Statistical Report – October 2016 | | |
| PURPOSE | To note the Planning and Building Statistical reports for September and October 2016. | | |

Planning Statistics

- 72 Planning Permit Applications were received for the period of 1 September to 31 October 2016.
- 56 Planning Permit Applications were considered for the period 1 September to 31 October 2016.

Building Statistics

The building statistics shown in the attachments to this report are updated to 31 October 2016.

Recommendation

That Council notes the Planning and Building Statistical reports for the months of September and October 2016.

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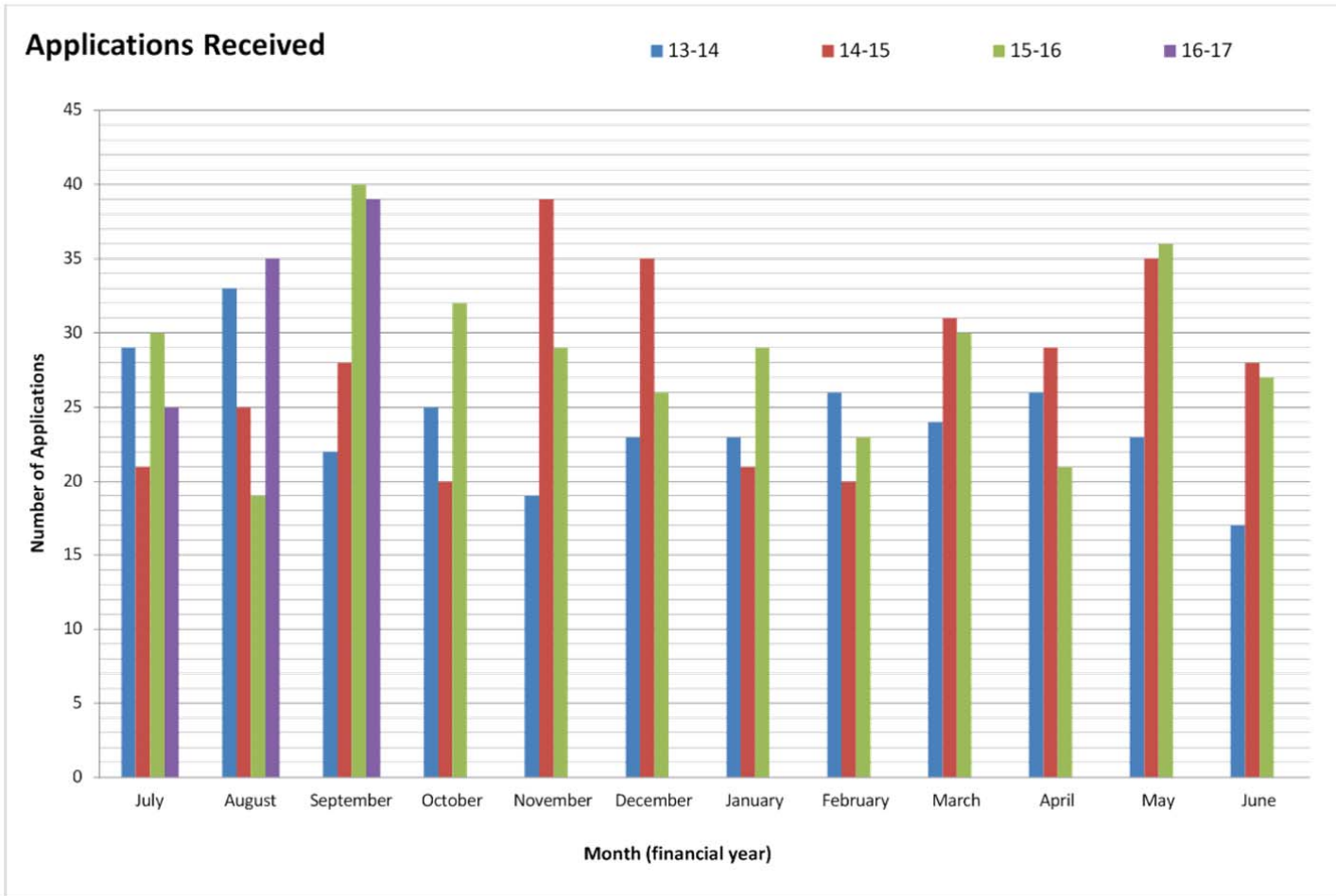
**PLANNING STATISTICAL REPORT – SEPTEMBER 2016 – (DETERMINATIONS)**

| APPLICATION NUMBER | DATE RECEIVED | LOCATION                              | PROPOSAL                                                                                                             | STATUTORY DAYS | DATE DETERMINED | DETERMINATION AND AUTHORITY |
|--------------------|---------------|---------------------------------------|----------------------------------------------------------------------------------------------------------------------|----------------|-----------------|-----------------------------|
| 179/2013-2         | 17 JUL 16     | 36 KARINGAL DRIVE WYE RIVER           | CONSTRUCTION OF A DWELLING AND ASSOCIATED WORKS AND THE REMOVAL OF VEGETATION                                        | 60             | 16 SEP 16       | PERMIT ISSUED DELEGATE      |
| 281/2015-1         | 16 NOV 15     | 485 SKENES CREEK ROAD SKENES CREEK    | USE AND DEVELOPMENT OF THE LAND FOR A DWELLING, REMOVAL OF VEGETATION AND ASSOCIATED WORKS                           | 53             | 16 SEP 16       | PERMIT ISSUED DELEGATE      |
| 117/2016-1         | 31 MAY 16     | 150 WOODROWVALE ROAD ELLIMINYT        | BUILDINGS AND WORKS COMPRISING CONSTRUCTION OF DWELLING                                                              | 34             | 06 SEP 16       | PERMIT ISSUED DELEGATE      |
| 118/2016-1         | 30 MAY 16     | 15 ILLUKA AVENUE WYE RIVER            | CONSTRUCTION OF ONE (1) SINGLE STOREY DWELLING                                                                       | 52             | 16 SEP 16       | PERMIT ISSUED DELEGATE      |
| 126/2016-1         | 10 JUN 16     | 18 FRIZON STREET FORREST              | BUILDINGS AND WORKS COMPRISING CONSTRUCTION OF A DWELLING                                                            | 36             | 16 SEP 16       | PERMIT ISSUED DELEGATE      |
| 133/2016-1         | 20 JUN 16     | 8 ILLUKA AVENUE WYE RIVER             | CONSTRUCTION OF ONE (1) NEW DWELLING                                                                                 | 79             | 16 SEP 16       | PERMIT ISSUED DELEGATE      |
| 134/2016-1         | 20 JUN 16     | 30 HARRINGTON STREET SEPARATION CREEK | REPLACE FORMER CARPORT WITH GARAGE/STORAGE SHED                                                                      | 53             | 19 SEP 16       | PERMIT ISSUED DELEGATE      |
| 136/2016-1         | 22 JUN 16     | 1450 PRINCES HIGHWAY PIRRON YALLOCK   | BUILDINGS AND WORKS COMPRISING CONSTRUCTION OF A DWELLING AND CREATION OF ACCESS TO A ROAD IN A ROAD ZONE CATEGORY 1 | 3              | 30 SEP 16       | PERMIT ISSUED DELEGATE      |
| 138/2016-1         | 22 JUN 16     | 72 HART STREET COLAC                  | CONSTRUCTION OF SIX (6) DWELLINGS AND SEVEN (7) LOT SUBDIVISION                                                      | 61             | 26 SEP 16       | PERMIT ISSUED DELEGATE      |
| 139/2016-1         | 23 JUN 16     | 6-8 MURRELL STREET BIRREGURRA         | VARIATION OF RESTRICTION TO REMOVE THE BUILDING ENVELOPE BURDENING LOT 2                                             | 15             | 30 SEP 16       | PERMIT ISSUED DELEGATE      |
| 140/2016-1         | 23 JUN 16     | 35 WAIT A WHILE ROAD WYELANGTA        | USE AND DEVELOPMENT OF THE LAND WITH A REPLACEMENT SINGLE STOREY DWELLING AND OUTBUILDING AND ASSOCIATED WORKS       | 68             | 30 SEP 16       | PERMIT ISSUED DELEGATE      |
| 145/2016-1         | 01 JUL 16     | 115 OLD FRIENDS ROAD YEO              | BUILDINGS AND WORKS COMPRISING CONSTRUCTION OF REPLACEMENT DWELLING                                                  | 32             | 30 SEP 16       | PERMIT ISSUED DELEGATE      |
| 154/2016-1         | 11 JUL 16     | 120 EVERETT CRESCENT BARONGAROOK WEST | USE AND DEVELOPMENT OF THE LAND FOR A DWELLING                                                                       | 29             | 06 SEP 16       | PERMIT ISSUED DELEGATE      |

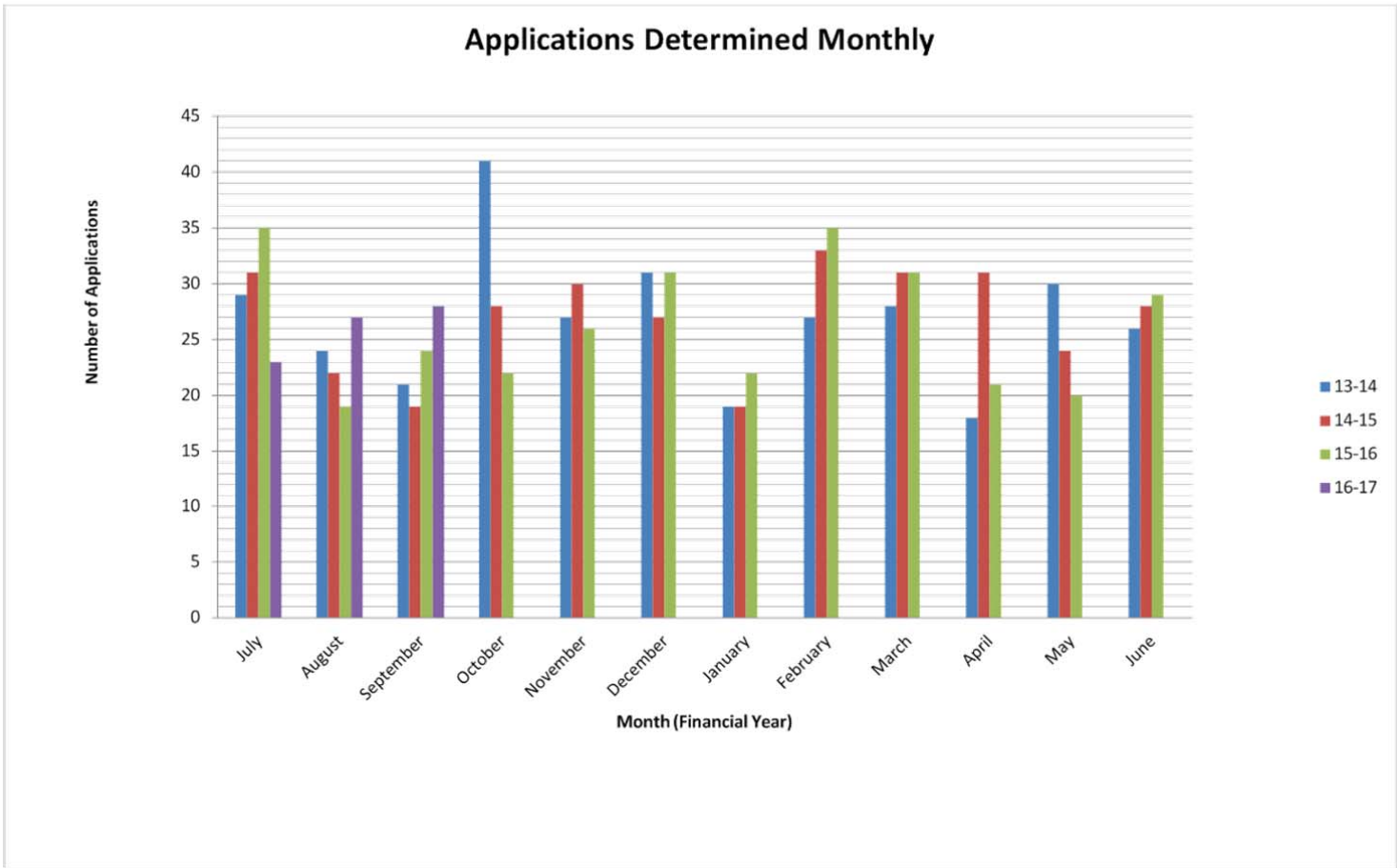
| APPLICATION NUMBER                                               | DATE RECEIVED | LOCATION                         | PROPOSAL                                                                                                                                                                                                                                                              | STATUTORY DAYS | DATE DETERMINED | DETERMINATION AND AUTHORITY                  |
|------------------------------------------------------------------|---------------|----------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|-----------------|----------------------------------------------|
| 165/2016-1                                                       | 25 JUL 16     | 330 OLD YEO ROAD YEO             | CONSTRUCTION OF OUTBUILDING AND REMOVEAL OF VEGETATION (NATIVE AND NON-NATIVE)                                                                                                                                                                                        | 38             | 30 SEP 16       | PERMIT ISSUED DELEGATE                       |
| 167/2016-1                                                       | 28 JUL 16     | 44 MARRINER STREET COLAC EAST    | USE AND DEVELOPMENT OF THE LAND FOR A DWELLING                                                                                                                                                                                                                        | 62             | 28 SEP 16       | PERMIT ISSUED DELEGATE                       |
| 181/2016-1                                                       | 09 AUG 16     | 80 BUSHBYS ROAD BARONGAROOK      | BUILDINGS AND WORKS COMPRISING CONSTRUCTION OF OUTBUILDING                                                                                                                                                                                                            | 29             | 21 SEP 16       | PERMIT ISSUED DELEGATE                       |
| 195/2016-1                                                       | 25 AUG 16     | 215 CANTS ROAD ELLIMINYT         | BUILDINGS AND WORKS COMPRISING CONSTRUCTION OF SHED                                                                                                                                                                                                                   | 19             | 13 SEP 16       | PERMIT ISSUED DELEGATE                       |
| 199/2016-1                                                       | 30 AUG 16     | 51 LAWES STREET ELLIMINYT        | BUILDINGS AND WORKS COMPRISING CONSTRUCTION OF OUTBUILDING                                                                                                                                                                                                            | 21             | 21 SEP 16       | PERMIT ISSUED DELEGATE                       |
| 204/2016-1                                                       | 06 SEP 16     | 37 GREAT OCEAN ROAD SKENES CREEK | FIRST FLOOR ALTERATIONS TO DWELLING                                                                                                                                                                                                                                   | 20             | 26 SEP 16       | PERMIT ISSUED DELEGATE                       |
| 207/2016-1                                                       | 06 SEP 16     | 20 GREAT OCEAN ROAD WYE RIVER    | THE CARRYING OUT OF WORKS ASSOCIATED WITH THE EXISTING CAMPGROUND USE INCLUDING THE INSTALLATION OF TWO TRANSPORTABLE BUILDINGS TO ACCOMMODATE A CAMP MANAGERS OFFICE/CARETAKER ACCOMMODATION AND A CAMP KITCHEN FACILITY AND EXTENSION OF AN EXISTING RETAINING WALL | 1              | 09 SEP 16       | PERMIT ISSUED DELEGATE                       |
| 89/2016-1                                                        | 06 MAY 16     | 235 PHILLIPS TRACK FERGUSON      | BUILDING AND WORKS COMPRISING CONSTRUCTION OF A TELECOMMUNICATIONS FACILITY (30M MONOPOLE) AND ASSOCIATED ANTENNE, EQUIPMENT CABINET AND INFRASTRUCTURE                                                                                                               | 88             | 20 SEP 16       | NOTICE OF DECISION TO GRANT A PERMIT COUNCIL |
| 211/2015-1                                                       | 04 SEP 15     | 81-85 HEARN STREET COLAC         | SUBDIVISION OF LAND INTO SIXTEEN (16) LOTS                                                                                                                                                                                                                            | 115            | 26 SEP 16       | NOTICE OF DECISION TO GRANT A PERMIT         |
| <b>AVERAGE STATUTORY DAYS TO DETERMINE PLANNING APPLICATIONS</b> |               |                                  |                                                                                                                                                                                                                                                                       | <b>44</b>      |                 |                                              |

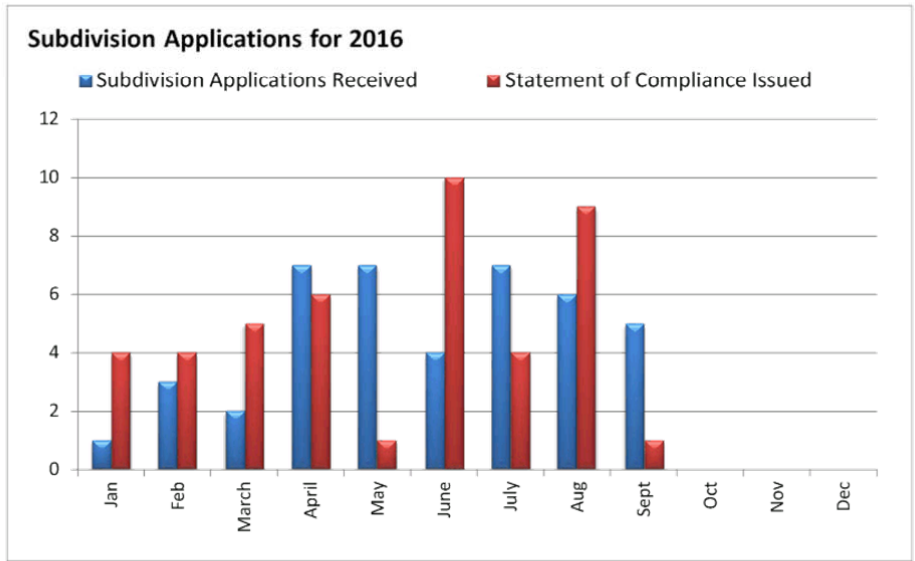
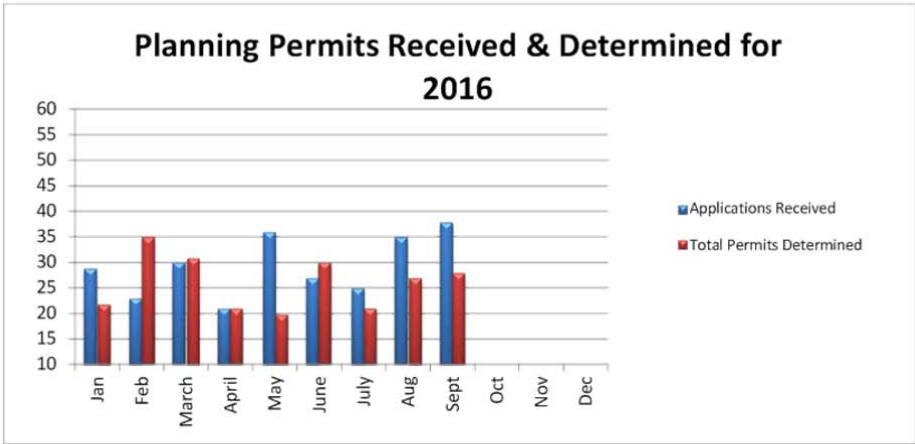
**PLANNING STATISTICAL REPORT – SEPTEMBER 2016 (PERMITS NOT REQUIRED, WITHDRAWN AND LAPSED APPLICATIONS)**

| APPLICATION NUMBER                                     | DATE RECEIVED | LOCATION                       | PROPOSAL                                                                                                                                                                                                                                                                      | STATUTORY DAYS | DATE DETERMINED | DETERMINATION AND AUTHORITY |
|--------------------------------------------------------|---------------|--------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|-----------------|-----------------------------|
| 247/2013-2                                             | 10 MAY 16     | 140-144 BROMFIELD STREET COLAC | BUILDINGS AND WORKS COMPRISING CONSTRUCTION OF A SUPERMARKET (4,300SQ M) AND FOUR SHOPS (1,100 SQ M), CREATION AND ALTERATION OF ACCESS TO A ROAD IN A ROAD ZONE CATEGORY 1, REDUCTION IN CAR PARKING (69 SPACES) AND BICYCLE FACILITIES AND REALIGNMENT OF A TITLE BAOUNDARY | 118            | 06 SEP 16       | WITHDRAWN                   |
| 96/2016-1                                              | 13 MAY 16     | 125 EDWARDS ROAD IRREWARRA     | SUBDIVISION OF THE LAND INTO TWO (2) LOTS AND USE AND DEVELOPMENT OF THE LAND FOR A DWELLING                                                                                                                                                                                  | 0              | 06 SEP 16       | LAPSED                      |
| 100/2016-1                                             | 25 MAY 16     | 25 MAIN ROAD GELLIBRAND        | USE OF LAND AS A PLACE OF ASSEMBLY AND ASSOCIATED BUILDINGS AND WORKS                                                                                                                                                                                                         | 0              | 7 SEP 16        | LAPSED                      |
| 114/2016-1                                             | 27 MAY 16     | 1 GREAT OCEAN ROAD APOLLO BAY  | SUBDIVISION OF THE LAND INTO TWO (2) LOTS                                                                                                                                                                                                                                     | 0              | 04 SEP 16       | WITHDRAWN                   |
| 120/2016-1                                             | 7 JUN 16      | 55 JONES ROAD STONEYFORD       | THREE (3) LOT SUBDIVISION                                                                                                                                                                                                                                                     | 0              | 7 SEP 16        | LAPSED                      |
| 141/2016-1                                             | 23 JUN 16     | 169 MAIN STREET ELLIMINYT      | SUBDIVISION – REALIGNMENT OF BOUNDARY                                                                                                                                                                                                                                         | 97             | 28 SEP 16       | WITHDRAWN                   |
| <b>TOTAL AVERAGE STATUTORY DAYS (ALL APPLICATIONS)</b> |               |                                |                                                                                                                                                                                                                                                                               | <b>42</b>      |                 |                             |









**BUILDING DEPARTMENT REPORT – TOTAL BUILDING PERMITS 2016 (YEAR TO DATE)**

|              | New Dwelling |                   | Domestic (Other) |                   | New Commercial |                  | Commercial (Other) |                  | New Public/Health |                  | Public/Health (Other) |                  | Municipal Totals |                   |
|--------------|--------------|-------------------|------------------|-------------------|----------------|------------------|--------------------|------------------|-------------------|------------------|-----------------------|------------------|------------------|-------------------|
|              | No.          | Value (\$)        | No.              | Value (\$)        | No.            | Value (\$)       | No.                | Value (\$)       | No.               | Value (\$)       | No.                   | Value (\$)       | No.              | Value (\$)        |
| Jan          | 6            | 2,374,542         | 15               | 881,131           | 2              | 270,000          | 0                  | -                | 1                 | 50,000           | 0                     | -                | 24               | 3,575,673         |
| Feb          | 11           | 5,130,664         | 22               | 728,047           | 4              | 265,332          | 0                  | -                | 0                 | -                | 1                     | 2,529,280        | 38               | 8,653,323         |
| Mar          | 7            | 2,304,676         | 26               | 1,059,876         | 1              | 82,500           | 2                  | 7,500            | 0                 | -                | 0                     | -                | 36               | 3,454,552         |
| Apr          | 14           | 4,506,100         | 37               | 1,260,582         | 2              | 370,000          | 0                  | -                | 0                 | -                | 0                     | -                | 53               | 6,136,682         |
| May          | 9            | 2,690,556         | 20               | 468,276           | 0              | -                | 2                  | 348,180          | 0                 | -                | 1                     | 31,000           | 32               | 3,538,012         |
| Jun          | 7            | 2,900,282         | 26               | 1,176,278         | 2              | 7,200,000        | 5                  | 1,280,349        | 1                 | 2,676,357        | 0                     | -                | 41               | 15,233,266        |
| Jul          | 8            | 2,158,842         | 17               | 2,020,879         | 0              | -                | 3                  | 1,497,518        | 2                 | 1,612,644        | 0                     | -                | 30               | 7,289,883         |
| Aug          | 6            | 2,631,067         | 26               | 1,299,995         | 2              | 146,300          | 0                  | -                | 0                 | -                | 1                     | 4,858,135        | 35               | 8,935,497         |
| Sep          | 11           | 2,668,517         | 33               | 1,199,064         | 0              | -                | 5                  | 1,396,000        | 0                 | -                | 2                     | 330,000          | 51               | 5,593,581         |
| Oct          |              |                   |                  |                   |                |                  |                    |                  |                   |                  |                       |                  |                  |                   |
| Nov          |              |                   |                  |                   |                |                  |                    |                  |                   |                  |                       |                  |                  |                   |
| Dec          |              |                   |                  |                   |                |                  |                    |                  |                   |                  |                       |                  |                  |                   |
| <b>Total</b> | <b>79</b>    | <b>27,365,246</b> | <b>222</b>       | <b>10,094,128</b> | <b>13</b>      | <b>8,334,132</b> | <b>17</b>          | <b>4,529,547</b> | <b>4</b>          | <b>4,339,001</b> | <b>5</b>              | <b>7,748,415</b> | <b>340</b>       | <b>62,410,469</b> |

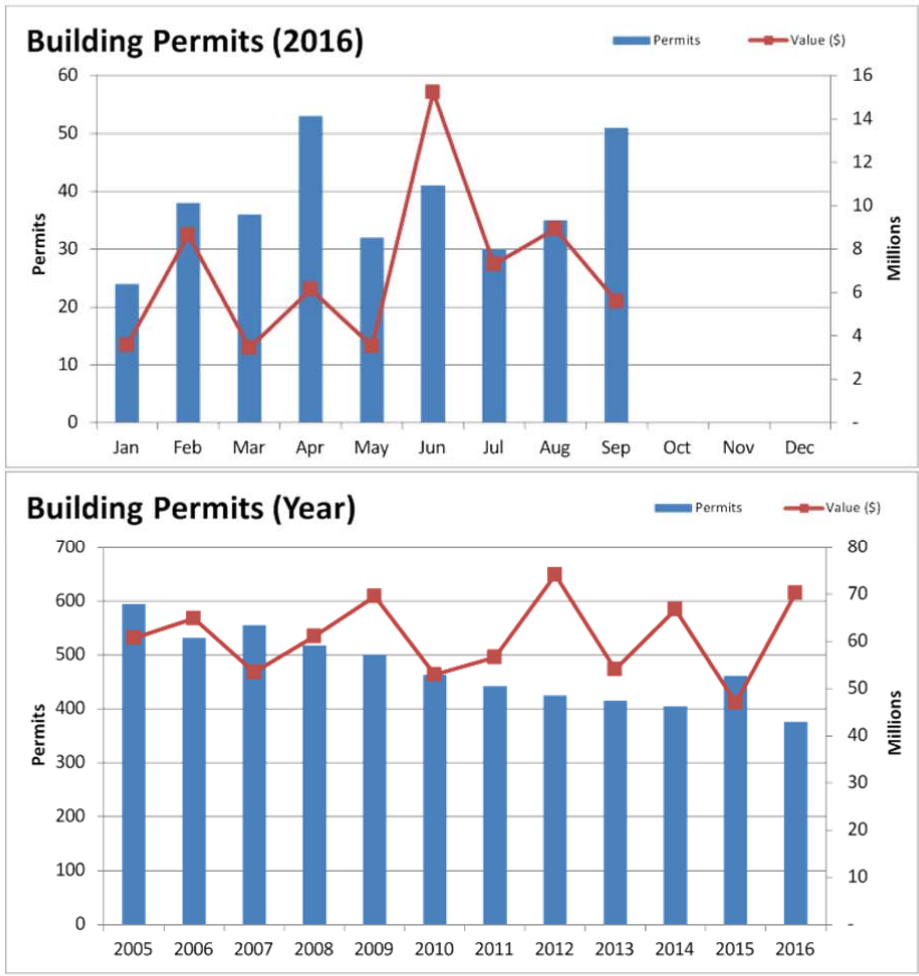
Note: Figures for previous month may change at next report due to private surveyors lodging permits after report completed

**BUILDING DEPARTMENT REPORT – YEARLY COMPARISON (CURRENT YEAR TO DATE)**

|      | New Dwelling |                   | Domestic (Other) |                   | New Commercial |                  | Commercial (Other) |                  | New Public/Health |                  | Public/Health (Other) |                  | Municipal Totals |                   |
|------|--------------|-------------------|------------------|-------------------|----------------|------------------|--------------------|------------------|-------------------|------------------|-----------------------|------------------|------------------|-------------------|
|      | No.          | Value (\$)        | No.              | Value (\$)        | No.            | Value (\$)       | No.                | Value (\$)       | No.               | Value (\$)       | No.                   | Value (\$)       | No.              | Value (\$)        |
| 2011 | 129          | 35,068,520        | 262              | 11,587,948        | 11             | 4,897,695        | 24                 | 2,468,619        | 1                 | 550,000          | 15                    | 2,041,271        | 442              | 56,614,053        |
| 2012 | 110          | 37,048,125        | 261              | 9,407,333         | 13             | 17,924,594       | 24                 | 2,733,674        | 2                 | 2,913,411        | 15                    | 4,057,333        | 425              | 74,084,470        |
| 2013 | 113          | 30,065,304        | 253              | 10,801,627        | 8              | 1,120,000        | 24                 | 1,526,120        | 7                 | 3,849,610        | 10                    | 6,707,886        | 415              | 54,070,547        |
| 2014 | 107          | 33,376,820        | 251              | 10,123,657        | 7              | 6,185,846        | 19                 | 3,536,037        | 7                 | 641,868          | 14                    | 12,890,553       | 405              | 66,754,781        |
| 2015 | 102          | 26,361,566        | 308              | 12,340,327        | 9              | 2,508,183        | 27                 | 3,485,364        | 3                 | 220,634          | 12                    | 2,135,742        | 461              | 47,051,816        |
| 2016 | <b>79</b>    | <b>27,365,246</b> | <b>222</b>       | <b>10,094,128</b> | <b>13</b>      | <b>8,334,132</b> | <b>17</b>          | <b>4,529,547</b> | <b>4</b>          | <b>4,339,001</b> | <b>5</b>              | <b>7,748,415</b> | <b>340</b>       | <b>62,410,469</b> |

Note: Current year figures are to date only.

| Definition (Examples) | New Dwelling      |  | Domestic (Other)     |  | New Commercial    |  | Commercial (Other)   |  | New Public/Health |           | Public/Health (Other) |                      |
|-----------------------|-------------------|--|----------------------|--|-------------------|--|----------------------|--|-------------------|-----------|-----------------------|----------------------|
|                       |                   |  |                      |  |                   |  |                      |  |                   |           |                       |                      |
|                       | Dwellings         |  | Extension/Alteration |  | Office            |  | Extension/Alteration |  | Hospital          | Hall      |                       | Extension/Alteration |
|                       | Multi Development |  | Verandah/Deck        |  | Shop              |  | Fit Out              |  | Medical Clinic    | Church    |                       | Demolition           |
|                       | Re-Erection       |  | Shed/Garage          |  | Restaurant        |  | Demolition           |  | School            | Utilities |                       |                      |
|                       |                   |  | Swimming Pool        |  | Factory/Warehouse |  |                      |  |                   |           |                       |                      |



## PLANNING STATISTICAL REPORT – OCTOBER 2016 - (DETERMINATIONS)

| APPLICATION NUMBER | DATE RECEIVED | LOCATION                             | PROPOSAL                                                                                                                                                  | STATUTORY DAYS | DATE DETERMINED | DETERMINATION AND AUTHORITY |
|--------------------|---------------|--------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|-----------------|-----------------------------|
| 261/2015-1         | 27 OCT 15     | 20 GARDNER STREET<br>BEECH FORREST   | BUILDINGS AND WORKS COMPRISING CONSTRUCTION OF DWELLING                                                                                                   | 78             | 21 OCT 16       | PERMIT ISSUED - DELEGATE    |
| 46/2016-1          | 02 MAR 16     | 185 MONTROSE AVENUE<br>APOLLO BAY    | SUBDIVISION OF THE LAND INTO THREE (3) LOTS                                                                                                               | 78             | 21 OCT 16       | PERMIT ISSUED – DELEGATE    |
| 127/2016-1         | 10 JUN 16     | 4/186-190 MURRAY STREET<br>COLAC     | EXTENSION OF LIQUOR LICENCE HOURS OF TRADING AND DISPLAY OF THREE (3) BUSINESS IDENTIFICATION SIGNS                                                       | 9              | 21 OCT 16       | PERMIT ISSUED – DELEGATE    |
| 131/2016-1         | 17 JUN 16     | 5 MITCHELL GROVE<br>SEPARATION CREEK | CONSTRUCTION OF ONE (1) NEW DWELLING                                                                                                                      | 17             | 20 OCT 16       | PERMIT ISSUED – DELEGATE    |
| 133/2016-2         | 26 OCT 16     | 8 ILUKA AVENUE<br>WYE RIVER          | CONSTRUCTION OF ONE (1) NEW DWELLING – AMENDMENT                                                                                                          | 5              | 31 OCT 16       | PERMIT ISSUED – DELEGATE    |
| 144/2016-1         | 30 JUN 16     | 25 GREAT OCEAN ROAD<br>WYE RIVER     | CHANGE CURRENT UNPOWERED SITES TO POWERED SITES & CONCRETE SLABS                                                                                          | 3              | 17 OCT 16       | PERMIT ISSUED – DELEGATE    |
| 148/2016-1         | 1 JULY 16     | 52B RAE STREET<br>COLAC              | USE OF THE LAND FOR A RESTRICTED RECREATION FACILITY, BUILDINGS AND WORKS COMPRISING EXTENSION OF BUILDING AND DISPLAY OF BUSINESS IDENTIFICATION SIGNAGE | 62             | 12 OCT 16       | PERMIT ISSUED – DELEGATE    |
| 160/2016-1         | 19 JUL 16     | 8 WALLACE STREET<br>WYE RIVER        | CONSTRUCTION OF ONE (1) NEW DWELLING                                                                                                                      | 87             | 14 OCT 16       | PERMIT ISSUED – DELEGATE    |

## PLANNING STATISTICAL REPORT – OCTOBER 2016 - (DETERMINATIONS)

| APPLICATION NUMBER | DATE RECEIVED | LOCATION                              | PROPOSAL                                                                                                                                                                                                   | STATUTORY DAYS | DATE DETERMINED | DETERMINATION AND AUTHORITY |
|--------------------|---------------|---------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|-----------------|-----------------------------|
| 172/2016-1         | 4 AUG 16      | 1 HARRIS ROAD<br>ELLIMINYT            | USE AND DEVELOPMENT OF THE LAND FOR A DWELLING, OUTBUILDING AND ASSOCIATED WORKS                                                                                                                           | 3              | 13 OCT 16       | PERMIT ISSUED – DELEGATE    |
| 173/2016-1         | 2 AUG 16      | 30 KARINGAL DRIVE<br>WYE RIVER        | CONSTRUCTION OF ONE (1) NEW TWO STOREY DWELLING                                                                                                                                                            | 80             | 21 OCT 16       | PERMIT ISSUED DELEGATE      |
| 183/2016-1         | 15 AUG 16     | 1/5 MOORE STREET<br>APOLLO BAY        | CONSTRUCTION OF A CARPORT                                                                                                                                                                                  | 42             | 18 OCT 16       | PERMIT ISSUED DELEGATE      |
| 184/2016-1         | 16 AUG 16     | 69-71 QUEEN STREET<br>COLAC           | INSTALLATION OF A CANOPY AND BOWSERS AND ASSOCIATED WORKS AT SERVICE STATION, DISPLAY OF INTERNALLY ILLUMINATED BUSINESS IDENTIFICATION SIGNAGE AND ALTERATION TO ACCESS TO ROAD IN A ROAD ZONE CATEGORY 1 | 52             | 21 OCT 16       | PERMIT ISSUED DELEGATE      |
| 186/2016-1         | 18 AUG 16     | 209 MURRAY STREET<br>COLAC            | DISPLAY OF BUSINESS IDENTIFICATION SIGNAGE                                                                                                                                                                 | 8              | 11 OCT 16       | PERMIT ISSUED DELEGATE      |
| 201/2016-1         | 31 AUG 16     | 95-101 GREAT OCEAN ROAD<br>APOLLO BAY | INCREASE IN AREA IN WHICH LIQUOR IS ALLOWED TO BE CONSUMED OR SUPPLIED UNDER A LICENCE                                                                                                                     | 24             | 19 OCT 16       | PERMIT ISSUED DELEGATE      |
| 234/2016-1         | 26 SEP 16     | 205 WARROWIE ROAD<br>IRREWARRA        | BUILDINGS AND WORKS COMPRISING CONSTRUCTION OF ROOFED PATIO AREA                                                                                                                                           | 2              | 20 OCT 16       | PERMIT ISSUED DELEGATE      |
| 235/2016-1         | 29 SEP 16     | 494 MURRAY STREET<br>COLAC            | BUILDINGS AND WORKS COMPRISING CONSTRUCTION OF PERGOLA OVER DECK                                                                                                                                           | 28             | 27 OCT 16       | PERMIT ISSUED DELEGATE      |

## PLANNING STATISTICAL REPORT – OCTOBER 2016 - (DETERMINATIONS)

| APPLICATION NUMBER | DATE RECEIVED | LOCATION                         | PROPOSAL                                                                                        | STATUTORY DAYS | DATE DETERMINED | DETERMINATION AND AUTHORITY |
|--------------------|---------------|----------------------------------|-------------------------------------------------------------------------------------------------|----------------|-----------------|-----------------------------|
| 242/2016-1         | 4 OCT 16      | 25 COLLINS ROAD<br>IRREWARRA     | BUILDINGS AND WORKS COMPRISING CONSTRUCTION OF A COVERED DECK ASSOCIATED WITH ABOVE GROUND POOL | 11             | 17 OCT 16       | PERMIT ISSUED - DELEGATE    |
| 267/2016-1         | 27 OCT 16     | 37 GREAT OCEAN ROAD<br>WYE RIVER | REPLACEMENT OF THE WYE RIVER PLAYGROUND                                                         | 1              | 28 OCT 16       | PERMIT ISSUED DELEGATE      |
| 268/2016-1         | 27 OCT 16     | WONGA DRIVE<br>WYE RIVER         | BANK STABILISATION & BOLLARDS                                                                   | 4              | 31 OCT 16       | PERMIT ISSUED DELEGATE      |
| 269/2016-1         | 27 OCT 16     | VALLEY ROAD,<br>WYE RIVER        | INSTALLATION OF A NEW PIPELINE                                                                  | 4              | 31 OCT 16       | PERMIT ISSUED DELEGATE      |
| 102/2016-1         | 17 MAY 16     | 12 DUNOON ROAD<br>WYE RIVER      | CONSTRUCTION OF A SINGLE DWELLING & ASSOCIATED WORKS                                            | 51             | 28 OCT 16       | PERMIT ISSUED DELEGATE      |
| PP146/2016<br>-1   | 4 JUL 16      | 3 DUNOON ROAD<br>WYE RIVER       | CONSTRUCTION OF A SINGLE DWELLING, REMOVAL OF VEGETATION AND ASSOCIATED WORKS                   | 93             | 28 OCT 16       | PERMIT ISSUED DELEGATE      |
| 179/2016-1         | 10 AUG 16     | 285 ONDIT WARRION ROAD<br>ONDIT  | CONSTRUCTION OF FIVE (5) BAY SHED FOR HAY AND MACHINERY STORAGE                                 | 42             | 12 OCT 16       | PERMIT ISSUED DELEGATE      |
| 48/2016-1          | 7 MAR 16      | 1A THE OTWAY VISTA<br>APOLLO BAY | CONSTRUCTION OF A DWELLING                                                                      | 22             | 12 OCT 16       | PERMIT ISSUED DELEGATE      |

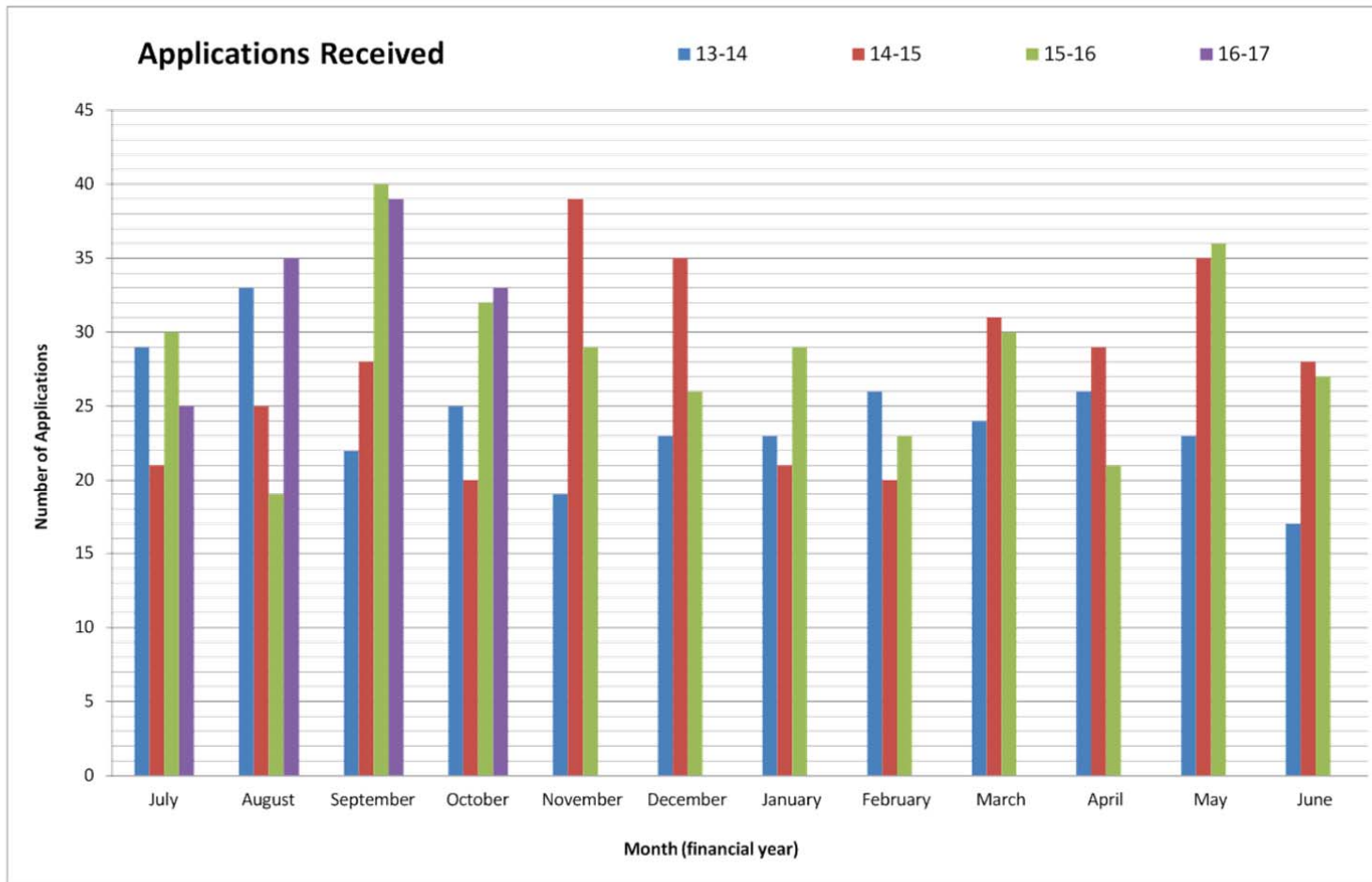
**PLANNING STATISTICAL REPORT – OCTOBER 2016 - (DETERMINATIONS)**

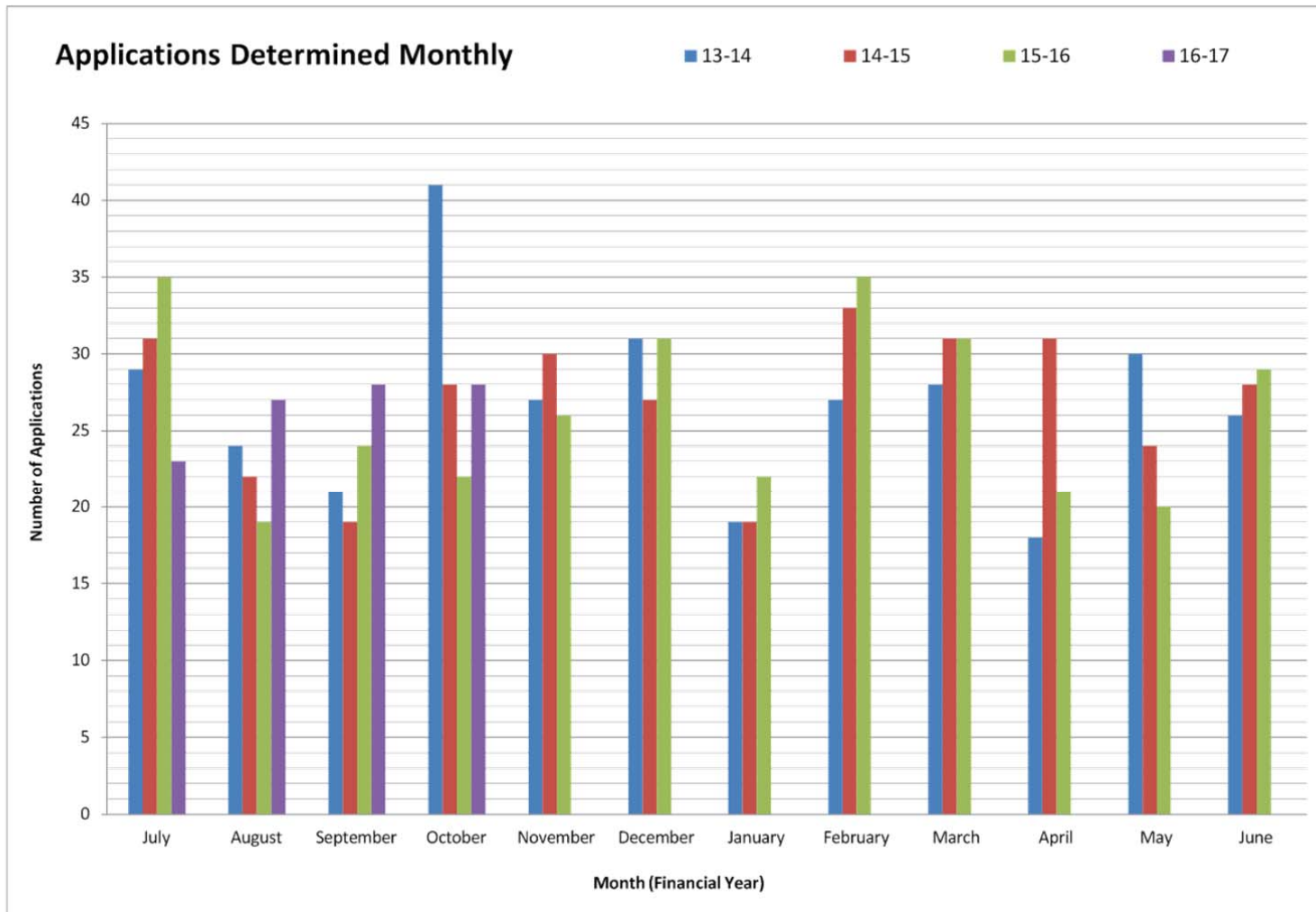
| APPLICATION NUMBER                                               | DATE RECEIVED | LOCATION                  | PROPOSAL                                                                              | STATUTORY DAYS | DATE DETERMINED | DETERMINATION AND AUTHORITY |
|------------------------------------------------------------------|---------------|---------------------------|---------------------------------------------------------------------------------------|----------------|-----------------|-----------------------------|
| 122/2015-1                                                       | 20 MAY 15     | 220 BINGAMIE ROAD YEODENE | USE AND DEVELOPMENT OF THE LAND (RETROSPECTIVE) AND CONSTRUCTION OF A STOCK YARD ROOF | 425            | 11 OCT 16       | REFUSAL TO GRANT – DELEGATE |
| <b>AVERAGE STATUTORY DAYS TO DETERMINE PLANNING APPLICATIONS</b> |               |                           |                                                                                       | 49             |                 |                             |

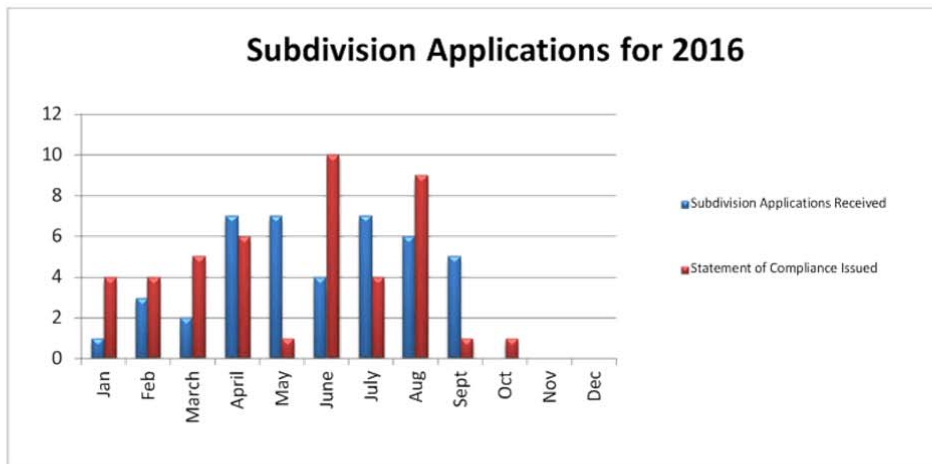
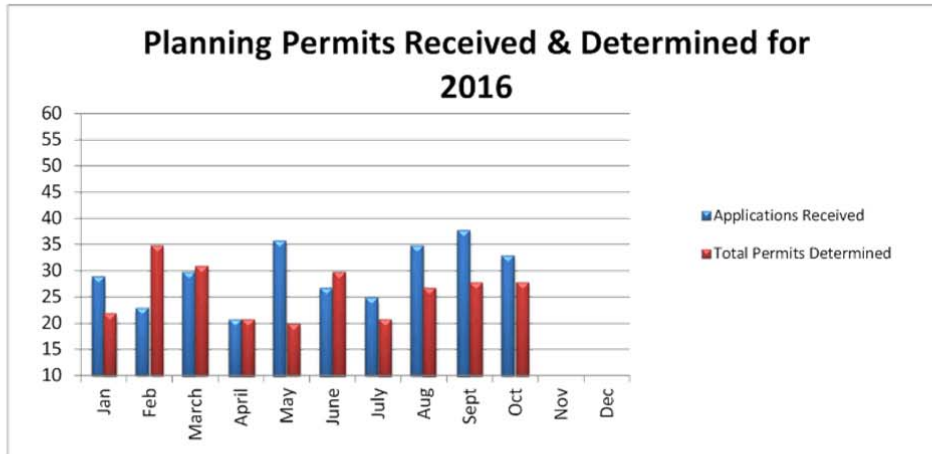
**PLANNING STATISTICAL REPORT – OCTOBER 2016 - (PERMITS NOT REQUIRED, WITHDRAWN AND LAPSED APPLICATIONS)**

| APPLICATION NUMBER                               | DATE RECEIVED | LOCATION                         | PROPOSAL                                             | STATUTORY DAYS | DATE DETERMINED | DETERMINATION AND AUTHORITY |
|--------------------------------------------------|---------------|----------------------------------|------------------------------------------------------|----------------|-----------------|-----------------------------|
| 200/2016-1                                       | 3 OCT 16      | 13 GREAT OCEAN ROAD SKENES CREEK | TWO (2) LOT RE-SUBDIVISION – REALIGNMENT OF BOUNDARY | 0              | 3 OCT 16        | PERMIT NOT REQUIRED         |
| 106/2016-1                                       | 20 MAY 16     | 51 ROADKNIGHT STREET BIRREGURRA  | ADDITIONS TO EXISTING SHED FOR RESIDENTIAL PURPOSES  | 0              | 8 OCT 16        | PLANNING APPLICATION LAPSED |
| 261/2016-1                                       | 19 OCT 16     | 19-23 HOPKINS STREET BIRREGURRA  | TREE REMOVAL                                         | 12             | 31 OCT 16       | WITHDRAWN                   |
| <b>AVERAGE STATUTORY DAYS (ALL APPLICATIONS)</b> |               |                                  |                                                      | 44             |                 |                             |









**BUILDING DEPARTMENT REPORT – TOTAL BUILDING PERMITS 2016 (YEAR TO DATE)**

|              | New Dwelling |                   | Domestic (Other) |                   | New Commercial |                  | Commercial (Other) |                  | New Public/Health |                  | Public/Health (Other) |                  | Municipal Totals |                   |
|--------------|--------------|-------------------|------------------|-------------------|----------------|------------------|--------------------|------------------|-------------------|------------------|-----------------------|------------------|------------------|-------------------|
|              | No.          | Value (\$)        | No.              | Value (\$)        | No.            | Value (\$)       | No.                | Value (\$)       | No.               | Value (\$)       | No.                   | Value (\$)       | No.              | Value (\$)        |
| Jan          | 6            | 2,374,542         | 15               | 881,131           | 2              | 270,000          | 0                  | -                | 1                 | 50,000           | 0                     | -                | 24               | 3,575,673         |
| Feb          | 11           | 5,130,664         | 22               | 728,047           | 4              | 265,332          | 0                  | -                | 0                 | -                | 1                     | 2,529,280        | 38               | 8,653,323         |
| Mar          | 7            | 2,304,676         | 26               | 1,059,876         | 1              | 82,500           | 2                  | 7,500            | 0                 | -                | 0                     | -                | 36               | 3,454,552         |
| Apr          | 14           | 4,506,100         | 37               | 1,260,582         | 2              | 370,000          | 0                  | -                | 0                 | -                | 0                     | -                | 53               | 6,136,682         |
| May          | 9            | 2,690,556         | 20               | 468,276           | 0              | -                | 2                  | 348,180          | 0                 | -                | 1                     | 31,000           | 32               | 3,538,012         |
| Jun          | 7            | 2,900,282         | 26               | 1,176,278         | 2              | 7,200,000        | 5                  | 1,280,349        | 1                 | 2,676,357        | 0                     | -                | 41               | 15,233,266        |
| Jul          | 8            | 2,158,842         | 17               | 2,020,879         | 0              | -                | 3                  | 1,497,518        | 2                 | 1,612,644        | 0                     | -                | 30               | 7,289,883         |
| Aug          | 6            | 2,631,067         | 26               | 1,299,995         | 2              | 146,300          | 0                  | -                | 0                 | -                | 1                     | 4,858,135        | 35               | 8,935,497         |
| Sep          | 11           | 2,668,517         | 33               | 1,199,064         | 0              | -                | 5                  | 1,396,000        | 0                 | -                | 2                     | 330,000          | 51               | 5,593,581         |
| Oct          | 9            | 4,072,995         | 18               | 1,358,154         | 0              | -                | 1                  | 245,000          | 0                 | -                | 1                     | -                | 29               | 5,676,149         |
| Nov          |              |                   |                  |                   |                |                  |                    |                  |                   |                  |                       |                  |                  |                   |
| Dec          |              |                   |                  |                   |                |                  |                    |                  |                   |                  |                       |                  |                  |                   |
| <b>Total</b> | <b>88</b>    | <b>31,438,241</b> | <b>240</b>       | <b>11,452,282</b> | <b>13</b>      | <b>8,334,132</b> | <b>18</b>          | <b>4,774,547</b> | <b>4</b>          | <b>4,339,001</b> | <b>6</b>              | <b>7,748,415</b> | <b>369</b>       | <b>68,086,618</b> |

Note: Figures for previous month may change at next report due to private surveyors lodging permits after report completed

**BUILDING DEPARTMENT REPORT – YEARLY COMPARISON (CURRENT YEAR TO DATE)**

|      | New Dwelling |                   | Domestic (Other) |                   | New Commercial |                  | Commercial (Other) |                  | New Public/Health |                  | Public/Health (Other) |                  | Municipal Totals |                   |
|------|--------------|-------------------|------------------|-------------------|----------------|------------------|--------------------|------------------|-------------------|------------------|-----------------------|------------------|------------------|-------------------|
|      | No.          | Value (\$)        | No.              | Value (\$)        | No.            | Value (\$)       | No.                | Value (\$)       | No.               | Value (\$)       | No.                   | Value (\$)       | No.              | Value (\$)        |
| 2011 | 129          | 35,068,520        | 262              | 11,587,948        | 11             | 4,897,695        | 24                 | 2,468,619        | 1                 | 550,000          | 15                    | 2,041,271        | 442              | 56,614,053        |
| 2012 | 110          | 37,048,125        | 261              | 9,407,333         | 13             | 17,924,594       | 24                 | 2,733,674        | 2                 | 2,913,411        | 15                    | 4,057,333        | 425              | 74,084,470        |
| 2013 | 113          | 30,065,304        | 253              | 10,801,627        | 8              | 1,120,000        | 24                 | 1,526,120        | 7                 | 3,849,610        | 10                    | 6,707,886        | 415              | 54,070,547        |
| 2014 | 107          | 33,376,820        | 251              | 10,123,657        | 7              | 6,185,846        | 19                 | 3,536,037        | 7                 | 641,868          | 14                    | 12,890,553       | 405              | 66,754,781        |
| 2015 | 102          | 26,361,566        | 308              | 12,340,327        | 9              | 2,508,183        | 27                 | 3,485,364        | 3                 | 220,634          | 12                    | 2,135,742        | 461              | 47,051,816        |
| 2016 | <b>88</b>    | <b>31,438,241</b> | <b>240</b>       | <b>11,452,282</b> | <b>13</b>      | <b>8,334,132</b> | <b>18</b>          | <b>4,774,547</b> | <b>4</b>          | <b>4,339,001</b> | <b>6</b>              | <b>7,748,415</b> | <b>369</b>       | <b>68,086,618</b> |

Note: Current year figures are to date only.

|                       | New Dwelling                                  | Domestic (Other)                                                      | New Commercial                                    | Commercial (Other)                            | New Public/Health                    |                             | Public/Health (Other)              |
|-----------------------|-----------------------------------------------|-----------------------------------------------------------------------|---------------------------------------------------|-----------------------------------------------|--------------------------------------|-----------------------------|------------------------------------|
| Definition (Examples) | Dwellings<br>Multi Development<br>Re-Erection | Extension/Alteration<br>Verandah/Deck<br>Shed/Garage<br>Swimming Pool | Office<br>Shop<br>Restaurant<br>Factory/Warehouse | Extension/Alteration<br>Fit Out<br>Demolition | Hospital<br>Medical Clinic<br>School | Hall<br>Church<br>Utilities | Extension/Alteration<br>Demolition |

