



**Colac Otway  
SHIRE**

**AGENDA**

**PLANNING COMMITTEE  
OF THE  
COLAC-OTWAY SHIRE  
COUNCIL**

**23 JANUARY 2008**

**at 10.30am**

**COPACC Meeting Room  
Rae Street, Colac**

An audio recording of this meeting is being made for the purpose of verifying the accuracy of the minutes of the meeting. In some circumstances the recording may be disclosed, such as where Council is compelled to do so by court order, warrant, subpoena or by any other law, such as the Freedom of Information Act 1982.'

**COLAC-OTWAY SHIRE PLANNING COMMITTEE MEETING**

**23 JANUARY 2008**

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NOTICE is hereby given that the next **PLANNING COMMITTEE OF THE COLAC-OTWAY SHIRE COUNCIL** will be held in the COPACC Meeting Room, Rae Street, Colac on 23 January 2008 at 10.30am.

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## AGENDA

1. PRAYER
2. PRESENT
3. APOLOGIES
4. DECLARATION OF INTEREST
5. VERBAL SUBMISSIONS FROM APPLICANTS/OBJECTORS

The Mayor 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.

## 6. CONFIRMATION OF MINUTES

- Planning Committee Meeting of the Colac-Otway Shire Council held on the 5 December 2007.
- Special Meeting of the Colac-Otway Shire Council held on the 19 December 2007.

### Recommendation

That the Planning Committee confirm the above minutes.

## OFFICERS' REPORTS

### Sustainable Planning and Development

PC082301-1	PLANNING COMMITTEE AMENDED DATES – 2008
PC082301-2	PLANNING PERMITS FOR THE MONTH OF DECEMBER 2007
PC082301-3	DEVELOPMENT OF FOUR DWELLINGS AND FOUR LOT SUBDIVISION AT 16 THOMSON STREET, APOLLO BAY
PC082301-4	DEVELOPMENT OF ONE SHOP, FIVE OFFICES AND SEVEN DWELLINGS, WAIVING OF CAR PARKING AND 13 LOT SUBDIVISION AT 32 PASCOE STREET, APOLLO BAY
PC082301-5	CONSTRUCTION OF DWELLING AND SHED 61 OLD COACH ROAD, SKENES CREEK

Tracey Slatter  
Chief Executive Officer

**PC082301-1 PLANNING COMMITTEE AMENDED DATES - 2008**

AUTHOR: Jack Green ENDORSED: Jack Green  
 DEPARTMENT: Sustainable Planning and Development FILE REF: GEN00460

**Purpose**

To propose that Council’s Planning Committee meeting dates are changed to Tuesdays as per the following table:

Date	Time	Venue
Wednesday, 23 January 2008	10.30am	COPACC, Colac
Tuesday, 12 February 2008	10.30am	COPACC, Colac
Tuesday, 11 March 2008	10.30am	COPACC, Colac
Tuesday, 8 April 2008	10.30am	COPACC, Colac
Tuesday, 13 May 2008	10.30am	COPACC, Colac
Tuesday, 10 June 2008	10.30am	COPACC, Colac
Tuesday, 8 July 2008	10.30am	COPACC, Colac
Tuesday, 12 August 2008	10.30am	COPACC, Colac
Tuesday, 9 September 2008	10.30am	COPACC, Colac
Tuesday, 7 October 2008	10.30am	COPACC, Colac
Tuesday, 11 November 2008	10.30am	COPACC, Colac
Tuesday, 2 December 2008	10.30am	COPACC, Colac

**Recommendation(s)**

***That Council’s Planning Committee:***

- Confirm the following meeting dates for Planning Committee meetings for 2008:***

***Wednesday, 23 January 2008, 10.30am, COPACC, Colac***  
***Tuesday, 12 February 2008, 10.30am, COPACC, Colac***  
***Tuesday, 11 March 2008, 10.30am, COPACC, Colac***  
***Tuesday, 8 April 2008, 10.30am, COPACC, Colac***  
***Tuesday, 13 May 2008, 10.30am, COPACC, Colac***  
***Tuesday, 10 June 2008, 10.30am, COPACC, Colac***  
***Tuesday, 8 July 2008, 10.30am, COPACC, Colac***  
***Tuesday, 12 August 2008, 10.30am, COPACC, Colac***  
***Tuesday, 9 September 2008, 10.30am, COPACC, Colac***  
***Tuesday, 7 October 2008, 10.30am, COPACC, Colac***  
***Tuesday, 11 November 2008, 10.30am, COPACC, Colac***  
***Tuesday, 2 December 2008, 10.30am, COPACC, Colac***

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**PC082301-2 PLANNING PERMITS FOR THE MONTH OF DECEMBER 2007**

AUTHOR: Stefanie Riches                      ENDORSED: Jack Green  
DEPARTMENT: Sustainable Planning and      FILE REF: GEN00450  
Development

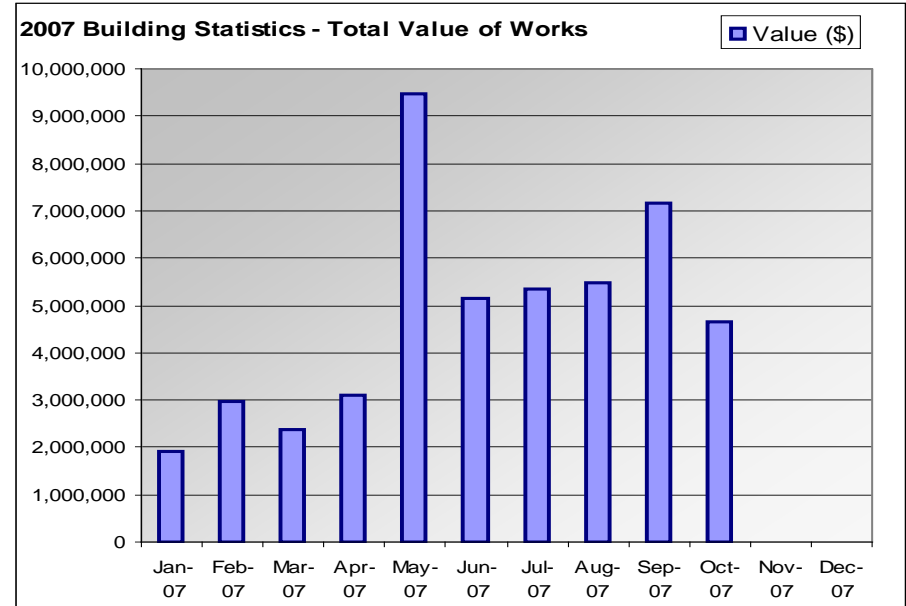
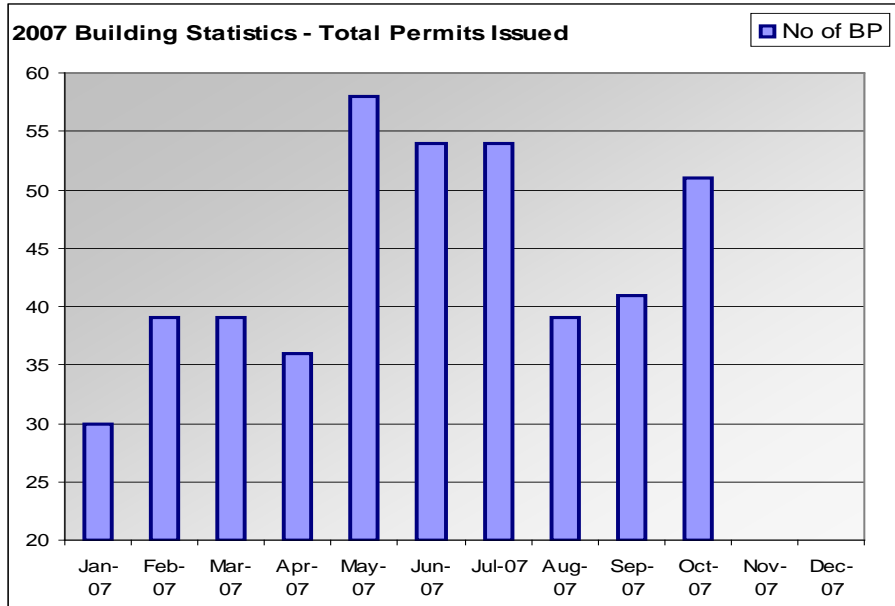
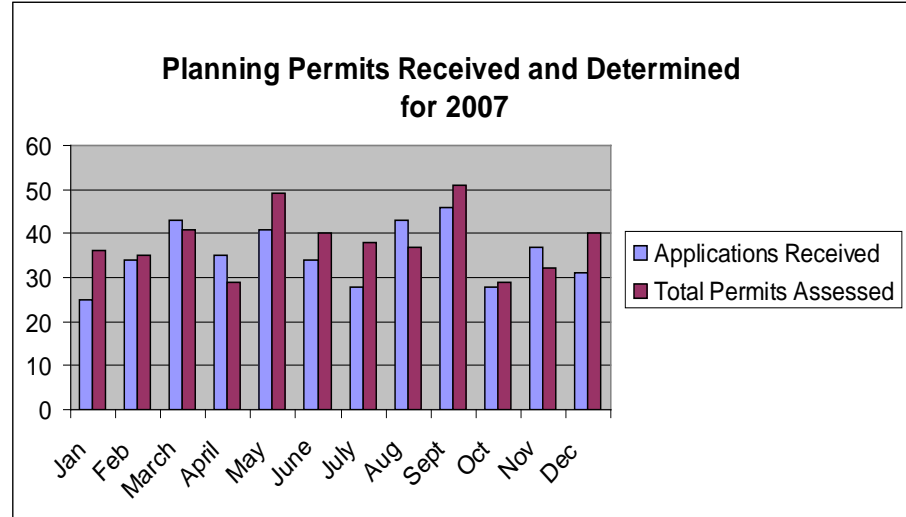
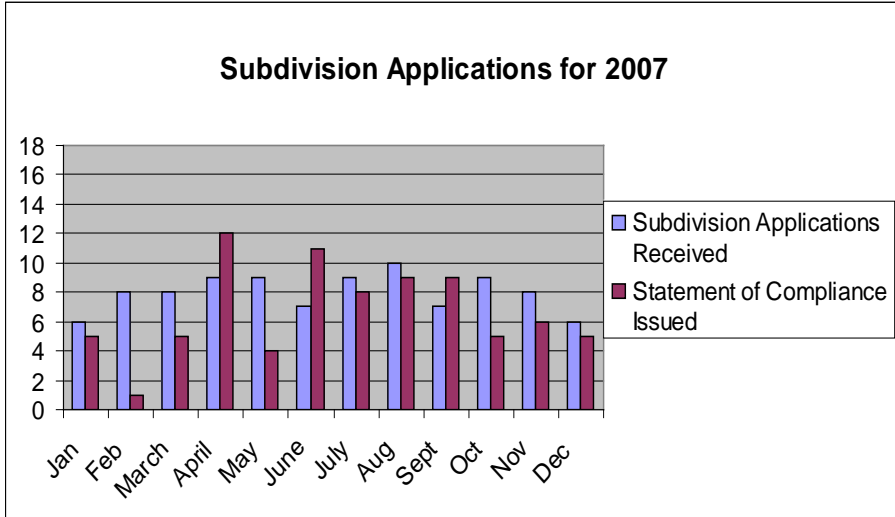
31 Planning permit applications received for the period of 27<sup>th</sup> November 2007 to 31<sup>st</sup> December 2007

40 Planning permit applications were considered for the period of 27<sup>th</sup> November 2007 to 31<sup>st</sup> December 2007

| APPLIC NO | DATE RECEIVED | PROPOSAL                                                         | SUBDIVISION LOTS                   | DATE ISSUED | ACTUAL TIME | Authority        | Decision  |
|-----------|---------------|------------------------------------------------------------------|------------------------------------|-------------|-------------|------------------|-----------|
| PP117/03B | 19-Nov-07     | CONSTRUCTION OF THREE DWELLINGS (GROUP ACCOMMODATION)            |                                    | 06-Dec-07   | 12          | UNDER DELEGATION | GRANTED   |
| PP123/07  | 16-May-07     | CONSTRUCTION OF DWELLING                                         |                                    | 29-Nov-07   | 83          | UNDER DELEGATION | GRANTED   |
| PP134/05B | 11-Sep-07     | AMENDMENT                                                        |                                    | 27-Nov-07   | 15          | UNDER DELEGATION | WITHDRAWN |
| PP17/06A  | 30-Nov-07     | AMENDMENT                                                        |                                    | 12-Dec-07   | 12          | UNDER DELEGATION | GRANTED   |
| PP176/05D | 22-Nov-07     | AMENDMENT - ALTER DOORS, HEIGHT OF BUILDING & INTERNAL STRUCTURE |                                    | 12-Dec-07   | 14          | UNDER DELEGATION | GRANTED   |
| PP178/07A | 30-Nov-07     | AMENDMENT                                                        |                                    | 05-Dec-07   | 5           | UNDER DELEGATION | GRANTED   |
| PP234/07  | 04-Sep-07     | TWO (2) LOT SUBDIVISION                                          | Lot 1 - 2.54ha,<br>Lot 2 - 8.08ha  | 21-Dec-07   | 77          | UNDER DELEGATION | REFUSED   |
| PP239/03B | 24-Aug-07     | AMENDMENT - EXTENSION TO DWELLING                                |                                    | 27-Nov-07   | 68          | UNDER DELEGATION | GRANTED   |
| PP243/07  | 11-Sep-07     | TWO LOT SUBDIVISION                                              | Lot 1 - 3682m2,<br>Lot 2 - 3.667ha | 12-Dec-07   | 66          | UNDER DELEGATION | GRANTED   |
| PP244/07  | 12-Sep-07     | CONSTRUCTION OF DWELLING                                         |                                    | 14-Dec-07   | 66          | UNDER DELEGATION | GRANTED   |
| PP245/07  | 12-Sep-07     | CHANGE OF USE TO ACCOMMODATION & CONSOLIDATION OF TITLES         |                                    | 04-Dec-07   | 59          | UNDER DELEGATION | GRANTED   |

|           |           |                                                                                                                     |                                                                     |           |    |                  |         |
|-----------|-----------|---------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------|-----------|----|------------------|---------|
| PP246/07  | 14-Sep-07 | USE AND DEVELOPMENT OF LAND FOR A UTILITY INSTALLATION & ANCILLIARY BUILDING AND WORKS                              |                                                                     | 20-Dec-07 | 69 | UNDER DELEGATION | GRANTED |
| PP248/07  | 17-Sep-07 | USE & DEVELOPMENT OF LAND FOR A UTILITY INSTALLATION & ANCILLARY BUILDINGS & WORKS & REMOVAL OF NATIVE VEGETATION   |                                                                     | 20-Dec-07 | 67 | UNDER DELEGATION | GRANTED |
| PP250/07  | 17-Sep-07 | THREE (3) LOT SUBDIVISION                                                                                           | Lot 1 - 617m2,<br>Lot 2 - 873m2,<br>Lot 3 - 789m2                   | 11-Dec-07 | 61 | UNDER DELEGATION | GRANTED |
| PP252/07  | 19-Sep-07 | TWO (2) LOT SUBDIVISION, REMOVAL OF CARRIAGEWAY EASEMENT, CREATION OF WALKWAY & CREATION OF RESTRICTION             |                                                                     | 18-Dec-07 | 64 | COUNCIL          | GRANTED |
| PP258/06A | 06-Dec-07 | AMENDMENT                                                                                                           |                                                                     | 11-Dec-07 | 5  | UNDER DELEGATION | GRANTED |
| PP261/06A | 05-Dec-07 | AMENDMENT                                                                                                           |                                                                     | 18-Dec-07 | 13 | UNDER DELEGATION | GRANTED |
| PP263/07  | 04-Oct-07 | FOUR (4) LOT SUBDIVISION                                                                                            | Lot 1 - 400m2,<br>Lot 2 - 400m2,<br>Lot 3 - 636m2,<br>Lot 4 - 621m2 | 30-Nov-07 | 41 | UNDER DELEGATION | GRANTED |
| PP266/07  | 04-Oct-07 | EXTENSION TO DWELLING                                                                                               |                                                                     | 27-Nov-07 | 39 | UNDER DELEGATION | GRANTED |
| PP267/07  | 05-Oct-07 | INSTALLATION OF A SEWERAGE TREATMENT PLANT                                                                          |                                                                     | 20-Dec-07 | 54 | UNDER DELEGATION | GRANTED |
| PP273/07  | 09-Oct-07 | RENOVATE AND EXTEND DWELLING                                                                                        |                                                                     | 04-Dec-07 | 40 | UNDER DELEGATION | GRANTED |
| PP287/02A | 31-Oct-07 | AMENDMENT TO P02/287 - MOVE UNIT FROM WEST TO NORTH WING, ALTER ROOFLINE & EXTERNAL MATERIALS, REARRANGE CARPARKING |                                                                     | 18-Dec-07 | 34 | UNDER DELEGATION | GRANTED |
| PP288/07  | 29-Oct-07 | CONSTRUCTION OF NEW FIRE STATION BUILDING                                                                           |                                                                     | 06-Dec-07 | 27 | UNDER DELEGATION | GRANTED |

|           |           |                                                                                  |  |           |           |                  |           |
|-----------|-----------|----------------------------------------------------------------------------------|--|-----------|-----------|------------------|-----------|
| PP301/07  | 12-Nov-07 | WAIVING OF CAR PARKING ASSOCIATED WITH RESTAURANT AND ON PREMISES LIQUOR LICENCE |  | 06-Dec-07 | 17        | COUNCIL          | GRANTED   |
| PP303/07  | 14-Nov-07 | CONSTRUCTION OF DWELLING                                                         |  | 05-Dec-07 | 21        | UNDER DELEGATION | GRANTED   |
| PP306/07  | 16-Nov-07 | TWO (2) LOT SUBDIVISION                                                          |  | 17-Dec-07 | 8         | UNDER DELEGATION | WITHDRAWN |
| PP319/07  | 23-Nov-07 | CONSTRUCTION OF A DWELLING                                                       |  | 10-Dec-07 | 17        | UNDER DELEGATION | GRANTED   |
| PP325/07  | 30-Nov-07 | ADVERTISING SIGN                                                                 |  | 03-Dec-07 | 3         | UNDER DELEGATION | GRANTED   |
| PP332/07  | 05-Dec-07 | CONSTRUCTION OF RELOCATABLE CLASSROOM                                            |  | 06-Dec-07 | 2         | UNDER DELEGATION | GRANTED   |
| PP337/07  | 07-Dec-07 | INSTALLATION OF AN ABOVE GROUND POOL                                             |  | 12-Dec-07 | 5         | UNDER DELEGATION | GRANTED   |
| PP338/07  | 07-Dec-07 | CONSTRUCTION OF AN AIRCRAFT HANGER                                               |  | 11-Dec-07 | 4         | UNDER DELEGATION | GRANTED   |
| PP340/07  | 11-Dec-07 | EXTENSION TO DWELLING                                                            |  | 13-Dec-07 | 2         | UNDER DELEGATION | GRANTED   |
| PP342/07  | 12-Dec-07 | EXTENSION TO DWELLING                                                            |  | 21-Dec-07 | 6         | UNDER DELEGATION | GRANTED   |
| PP343/07  | 12-Dec-07 | DEVELOPMENT OF A DWELLING                                                        |  | 12-Dec-07 | 1         | UNDER DELEGATION | GRANTED   |
| PP348/07  | 17-Dec-07 | DEVELOPMENT OF A DWELLING                                                        |  | 18-Dec-07 | 1         | UNDER DELEGATION | GRANTED   |
| PP349/07  | 19-Dec-07 | EXTENSION TO DWELLING                                                            |  | 21-Dec-07 | 1         | UNDER DELEGATION | GRANTED   |
| PP359/06A | 30-Nov-07 | USE AND DEVELOPMENT OF A DWELLING AND SHED                                       |  | 05-Dec-07 | 4         | UNDER DELEGATION | GRANTED   |
| PP384/04A | 11-Dec-07 | AMENDMENT                                                                        |  | 11-Dec-07 | 1         | UNDER DELEGATION | GRANTED   |
| PP385/05A | 17-Dec-07 | AMENDMENT - ALTERATIONS TO HOUSE PLANS                                           |  | 18-Dec-07 | 1         | UNDER DELEGATION | GRANTED   |
| PP62/05C  | 16-Nov-07 | AMENDMENT - ALTER CONDITIONS 23, 4, 6, 22 & DESIGN GUIDELINES                    |  | 29-Nov-07 | 9         | UNDER DELEGATION | GRANTED   |
|           |           | <b>Average Days to Process Planning Applications</b>                             |  |           | <b>27</b> | <b>Days</b>      |           |



|          |              |            |        |            |                     |                  |                  |
|----------|--------------|------------|--------|------------|---------------------|------------------|------------------|
| Domestic | Residential* | Commercial | Retail | Industrial | Hospital/HealthCare | Public Buildings | Municipal Totals |
|----------|--------------|------------|--------|------------|---------------------|------------------|------------------|



|               | No of BP   | Value (\$)        | No of BP  | Value (\$)       | No of BP  | Value (\$)       | No of BP  | Value (\$)       | No of BP | Value (\$)       | No of BP | Value (\$) | No of BP  | Value (\$)       | No of BP   | Value (\$)        |
|---------------|------------|-------------------|-----------|------------------|-----------|------------------|-----------|------------------|----------|------------------|----------|------------|-----------|------------------|------------|-------------------|
| Jan-07        | 24         | 1,292,383         | 2         | 260,000          | 3         | 265,000          | 1         | 92,000           | 0        | 0                | 0        | 0          | 0         | 0                | 30         | 1,909,383         |
| Feb-07        | 32         | 1,963,202         | 1         | 400,000          | 2         | 320,000          | 0         | 0                | 1        | 220,000          | 0        | 0          | 3         | 51,000           | 39         | 2,954,202         |
| Mar-07        | 32         | 1,984,828         | 1         | 238,000          | 2         | 43,300           | 2         | 20,000           | 2        | 105,000          | 0        | 0          | 0         | 0                | 39         | 2,391,128         |
| Apr-07        | 27         | 2,631,468         | 2         | 70,000           | 3         | 66,915           | 0         | 0                | 1        | 122,000          | 0        | 0          | 3         | 217,353          | 36         | 3,107,736         |
| May-07        | 45         | 4,613,016         | 0         | 0                | 4         | 761,895          | 5         | 2,930,490        | 1        | 260              | 0        | 0          | 3         | 1,178,995        | 58         | 9,484,656         |
| Jun-07        | 41         | 4,379,658         | 0         | 0                | 10        | 679,270          | 2         | 50,260           | 1        | 42,970           | 0        | 0          | 0         | 0                | 54         | 5,152,158         |
| Jul-07        | 47         | 4,844,335         | 2         | 69,000           | 3         | 374,000          | 1         | 50,000           | 0        | 0                | 0        | 0          | 1         | 0                | 54         | 5,337,335         |
| Aug-07        | 32         | 3,575,038         | 0         | 0                | 2         | 34,016           | 0         | 0                | 3        | 615,100          | 0        | 0          | 2         | 1,262,380        | 39         | 5,486,534         |
| Sep-07        | 32         | 4,519,075         | 0         | 0                | 4         | 121,476          | 2         | 2,433,950        | 0        | 0                | 0        | 0          | 3         | 86,940           | 41         | 7,161,441         |
| Oct-07        | 41         | 3,566,160         | 2         | 410,000          | 3         | 123,800          | 2         | 21,474           | 0        | 0                | 0        | 0          | 3         | 519,520          | 51         | 4,640,954         |
| Nov-07        |            |                   |           |                  |           |                  |           |                  |          |                  |          |            |           |                  | 0          |                   |
| Dec-07        |            |                   |           |                  |           |                  |           |                  |          |                  |          |            |           |                  | 0          |                   |
| <b>Totals</b> | <b>353</b> | <b>33,369,163</b> | <b>10</b> | <b>1,447,000</b> | <b>36</b> | <b>2,789,672</b> | <b>15</b> | <b>5,598,174</b> | <b>9</b> | <b>1,105,330</b> | <b>0</b> | <b>0</b>   | <b>18</b> | <b>3,316,188</b> | <b>441</b> | <b>47,625,527</b> |

Please note that the Building Commission website has only been updated to October 2007.

**Recommendation(s)**

***That Council's Planning Committee note the December 2007 statistical report.***

**PC082301-3 DEVELOPMENT OF FOUR DWELLINGS AND FOUR LOT SUBDIVISION  
AT 16 THOMSON STREET, APOLLO BAY**

AUTHOR: Michelle Watt                      ENDORSED: Jack Green  
DEPARTMENT: Sustainable Planning and      FILE REF: PP198/07  
Development

**Location:** 16 Thomson Street, Apollo Bay

**Applicant:**

**Zoning:** Residential 1 Zone

**Overlay controls:** Nil

**Amendment:** C55 currently on exhibition proposes DDO6 on site

**Abuts:** Residential 1 Zone

**Restrictive Covenants:** Nil

**Reasons for Planning Committee consideration**

This application is before Planning Committee as there are 10 objections lodged against the proposal.

**Summary**

- A previous multi dwelling development application for the site (four dwellings) was refused by Council and this refusal was upheld by the Victorian Civil and Administrative Tribunal (VCAT). The VCAT decision provided direction for any future development of the site.

- This is a new application for the construction of four dwellings and a four lot subdivision. The design has been completely reconsidered.
- The dwellings are located along the western boundary of the site, with the main driveway for the development located along the eastern boundary.
- The dwellings are contemporary in design.
- The application was advertised and a total of eleven objections lodged, one objection has been withdrawn, such that ten remain. The main concerns of objectors relate to neighbourhood character and bulk and also the likelihood of the dwellings being used for holiday rental.
- A consultation meeting was held, however a resolution was not achieved.
- It is considered that the application accords with the planning policy framework, and the Apollo Bay Structure Plan, which has been adopted by Council and which incorporates neighbourhood character provisions. The area in which the site is located is nominated for medium density development, with no minimum lot size set. Most residential areas within the township are not specifically nominated for medium density development, and while it is allowed, Council is seeking to put minimum lot sizes in place. Therefore, based on the policy direction adopted by Council it is considered reasonable to expect multi dwelling development in the neighbourhood and that the area will change as a result of the increase in density promoted under the adopted structure plan.
- The application also accords with Amendment C55, which is currently being exhibited. Amendment C55 seeks to implement the direction provided by the Apollo Bay Structure Plan. It is proposed that the site will be covered by Design and Development Overlay 6-Medium Density Residential Area.
- With some minor changes to the design, as set out in the recommendation, it is recommended that the application is supported through the issue of a Notice of Decision.

### **Proposal**

The application proposed a four dwelling development and four lot subdivision.

The dwellings are generally located along the western boundary of the site, with common access to three of the dwellings located along the eastern boundary of the site. The common driveway meanders down the site, to allow for landscaping to be undertaken along the eastern boundary. Dwellings 1 and 4 are detached dwellings, while Dwellings 2 and 3, located in a central position on the site, are attached.

The dwellings are double storey in scale and contemporary in design. Living rooms are located at first floor level, while bedrooms are located at ground level. Dwellings 1, 2 and 3 are provided with single garages and a parking space in tandem, and Dwelling 4 has a double garage.

The dwellings comprise a mix of single pitched and flat roof forms and a combination of single storey and double storey elements. The dwellings are to be constructed using eco-ply with straps, split faced block work and render over block work. The dwellings have a maximum height of approximately 6.8 metres.

### **Subject Site and Locality**

The site is located within a residential area, such that surrounding properties are developed and used for residential purposes. The site is located within walking distance of the main business zone of Apollo Bay and is only 300 metres away from the beach.

The site contains a total area of approximately 1280 square metres, and has a frontage of approximately 19 metres to Thomson Street. The site is currently vacant and is generally flat. It does not contain any significant vegetation. The site abuts an unmade laneway to the rear.

The site to the east is developed with a single storey dwelling with low pitched gabled roof form. The dwelling is constructed from lightweight materials and is surrounded by significant open space areas. A shed is located to the rear of the dwelling, however the area of sealed surfaces and buildings is very low. The site to the west is developed in a similar manner.

Overall, Thomson Street has a very low key character, with single storey dwellings on large sized allotments dominating the area. Thomson Street is not a fully constructed street and has informal kerb and channelling, which contributes to the informal character of the area. There are some examples of multi dwelling development in the area, just as there are some scattered examples of double storey development in the area.

### **History**

- An application for the construction of four dwellings was refused by Council in 2007 and this refusal was upheld by VCAT. In determining to refuse the proposal VCAT provided some direction for the future development of the site, and the thrust of the direction given is as follows:
  - Landscaping opportunities should be provided along the driveway.
  - Car parking spaces should be accessible and useable.
  - Overlooking from balconies and interface with adjoining properties needs to be carefully considered.
  - Appropriate articulation and massing of built form must be adopted in any design.

The Tribunal made the comment that 'I am certainly of the view that two storey development on this site is quite appropriate. I also believe that such a form may need to be better articulated in terms of its upper and lower level built forms.' It is also important to note that the Tribunal did not rule out a four dwelling development of the site, but rather provided direction for any future development of the site.

- An application for a three dwelling development on the site was approved by Council in April of 2004. This permit is still valid, having been extended in recent times. While this permit is valid, it is not considered relevant to the assessment of this application. The current application must be considered on its merits.

### **Referrals**

The application has been referred to Barwon Water, Telstra, Powercor and the gas authority for comment. No concerns were raised.

Comment was also sought from Council's Engineers, and the suggested conditions have been included in the recommendation.

### **Notice of Application**

The application was advertised, as it was considered that the application may result in material detriment. As a result of public notification procedures, a total of eleven objections were lodged against the proposal, one objection has since been withdrawn, such that ten objections remain. The main concerns of objectors are summarised and commented upon below.

**Objection**

Small lots will be created as a result of the subdivision. Small lots are not characteristic of this area.

**Comment:** The application seeks approval for a four dwelling development and four lot subdivision, such that the two are intrinsically linked.

Council has adopted the Apollo Bay Structure Plan, which provides direction for the township for the next 20 years. The structure plan seeks to consolidate the town centre of Apollo Bay and provide a greater diversity of housing and accommodation at higher densities within and in close proximity to the commercial area. The structure plan recognises that the demand for housing is growing, and will continue to grow and to achieve the objectives of containing development and maintaining some affordable housing, medium density housing must be encouraged. A specific objective of the structure plan is '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.'

The structure plan encourages a greater intensification of development in areas surrounding business zoned land, and this includes the subject site. As a result, the structure plan encourages the maintenance of a spacious character in the residential hinterland areas, but more compact and higher density forms closer to the town centre. Council is currently in the process of implementing controls which reflect these principles via Amendment C55 (currently on exhibition) and it is proposed to apply Design and Development Overlay 6 (DDO6) to the site.

It is clear that this strategic direction will result in significant changes to the areas in close proximity to the business centre, and the structure plan does not emphasise the importance of continuing a spacious character in these areas. It seems likely that small lots will become increasingly common in this area, and the character of the area will change as a result of the strategic vision for the area.

**Objection**

The development is too bulky, particularly the middle dwellings, and does not meet with VCAT's direction.

**Comment:** It is noted that the dwellings are bulkier than surrounding development. It is considered that the character of the area will change, as Council's vision for the township is realised. It is noted that the VCAT order provides direction in relation to bulk and massing stating 'I am certainly of the view that two storey development on this site is quite appropriate. I also believe that such a form may need to be better articulated in terms of its upper and lower level built forms.' These comments were made prior to Council adopting the Apollo Bay Structure Plan.

The dwellings contain single storey elements, in the case of Dwelling 1; some single storey elements are included on the western elevation in the garage component of the dwelling, and also a minor single storey component for the garage on the front elevation. It is considered that the development would better meet VCAT's direction through setting back of the upper level front wall of the dwelling such that a condition on permit requires the upper level to be reconfigured to ensure that the balcony does not project forward of the lower level walls of the dwelling.

It is considered that this can be achieved through decreasing the area devoted to the kitchen via the incorporation of a galley style kitchen area. This will increase the single storey elements for the dwelling, allowing it to better integrate with the streetscape. It is considered that the streetscape will change, however it is the management of change which Council should be concerned with. It is considered that the permit conditions will allow for a balance to be struck.

Dwellings 2 and 3 are attached; however the dwellings have been staggered to provide for visual interest. Single storey elements are available above garaging, along with some single storey elements to the rear of the dwellings. Some single storey elements are also included through the introduction of deck areas on the eastern elevation. It is considered that the height of the walls above garaging should be reduced, such that the height of the wall and screen combined is a maximum of 1700 mm above finished floor level of the deck area. This will reduce the visual impact of the structure. This condition is contained within the recommendation.

Single storey elements are available above the garage for Dwelling 4, however it is considered that the design should be modified to include additional single storey elements along the western elevation. A condition contained within the recommendation includes this requirement.

It is noted that the dwellings are setback from side boundaries to provide for space surrounding the dwellings, including areas for landscaping. A condition contained in the recommendation requires that landscaping which grows to a height of at least 2.5 metres is planted along the western boundary of the site to assist in filtering the bulk of the dwellings when viewed from the west. A detailed material and colour schedule is also required and the recommended permit conditions require that different colours should be used for Dwellings 2 and 3, along the western elevation to provide for additional visual interest. This is considered to be an appropriate outcome.

### **Objection**

The higher levels of holiday accommodation in Apollo Bay will result in a decline in the permanent population of the township and will impact on median house prices, provision of infrastructure etc.

**Comment:** The planning policy framework requires consideration to be given to a range of issues, including housing diversity, neighbourhood character, infrastructure provision and housing affordability. However, there are no policies within the state or local section of the planning scheme which direct consideration to be given to the use of dwellings. The planning system does not make distinctions about the forms of occupation for dwellings and this can be seen in the following VCAT decision. Although the decision relates to renting versus permanent occupation, it is relevant to the issue of concern raised by the objector:

At least part of the apprehension regarding what was formerly described as “high rise” development stems from a fear that the units will be tenanted rather than owner occupied. It needs to be said, and said firmly, that the planning system draws no distinction between the two forms of occupation. On the contrary, planning controls require that there be diversity in housing stock in order to cater for the needs of the population as a whole. *Rowcliffe Pty Ltd v Stonnington CC (P1446/2003 [2004] VCAT 46)*.

The following decision demonstrates the position VCAT has taken in relation to holiday accommodation:

- *Holiday accommodation: Some of the dwellings may be used for holiday purposes but I am satisfied that adequate area is available to service occupants and visitors, such as in terms of parking supply. The potential short-term use of some dwellings is not a reason to find against the proposal; this is a typical scenario in Ocean Grove. 66 Thacker St Pty Ltd v Greater Geelong CC [2007] VCAT 1017 (6 June 2007)*

It is clear that the Apollo Bay Structure Plan recognises that there is a significant demand for holiday accommodation in the town and this should be accommodated through increased housing densities.

### **Objection**

Three dwellings is more appropriate than four on this site. An overdevelopment of the site is proposed.

**Comment:** It is not considered that the number of dwellings appropriate for a particular site can be quantified without assessment against ResCode and consideration of the planning policy framework. As can be seen later in the report, the application accords with the planning policy framework and the objectives of ResCode. It is noted that there are no density controls for this area of Apollo Bay, and there are no density controls proposed as part of Amendment C55.

VCAT has previously determined the factors which result in overdevelopment and these can be seen in the following decision:

12 In applications involving site overdevelopment, the symptoms are always obvious. There will be excessive site coverage, minimal setbacks, the overshadowing or overlooking of nearby properties, minimal areas of private open space and the like. *Knights v Greater Geelong CC [2004] VCAT 263 (19 February 2004)*.

It is considered that the development does not exhibit any of the symptoms described in the 'Knights' decision. The overshadowing associated with the development accords with the requirements of ResCode and while there is some additional overlooking which needs to be addressed, this matter is addressed by conditions contained within the planning permit recommendation.

The development is setback from the front boundary in line with surrounding development and the permit condition contained within the recommendation requires the balcony to be setback from the front walls of the lower level to reflect setbacks in the street. It is not considered typical to have first floor level balconies projecting into front setback areas. The development is setback from all side boundaries, providing for space around dwellings and the attached nature of Dwellings 2 and 3 allows for greater and more meaningful separation to be achieved between dwellings, reflecting the spacious nature of development in the area. The level of private open space provided on site meets with the requirements of ResCode and open space areas at ground floor level are complemented by balconies at first floor level.

### Objection

The development is out of character with the area. Boxy suburban type dwellings are proposed, these dwellings do not reflect the coastal setting of the site.

**Comment:** It is considered that the dwellings are different to the development which exists in the area and that the redevelopment of properties in the area, as encouraged by the Apollo Bay Structure Plan will result in different building forms to that which currently exists in the area. The Shire has undertaken a Neighbourhood Character Study for the area and the site is located in Precinct 4, which sets out the preferred character for the area, as follows:

This will be achieved by:

- Ensuring that new development sits within the landscape setting of the town and retains views to the surrounding landscape from within and around the town.
- Providing for the reasonable sharing of views to the backdrop of rolling hills behind the township.
- Retaining existing vegetation and strengthen the links to remnant vegetation on the hillsides behind the township.
- Encouraging building design, materials and colours that reflect the setting of the precinct within a coastal town.
- Ensuring that new buildings are designed to demonstrate a high standard of contemporary expression.
- Ensuring building setbacks from boundaries contribute to the informality and relative spaciousness of the dwelling settings.
- Maintaining the sense of openness at the property frontages.

### ISSUES / THREATS

- Buildings that dominate and obscure long distance views.
- Loss of existing native canopy trees.
- Buildings built too close together.
- Dwellings that do not reflect the coastal setting.
- High, solid front fences.



It is considered that the development accords with the preferred character of the area in that the development will sit within a landscaped setting, the building design and lighter looking materials are typical of modern coastal development and the mixture of roof forms and materials results in an interesting built form. Walls are articulated in order to avoid boxy development and space is available between dwellings. Buildings are setback from all side boundaries and the side setbacks along the boundaries varies to allow for visual interest. No front fencing is proposed for the development. It is considered that the modifications to the design, as required by conditions contained within the recommendation, will ensure that an appropriate development is undertaken on the site.

### **Consideration of the Proposal**

A planning permit is triggered by the following clauses of the Colac Otway Planning Scheme:

- Clause 32.01-2– Subdivision
- Clause 32.01-4– More than One Dwelling on a Lot.

#### **a) State and Local Planning Policy Framework**

The state policy framework seeks to ensure the objectives of planning in Victoria are fostered through appropriate land use and development planning policies and practices which integrate relevant environmental, social, and economic factors in the interests of net community benefit and sustainable development. The following policies are relevant to the consideration of this application:

- Clause 11.03– Principles of Land Use and Development Planning
- Clause 15.08– Coastal Areas
- Clause 16.02– Medium Density Housing
- Clause 16.05– Affordable Housing
- Clause 22.05– Coastal and Otway Ranges Townships
- Clause 21.01-03– The Nature of the Land
- Clause 21.04-02– The Nature of the Land
- Clause 21.04-10– Apollo Bay.

**Comment:** It is considered that the development accords with the objectives of state and local planning policy to consolidate existing urban areas to make better use of infrastructure, and to ensure that green wedges define town boundaries of coastal towns. The consolidation of existing residential zoned land decreases the pressure on rural land and green wedges to accommodate the development pressures faced by the township.

As set out earlier, it is considered that the development accords with principles which encourage a diversity of housing and also those which require development to respond to neighbourhood character.

#### **b) Amendment C55**

Council is currently exhibiting Amendment C55, which seeks to apply a Design and Development Overlay to the site (DDO6). The overlay will apply to the area surrounding the town centre and promotes medium density development in this area. In contrast to the majority of residential areas in the town, no density requirements have been set for medium density development.

The Structure Plan for Apollo Bay encourages the incorporation of Environmentally Sustainable Design (ESD) principles into new development.

**Comment:** As set out in detail earlier in the report, the application is generally in accordance with the proposed overlay. In relation to ESD principles, it is considered that these principles should be encouraged; however the current planning scheme does not currently give any basis to require this. It is considered appropriate to promote the overall vision provided by the Structure Plan, but as the details have not been included yet in the planning scheme, it is not possible to place particular conditions on permits without any basis in the planning scheme to do so. Once the amendment is adopted and the DDO forms part of the planning scheme, planning officers will be requiring ESD principles to be included the design of multi dwelling development.

### c) Zoning

The site is located in the Residential 1 Zone. The purpose of the zone is:

- 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 residential development at a range of densities with a variety of dwellings to meet the housing needs of all households.
- To encourage residential development that respects the neighbourhood character.

**Comment:** The application accords with the purpose of the zone in that the development adds to the diversity of housing available in Apollo Bay. As set out previously, it is considered that the dwellings respond appropriately to the preferred character statement for the area.

### d) ResCode (Clause 55- Two or More Dwellings on a Lot)

An assessment of the application has been undertaken against the objectives and standards of Clause 55. In summary, the application accords with all of the objectives of this Clause. A detailed assessment is set out below:

#### *Neighbourhood Character*

This matter has been discussed in detail earlier in the report. In summary, it is considered that once the development is amended to meet the conditions contained within the recommendation, it will meet with the neighbourhood character objective.

#### *Residential Policy*

This issue has already been addressed earlier in the report. The application accords with the state and local planning policy framework and the vision for Apollo Bay as set out in the Apollo Bay Structure Plan. The development complies with the residential policy objective.

#### *Infrastructure*

The site is connected to the required infrastructure and services. Conditions contained within the recommendation will ensure that the site is drained to Council's standards. Council's engineers are satisfied that the site can be drained. The development complies with the infrastructure objective.

*Integration with the Street*

The development is designed to integrate with the street, with the entrances to dwellings easily discernable from the street. The development complies with the integration with the street objective.

*Street Setback*

The development is setback 8.3 metres from the street, with a balcony at first floor level projecting into that setback. The setback of the walls meets with the requirements of the standard, with the adjoining dwellings setback 7 metres and 9.2 metres such that an 8.1 metre setback is required. However, the projecting balcony is not an allowable encroachment into the front setback and therefore a condition contained within the recommendation requires that the balcony is moved back so that it does not project into the setback. Once amended, the development will comply with the street setback objective.

*Building Height*

The maximum height of the development is 6.8 metres and the development complies with the building height objective.

*Site Coverage*

The site coverage for the development is 45 percent, which is below the 60 percent allowed by the standard. The development complies with the site coverage objective.

*Permeability*

More than 20 percent of the site is set aside for permeable surfaces, such that on site stormwater filtration will be facilitated. The development meets the permeability objective.

*Energy Efficiency*

Some northern light is available to the dwellings, with living rooms of the majority of the dwellings oriented to capture northern sunlight. It is considered that the development meets the energy efficiency objective.

*Safety*

The entrances to the dwellings are visible from the street and the common property areas, and the creation of unsafe spaces has been avoided. Opportunities are available for the informal surveillance of the street and common property areas. The development complies with the safety objective.

*Landscaping*

There are adequate areas available on site for landscaping. A schematic landscaping plan has been submitted with the application, however it is considered that the development would be enhanced through the planting of screening vegetation along the western boundary, adjacent to Dwellings 2 and 3 and 4, to soften the development when viewed from the west. A condition on permit requires a landscape plan to be prepared by a qualified landscape architect or horticulturist and for screening vegetation which grows to at least 2.5 metres in height to be included along the western boundary of the site. It is considered that a professionally prepared plan will meet the requirements of the landscaping objective.

*Access*

Access to the site is available in a safe and convenient manner, and as the common driveway services three dwellings, vehicles are able to enter and exit the site in a forward motion. The development meets the access objective.

*Parking Location*

Car parking spaces have been provided in a convenient location for each dwelling and the dimensions of garaging meets with the requirements of the standard. The development meets the parking location objective.

*Parking Provision*

As each of the dwellings contains three bedrooms, car parking is required to be provided at a rate of two spaces per dwelling. This requirement has been achieved. The development meets the parking provision objective.

*Side and Rear Setbacks*

The side and rear setbacks adopted meet with the requirements of the standard. The development meets the side and rear setbacks objective.

*Walls on Boundaries*

There are no walls proposed on property boundaries, this is consistent with the character of the neighbourhood.

*Daylight to Windows*

Adequate daylight is available to existing windows, with substantial setbacks provided between the existing dwellings on adjoining lots and the proposed dwellings. The development meets the daylight to existing windows objective.

*North Facing Windows*

There are no north facing windows on adjoining properties affected by the development.

*Overshadowing Open Space*

The overshadowing associated with the development meets with the requirements of the standard. The development meets the overshadowing open space objective.

*Overlooking*

It is considered that additional screening is required in order for the development to meet the requirements of the standard. A condition contained within the recommendation requires screening to be provided to the north and east of the deck area above the garage for Dwelling 4, and also to the north elevation of Dwelling 3. Screening is required to a height of 1.7 metres above finished floor level and notations on plan must clearly specify the type of screening proposed. All screening methods must be in accordance with the requirements of Standard B22, and where screens are provided, this must be clearly shown on both the elevation and floor plan for clarity. The development, once amended, will meet the requirements of the overlooking objective.

*Internal Views*

Internal views have been addressed. The development meets the internal views objective.

*Noise*

There are no noise sources to be considered in the dwelling design.

*Accessibility*

All entries to dwellings are accessible, or can be made accessible to those with limited mobility. The development meets the accessibility objective.

*Dwelling Entry*

All entries to dwellings are clearly visible and identifiable and no front fence is proposed. The development meets the dwelling entry objective.

*Daylight to New Windows*

Daylight provided to new windows meets the requirements of the standard. The development meets the daylight to new windows objective.

*Private Open Space*

The private open space areas provided for each of the dwellings meets with the requirements of the standard. Open space areas provided at ground floor level are complemented by decks provided at first floor level. All living areas have convenient access to deck areas. The development meets the private open space objective.

*Solar Access to Open Space*

Appropriate solar access is available to open space areas in line with the solar access to open space objective.

*Storage*

Small garden sheds have been provided for each of the dwellings such that the development meets the storage objective.

*Design Detail*

The design detail of the development, including roof forms, material selection, window forms and articulation is considered appropriate for this location and accords with the preferred character statement for the area.

*Front Fencing*

No front fencing is proposed for the development.

*Common Property*

The common property provided on site is manageable and appropriate. The common property provided meets with the requirements of the standard.

*Site Services*

There are adequate areas available on site for the installation of site services. The development meets the site services objective.

**e) Subdivision**

The proposed subdivision layout reflects the development proposed as part of this application. It is considered that the subdivision is appropriate and common property areas nominated are logical and manageable.

The application has been referred to the required servicing authorities and none of the authorities have raised any concerns with the proposal.

The application has been assessed against Section 18 of the Subdivision Act and it is considered that a contribution towards the provision of public open space is warranted. Accordingly a condition on permit requires the payment of a four percent public open space contribution.

## Summary

In light of the above assessment, it is considered that the application should be supported through the issue of a Notice of Decision.

The development is different to that which currently exists in the area, however the built form proposed is considered to be contemporary and coastal in design. The Apollo Bay Structure Plan promotes medium density in this locality and it is submitted that this will result in changes to the neighbourhood, particularly the spacious character of the area which currently exists. It is noted that the Structure Plan had not been adopted by Council when the previous four dwelling development for the site was refused by Council and considered by VCAT.

## **Recommendation (s)**

***That Council's Planning Committee resolve to issue a Notice of Decision to grant a permit for Planning Permit Application PP212/07 for the development of four dwellings and four lot subdivision subject to the following conditions:***

### **Development**

- 1. Before the use and/or development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:***
  - a) Dwelling 1- the balcony at first floor level must not project into the front setback area.***
  - b) The height of walls provided above garaging must be reduced, such that where the walls are required for screening, the wall and screen combined is a total of 1.7 metres in height above finished floor level.***
  - c) Dwelling 4- offset the wall of the upper level on the western elevation by one metre from the lower level walls to improve articulation.***
- 2. Before the development starts, planning permit number PP331/03 must be cancelled through the Victorian Civil and Administrative Tribunal to the satisfaction of the Responsible Authority.***
- 3. Before the development starts, a landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. This plan must be prepared by a qualified Landscape Architect who is a member of the Australian Institute of Landscape Architects, or a person with a suitable background in horticultural science or an allied field to the satisfaction of the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must show:***
  - a) Screening vegetation which grows to a minimum height of 2.5 metres along the western boundary adjacent to Dwellings 2, 3 and 4.***
  - b) Additional planting in the front setback area.***
  - c) Details of surface finishes of pathways and driveways.***
  - d) A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.***

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

- 4. Before the occupation of the development starts, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.***
- 5. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.***
- 6. Before the development starts, a schedule of construction materials, external finishes and colours (incorporating samples) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the schedule will be endorsed and will then form part of the permit. Note: Different colours must be adopted on the western elevation of Dwellings 2 and 3 to provide for visual interest and differences between the two dwellings.***
- 7. Before the occupation of the development, the areas set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:***
  - a) constructed***
  - b) properly formed to such levels that they can be used in accordance with the plans***
  - c) surfaced with an all weather seal coat***
  - d) drained***

***to the satisfaction of the Responsible Authority.***

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

- 8. The site must be drained to the satisfaction of the Responsible Authority and no storm water, sullage, sewerage or polluted drainage may drain or discharge from the land to adjoining properties.***
- 9. Before the dwellings are occupied, an automatic external lighting system capable of illuminating the entry to each unit, access to each garage, car parking spaces and all pedestrian walkways must be provided on the land to the satisfaction of the Responsible Authority.***
- 10. This permit will expire if one of the following circumstances applies:***
  - a) The development is not started within two years of the date of this permit.***
  - b) The development is not completed within four years of the date of this permit.***

***The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires or within three months afterwards.***

**Subdivision****Colac Otway Shire Conditions**

11. ***The layout and site dimensions of the proposed subdivision as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.***
12. ***Prior to the issue of a Statement of Compliance, the applicant or owner must pay to the Responsible Authority a sum equivalent to four percent of the site value of all land in the subdivision. Note: This requirement for payment is made pursuant to Section 18 of the Subdivision Act 1988.***
13. ***Prior to the certification of the Plan of Subdivision all easements deemed necessary to protect existing or future drainage lines within the subject site, and any easements required between the subject site and the nominated legal point of discharge must be created to the satisfaction of the Responsible Authority.***
14. ***Where the applicant seeks a Statement of Compliance prior to the completion of development, the Plan of Subdivision submitted for certification must include a restriction which specifies that any development of any lot must be in accordance with the endorsed plans which form part of Planning Permit PP212/07, unless with the written consent of the Responsible Authority allowing any variations.***
15. ***The time limit for the certification of the subdivision hereby approved is two years from the date of issue of this permit and it must be completed within five years of the date of the certification of the plan.***

**Conditions required by Powercor**

16. ***The Plan of Subdivision submitted for certification under the Subdivision Act 1988 shall be referred to Powercor Australia Ltd in accordance with Section 8 of that Act.***
17. ***The applicant shall:***
  - (a) ***Provide an electricity supply to all lots in the subdivision in accordance with Powercor's requirements and standards. (A payment to cover the cost of such work will be required). In the event that a supply is not provided the applicant shall provide a written undertaking to Powercor Australia Ltd that prospective purchasers will be so informed.***
  - (b) ***Where buildings or other installations exist on the land to be subdivided and are connected to the electricity supply, they shall be brought into compliance with the Supply and Installation Rules issued by the Victorian Electricity Supply Industry.***
  - (c) ***Set aside on the plans of subdivision for the use of Powercor Australia Limited reserves satisfactory to Powercor Australia Limited where any electric substation (other than a pole mounted type) is required to service the subdivision.***



- (d) Provide easements satisfactory to Powercor Australia Limited, where easements have not been otherwise provided, for all existing Powercor Australia Limited electric lines on the land and for any new power lines required to service the lots and adjoining land, save for lines located, or to be located, on public roads set out on the plan. These easements shall be for the purpose of "Power Line" in favour of Powercor Australia Limited.**
- (e) Obtain for the use of Powercor Australia Limited any other easement external to the subdivision required to service the lots.**
- (f) Adjust the position of any existing easement(s) for power lines to accord with the position of the line(s) as determined by survey.**
- (g) Obtain Powercor's approval for lot boundaries within any area affected by an easement for a powerline and for the construction of any works in such an area.**
- (h) Provide to Powercor, a copy of the version of the plan of subdivision submitted for certification, which shows any amendments which have been required.**

#### **Conditions Required by Barwon Water**

##### **18. General**

- (i) The creation of a Body Corporate to encumber all lots within the subdivision.**
- (ii) Any plan submitted under the Subdivision Act 1988 must be forwarded to Barwon Water under Section 8 of that Act.**

##### **Water**

- (i) The provision and installation of individual water services including metres to all lots in the subdivision in accordance with Barwon Water's requirements and Victorian Plumbing Regulations. A dimensioned plan showing the location of all metres relative to the allotment boundaries, and its numbers, is to be submitted. Note that tapplings and services are not to be located under existing or proposed driveways.**
- (ii) The payment of New Customer Contributions for each additional lot created and/or each additional metered connection for water supply within the subdivision.**
- (iii) An additional tapplings is to be supplied to service the proposed development. A dimensioned plan showing location of all new tapplings relative to the allotment boundaries and its numbers is to be submitted where a metre is not being fitted. Note that tapplings and services are not to be located under existing or proposed driveways.**
- (iv) Barwon Water's records indicate that an existing water service meter is located on this property. A dimensioned plan showing the location of existing meters and the location of the meter relative to the existing boundaries, and its number, is to be submitted. Private water service pipes are not permitted to cross allotment boundaries and must be plugged and abandoned at the boundaries of such allotments.**

**Sewer**

- (i) The provision of sewerage services to all lots in the subdivision in accordance with Barwon Water’s requirements, and Victorian Plumbing Regulations. Individual connection branches are to be installed and extend into each allotment.**
- (ii) The payment of a New Customer Contribution for sewer for each additional lot created and/or each additional metered connection within the subdivision.**
- (iii) The provision of a separate sewer connection branch to all lots in the subdivision in accordance with Barwon Water’s requirements, Victorian Plumbing Regulations and all relative statutory regulations.**
- (iv) Any existing house connection branch that is to be utilised for additional connections or altered to serve the development is to be CCTV inspected with the report and/or video submitted to Barwon Water for condition assessment. If it is deemed by Barwon Water that the branch is unsatisfactory for use, it is to be removed and replaced at the developer’s expense. Also, any house connection drain that traverses through the proposed allotments shall be relocated so not to inhibit future development.**

**NOTE 1: The developer is to apply to Barwon Water for details relating to costs and conditions required for the provision of water supply and sewerage to the subdivision. It would be appreciated if all communication between the developer/agent and Barwon Water quote Barwon Water reference no 60/066/07887.**

**Conditions Required by Telstra**

- 19. The plan of subdivision submitted for certification must be referred to Telstra in accordance with Section 8 of the Subdivision Act 1988.**

**Conditions Required by Tenix**

- 20. Easements in favour of SPI Networks (Gas) Pty Ltd must be created on the plan to the satisfaction of the SP AusNet (Gas).**
- 21. The plan of subdivision submitted for certification must be referred to SP AusNet (Gas) in accordance with Section 8 of the Subdivision Act 1988.**

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**PC082301-4 DEVELOPMENT OF ONE SHOP, FIVE OFFICES AND SEVEN DWELLINGS, WAIVING OF CAR PARKING AND 13 LOT SUBDIVISION AT 32 PASCOE STREET, APOLLO BAY**

|             |                                      |           |            |
|-------------|--------------------------------------|-----------|------------|
| AUTHOR:     | Michelle Watt                        | ENDORSED: | Jack Green |
| DEPARTMENT: | Sustainable Planning and Development | FILE REF: | PP198/07   |

**Location:** 32 Pascoe Street, Apollo Bay

**Applicant:**

**Zoning:** Business 1 Zone

**Overlay controls:** Nil

**Amendment:** C55 currently on exhibition proposes DDO5 on site

**Abuts:** Business 1 Zone

**Restrictive Covenants:** Nil

**Reasons for Planning Committee consideration**

This application is before Planning Committee as the application involves the construction of buildings exceeding eight metres in height, and also the waiving of car parking.



**Summary**

- This is an application for the construction of one shop, seven dwellings and five offices on the subject site. The dwellings are located at first floor level, with the commercial component at ground floor level.
- A thirteen lot subdivision is also proposed.

- The development has a maximum height of 8.8 metres.
- A total of 13 on site parking spaces are provided. The application involves the waiving of 26 car parking spaces.
- A planning permit is required to construct the development, waive car parking spaces, and to subdivide the land.
- The site is located in the Business 1 Zone.
- The application was advertised and a total of three objections were received. Objectors have raised concern in relation to the waiving of car parking proposed.
- It is considered that the application provides for a poor design outcome for the site, the access arrangements for the site are not adequate and there is no sense of identity or street address for the dwellings and offices located to the rear of the site.
- While the site is appropriate for redevelopment, any redevelopment should contribute to the area and provide for a development which maximises the potential of the site and provides for a well thought out design outcome.
- It is considered that the application should be refused and the design should be reconsidered.

### **Proposal**

The application involves a comprehensive redevelopment of the site.

A shop is proposed at ground floor level along the front boundary of the site, with two one bedroom dwellings proposed above the shop at first floor level. The dwellings are designed such that the largest open space area for these dwellings is located over the footpath, on Council land. The building is contemporary in design, with glazed areas at ground floor level and single pitched skillion roof forms at first floor level. This building has a maximum height of approximately 7.6 metres.

Vehicle access to the site is proposed to the north of the shop building. A five metre wide access way is proposed and a total of thirteen on site car parking spaces are proposed. The access way also provides for vehicle access to the adjoining property fronting Great Ocean Road, as required by the title.

A building is proposed along the southern boundary of the site. The building consists of five small office buildings at ground floor level with five one bedroom dwellings located at first floor level. This building consists of a total of five gabled roof forms and has a maximum height of approximately 8.8 metres.

The application involves the waiving of car parking. Pursuant to Clause 52.06, a total of 39 spaces are required for the development, while 13 are provided on site. Therefore approval is sought for the waiving of 26 car parking spaces.

### **Subject Site and Locality**

The site is located in the Business 1 Zone. It is located in the developing business area located on Pascoe Street, to the rear of the Great Ocean Road. The site is located in the primary business centre for Apollo Bay. A number of sites along Pascoe Street are currently being redeveloped with a mix of commercial and residential uses. Typically buildings are double storey in height and contain varied roof forms and lighter looking building materials. Buildings are generally constructed to the front property boundary, with car parking located to the rear.

The site to the south is developed with a large industrial shed type building. The site to the north is developed with a single storey red brick dwelling and associated outbuildings.

The site contains a total area of approximately 1085 square metres, having a frontage of approximately 20 meters to Pascoe Street. The site is currently vacant, apart from a building located along the eastern boundary of the site. The site was formerly used as a Caravan Park and it appears that the toilet block remains. It is proposed to remove this building.

The site is burdened by a carriageway easement located along the northern boundary. The easement is approximately 4 metres in width.

### **Referrals**

The application has been referred to Barwon Water, Telstra, Powercor and the gas authority for comment. No concerns were raised.

### **Notice of Application**

The application was advertised, as it was considered that the application may result in material detriment. As a result of public notification procedures, a total of three objections were lodged against the proposal. The main concerns raised are summarised as follows:

- There is a parking problem in the area and there is virtually no on street parking available currently. Approval of the waiving of car parking would make a bad situation worse.
- The waiving of car parking will affect the quiet enjoyment of nearby properties.
- The application is an overdevelopment of the site.

### **Consideration of the Proposal**

A planning permit is triggered by the following clauses of the Colac Otway Planning Scheme:

- Clause 34.01-3– Subdivision
- Clause 34.01-4– Buildings and Works
- Clause 34.01-1– Use
- Clause 52.06– Waiving of Car Parking.

#### **a) State Planning Policy Framework (SPPF)**

The state policy framework seeks to ensure the objectives of planning in Victoria are fostered through appropriate land use and development planning policies and practices which integrate relevant environmental, social, and economic factors in the interests of net community benefit and sustainable development. The following policies are relevant to the consideration of this application:

- Clause 11.03– Principles of Land Use and Development Planning
- Clause 17.02– Business
- Clause 15.08– Coastal Areas
- Clause 16.02– Medium Density Housing
- Clause 16.05– Affordable Housing
- Clause 19.01– Subdivision
- Clause 19.03– Design and Built Form.

**Comment:** It is clear that the proposal accords with the direction to provide for affordable housing and to consolidate existing zoned land to avoid the potential for urban sprawl to occur, such that green wedges are maintained between coastal towns. However it is not considered that this warrants approval of the application, considering that the development does not provide for a good use of the site and an appropriate design. The provisions of Clause 19.03 are such that the attractiveness of towns is promoted and designs are encouraged to enhance liveability, diversity and safety.

In this instance, it is not considered that the design solution contributes positively to the character. The offices and dwellings to the rear do not have any street address and do not contribute to the streetscape. A better designed development would provide an address to the street and allow some integration with the street for the dwellings and offices. There are also safety issues associated with the dwellings to the rear in that the dwellings are accessed via a 5 metre wide vehicle access way and do not have any real connection to the street. It is considered that the application does not accord with the policy relating to design and built form and the fact that the development will provide for affordable housing does not over ride the need for good design principles in this important business area.

**b) Local Planning Policy Framework**

The local planning policy framework is a statement of the key strategic planning, land use and development objectives for the municipality.

- Clause 21.01-03– The Nature of the Land
- Clause 21.04-02– The Nature of the Land
- Clause 21.04-10– Apollo Bay

**Comment:** The application generally accords with the local planning policy framework.

**c) Amendment C55**

Council is currently exhibiting Amendment C55, which seeks to apply a Design and Development Overlay to the site (DDO5). The overlay will apply to the town centre and it seeks to limit building heights and ensure the articulation of buildings.

**Comment:** The application is generally in accordance with the proposed overlay.

**c) Zoning**

The site is located in the Business 1 Zone. The purpose of the zone is:

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and Local Planning Policies.
- To encourage the intensive development of business centres for retailing and other complementary commercial, entertainment and community uses.

**Comment:** The application accords with the purpose of the zone in that the development provides for commercial and residential development, adding to the overall vitality of the Pascoe Street business centre.

The uses proposed are allowed by the zone, and it is considered that the various uses proposed for the site are appropriate and accord with the decision guidelines of the zone. It is not considered that the buildings and works component of the application is acceptable (ie the design), and the application does not meet with the decision guidelines relating to buildings and works.

The proposal does not provide for safe movement of pedestrians and access to the site, with a five metre wide accessway being the only means of access for both pedestrians and vehicles. The decision guidelines also require consideration to be given to the objectives and standards of ResCode to ensure an appropriate degree of amenity for the dwellings. It is considered that the dwellings have a poor sense of address such that the application does not accord with the integration with the street objective, safety objective, dwelling entry objective and accessibility objective. These objectives are inter related and concern relates to the five dwellings at the rear of the site.

Although the entrances to the dwellings at the front of the site are concealed, it is clear that the dwellings exist, as they are visible from the street. This is not the case for the dwellings located at the rear of the site, which are not visible from the street and the only access points for these are three narrow stair wells located between the offices at ground floor level. This is not a good design outcome.

While it is noted that the site is located in a business zone, it is considered that there is an opportunity for some landscaping to be provided on the site, as this will improve the amenity of the site for workers and also residents. Landscaped areas also assist in providing for permeable areas for water to penetrate such that the load on the stormwater system is reduced. It is considered that a better design will provide for some landscaping within the site and will therefore better respond to the landscaping objective of ResCode.

While a verandah over the footpath is supported, as this will contribute to pedestrian amenity along Pascoe Street, it is not considered that the provision of open space areas for the dwellings over Council land is appropriate. The most appropriate outcome would be to provide for open space areas within the title boundaries of the site. The fact that open space areas are provided outside the title boundaries and over Council land is considered to indicate that an overdevelopment of the site is sought.

Areas for the storage and collection of rubbish have not been delineated, nor have mail boxes, such that it is not clear how the site will function effectively for future residents, or those operating commercial businesses. This issue should be better considered in a revised design response for the site.

**e) Waiving of Car Parking**

The provisions of the Planning Scheme are such that a permit may be granted to reduce or to waive the number of car spaces required by the table at Clause 52.06. The following table sets out the level of car parking required by the Planning Scheme:

| <b>Use</b>   | <b>Car Parking Rate</b>              | <b>Car Spaces Required</b> |
|--------------|--------------------------------------|----------------------------|
| Dwelling     | 2 per dwelling                       | 14                         |
| Shop         | 8 per 100 square metres floor area   | 18                         |
| Office       | 3.5 per 100 square metres floor area | 7                          |
| <b>Total</b> |                                      | <b>39</b>                  |

A total of 13 spaces are provided on site, such that the waiving of 26 spaces is required.

It is typical for car parking to be provided at a rate of one space per dwelling where less than two bedrooms are provided, as is the case with the current proposal. Therefore it is reasonable to expect that seven on site parking spaces should be devoted to the dwellings, and individually allocated to the dwellings. This leaves six additional car parking spaces on site.

It is not considered that an adequate level of on site car parking has been provided, given that the remaining six spaces must cater for the shop component (including employees of the shop and also visitors to the shop), along with five offices. The offices will also generate parking for staff and visitors to the site.

This is a ground of refusal contained within the recommendation.

It is noted that the applicant has indicated a preparedness to pay for the waiving of car parking. However, there is no indication of the amount of money to be offered to Council. This issue has not been further investigated as the development proposed is considered unacceptable.

**f) Subdivision**

As the proposed development is considered inappropriate, the subdivision of the site, which is tied to the development, is also considered to be inappropriate.

**Summary**

In light of the above assessment, it is considered that the application should be refused.

While the redevelopment of the site is encouraged, and the range of uses proposed is appropriate in principle, the application must produce an appropriate design solution for the site. It is considered that the design solution needs to be completely reconsidered and should address issues such as street address and integration with the street, landscaping, level of on site parking and containing open space areas within the boundary of the site.



**Recommendation (s)**

***That Council's Planning Committee resolve to Refuse to Grant a Planning Permit for Planning Permit Application PP198/07 for the development of one shop, five offices and seven dwellings, waiving of car parking and 13 lot subdivision on the following grounds:***

- 1. The level of on site car parking provided is inadequate.***
- 2. The development would result in a poor design outcome, with no sense of address or integration with the street for the dwellings and offices to the rear of the site and no provision for landscaping or site services.***

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**PC082301-5 CONSTRUCTION OF DWELLING AND SHED 61 OLD COACH ROAD, SKENES CREEK**

AUTHOR: Kathy Aves  
DEPARTMENT: Sustainable Planning and Development

ENDORSED: Jack Green  
FILE REF: PP258/07

**Location:** 61 Old Coach Road,  
Skenes Creek

**Applicant:**

**Zoning:** Township Zone

**Overlay Controls:** Erosion Management Overlay Schedule 1  
Wildfire Management Overlay  
Significant Landscape Overlay Schedule 2  
Design and Development Overlay Schedule 4  
Neighbourhood Character Overlay Schedule 1

**Amendment:** Nil

**Abuts:** Road Zone Category 1

**Restrictive Covenants:** Nil

**Reasons for Planning Committee Consideration**

This application is before Council's Planning Committee as Planning Officer delegation does not provide for consent for a proposal with a height greater than eight metres.

**Summary**

- This is an application for the construction of a dwelling and shed and removal of vegetation.

- Due to the slope of the site the dwelling will have a total maximum height of 8.8 metres.
- The application was advertised and no objections were received.
- The design layout supports the Skenes Creek neighbourhood precinct objectives.
- The recommendation is to issue a permit.

### **Proposal**

The application is to construct a double storey timber log dwelling and shed at 61 Old Coach Road, Skenes Creek.

The dwelling proposed has a setback of 7 metres from Old Coach Road. The land has an approximate 5 metre fall or 20% slope towards the rear of the site. The varied ground level results in the north-eastern street frontage floor level starting 0.3m above natural ground level and the south-western frontage floor level starting 2 metre above natural ground level. The change in natural ground level results in the rear section of the roof line being 8.8m.

The ground level of the dwelling comprises of an open living, dining, kitchen and family room with a bathroom, laundry and two bedrooms. The upper level comprises of two bedrooms each with an en suite to either side of the mezzanine area. The dwelling is an 'A' frame modular log wall panel finish with dormer windows and a ground level verandah wrapping around the entire structure.

The shed of 4m x 7.5m is proposed at the rear of the property with a total area of 30sqm. Due to the topography of the site the shed will have a maximum height of 4.5 metres from the natural ground level. Access is proposed via a ramp and steps. The floor area is divided to allow for a small toilet and shower with a workshop. The shed is finished in a similar modular log wall panel as per the main dwelling.

The vegetation removal proposed consists of 12 trees. Of these 10 are located within the floor print of the main dwelling. Of the remaining two, one is dead towards the rear of the dwelling and the remaining tree is leaning over the proposed shed. The trees vary in size from 0.3m diameter to 0.7m diameter. The revegetation proposed consists of various canopy trees to the rear of the property, with three varied planting schemes.

### **Subject Site and Locality**

The site is located in the Township Zone and is surrounded by similarly zoned land with various overlays including the Erosion Management Overlay Schedule 1, Wildfire Management Overlay, Significant Landscape Overlay Schedule 2, Design and Development Overlay Schedule 4 and Neighbourhood Character Overlay Schedule 1.

The site is located in the coastal township of Skenes Creek within precinct one. Skenes Creek is located along the Great Ocean Road approx 4km east of Apollo Bay. The town is located at the base of the Otway Ranges with rolling topography. The built up area consists of two distinctive precincts, one consists of a higher quantity of native vegetation which provides a green wedge between the surrounding hill slopes and the other relates to the more coastal gardens and open dwellings of precinct two.

The subject site with its street frontage to Old Coach Road also backs onto Skenes Creek Road and is surrounded by residential dwellings. The scenic road of Skenes Creek is not accessible from this property due to the topography. The lot has a total area of 909sqm and is currently vacant with significant trees. The surrounding properties are similar in size and predominantly consist of a single dwelling on a lot within a significantly vegetated area. The site consists of a 20% gradient slope to the rear half towards Skenes Creek Road with a more gradual 4% slope at the front half.

### **Referrals**

A number of referrals have been undertaken in relation to this application. Details of the referrals and summary of the advice received are set out below:

- Section 55 referral to CFA:  
The CFA had no objections to the application subject to conditions relating to water supply, access and vegetation management.

The application was also referred to Councils Environment, Infrastructure and Building Departments who provided the following responses:

- Environment – no objections subject to conditions being included on the permit.
- Infrastructure – no objections subject to access and drainage conditions to be included on the permit
- Building – building permit required and a full res code report needs to be undertaken by the building officer.

### **Notice of Application**

Notice of application was carried out by placing a sign on the subject land and notifying adjoining and opposite, occupiers and owners.

Following the 14 day period of notice of application, no objections were received.

### **Consideration of the Proposal including State and Local Planning Policy Framework, Zoning and Overlay controls:**

A planning permit is triggered by the following clauses of the Colac Otway Planning Scheme:

- Clause 42.02 –Vegetation Protection Overlay Schedule 2
- Clause 42.03 – Significant Landscape Overlay Schedule 2
- Clause 43.05 – Neighbourhood Character Overlay Schedule 1
- Clause 44.01 – Erosion Management Overlay Schedule 1
- Clause 44.06 – Wildfire Management Overlay

#### **a) State Planning Policy Framework**

The State Policy Framework seeks to ensure the objectives of planning in Victoria are fostered through appropriate land use and development planning policies and practices which integrate relevant environmental, social, and economic factors in the interests of net community benefit and sustainable development. The following policies are relevant to the consideration of this application:

- Clause 11.03 Principles of Land Use and Development Planning
- Clause 15.07 Protection from Wildfire
- Clause 15.08 Coastal Areas

**Comment:** It is considered that the application accords with the abovementioned policies. Approval of the proposal will result in a development which satisfies the objectives of the various policies. Although vegetation removal is proposed, the applicant has indicated that revegetation will be undertaken to offset removal of native vegetation in accordance with the Native Vegetation Framework.

#### **b) Local Planning Policy Framework**

The local planning policy framework is a statement of the key strategic planning, land use and development objectives for the municipality. The following are particularly relevant to the current application.

- Clause 21.04-08 Transport and Infrastructure
- Clause 21.04-13 Skenes Creek
- Clause 22.06-2 Erosion Management Overlay

**Comment:** It is considered that the application accords with the abovementioned policies. The development is consistent with the requirements of the Skenes Creek precinct.

#### **c) Zoning**

Clause 32.05 Township Zone

The purpose of the Township Zone is:

- 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 residential development and a range of commercial, industrial and other uses in small towns.
- To encourage residential development that respects the neighbourhood character.

**Comment:** A permit is not required for use or development pursuant to the zone provisions in this instance.

#### **d) Overlay**

Clause 42.02 Vegetation Protection Overlay Schedule 2

The purpose of the 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 protect areas of significant vegetation
- To ensure that development minimises loss of vegetation
- To preserve existing trees and other vegetation
- To recognise vegetation protection areas as locations of special significance, natural beauty, interest and importance
- To maintain and enhance habitat and habitat corridors for indigenous fauna
- To encourage the regeneration of native vegetation

Pursuant to Clause 42.02-2 a permit is required to remove, destroy or lop any vegetation.

**Comment:** The majority of the proposed vegetation removal is exempt from the requirements of the overlay. The applicant has addressed the application requirements as noted at Section 3.0 of the overlay. Of the proposed revegetation details of species and quantities have not been provided. A full landscape plan will therefore be requested via permit conditions.

Clause 42.03 Significant Landscape Overlay Schedule 2

The purpose to the 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 identify significant landscapes
- To conserve and enhance the character of significant landscapes

Pursuant to Clause 42.03-2 a permit is required to construct a building or carry out works and to remove, destroy or lop any vegetation.

Schedule 2 relates to the coastal towns of Skenes Creek, Kennett River, Wye River and Separation Creek.

Pursuant to Section 3.0 of the overlay a permit is required to remove, destroy or lop any vegetation. This does not apply to;

- A tree having a single trunk circumference less than 0.5 metres at a height of one metre above the ground level.
- The pruning of a tree for regeneration or ornamental shaping.
- A tree which is dead or dying.

**Comment:** The development meets the local character as noted within the local policy framework and the landscaping proposed ensures the objectives as noted within schedule 2 of the overlay are also met.

**The revegetation proposed with the application will continue to enhance the landscape values of the area. The proposed dwelling finish and colour of log panels will blend into the local landscape as will the height and bulk of the dwelling.**

Clause 43.02 Design and Development Overlay Schedule 4

The purpose of the 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 identify areas which are affected by specific requirements relating to the design and built form of new development

Pursuant to Clause 43.02-2 a permit is required to construct a building or carry out works. This does not apply if a schedule to this overlay specifically states that a permit is not required.

Schedule 4 relates to the coastal towns of Skenes Creek, Kennett River, Wye River and Separation Creek and in particular subdivision.

**Comment:** A permit is not required for use or development pursuant to the overlay provisions in this instance.

Clause 43.05 Neighbourhood Character Overlay Schedule 1

The purpose of the 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 identify areas of existing or preferred neighbourhood character
- To ensure that development respects the neighbourhood character
- To prevent, where necessary, the removal of buildings and vegetation before the neighbourhood character features of the site and the new development have been evaluated.

Pursuant to Clause 43.05-2 a permit is required to construct a building or carry out works and to remove, destroy or lop trees. This does not apply to a tree that is less than 5 metres in height or has a trunk circumference of less than 0.5 metre measured 1 metre above ground level.

Schedule 1 relates to the coastal towns of Skenes Creek, Kennett River, Wye River and Separation Creek and in particular modifications to Clause 54 and Clause 55 standards.

A permit is required to construct a building or carry out works pursuant to Section 3.0 of the overlay.

**Comment:** The application has addressed the buildings and works requirements and provided a Res Code report of Clause 54 with the modifications as noted within the schedule to the overlay. While the development exceeds the 8m height requirement due to the sites topography, the small degree of non-compliance is acceptable. The bulk and siting of the building proposed blends within the environment and will ensure minimal visual impact. The finished building material of weather boards and modular log will further enhance the natural environmental elements promoted within the green wedge precinct 1 of Skenes Creek.

Clause 44.01 - Erosion Management Overlay Schedule 1

The purpose of the 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 protect areas prone to erosion, landslip or other land degradation processes, by minimising land disturbance and inappropriate development.

Pursuant to Clause 42.01-1 A permit is required to construct a building or carry out works and pursuant to Clause 44.01-2 a permit is required to remove, destroy or lop any vegetation.

**Comment:** The applicant has supplied the required application requirements as noted within the overlay. The Land Stability Assessment supplied by Bruce Hollioake and Partners dated 25/10/2006 has categorised the site as a low – moderate risk.

Clause 44.06 - Wildfire Management Overlay

The purpose of the overlay is:

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.

Pursuant to Clause 42.03-2 a permit is required to construct a building or carry out works and to remove, destroy or lop any vegetation.

**Comment: The proposal addresses the requirements of the zone. The application has been referred to the CFA for comments and permit conditions have been provided.**

#### **e) Particular Provisions**

##### Clause 52.17 Native Vegetation

The purpose of the policy is:

- To protect and conserve native vegetation to reduce the impact of land and water degradation and provide habitat for plants and animals
- To achieve the following objectives
  - To avoid the removal of native vegetation
  - If the removal of native vegetation cannot be avoided, to minimise the removal of native vegetation through appropriate planning and design
  - To appropriately offset the loss of native vegetation
- To provide for the management and removal of native vegetation in accordance with a native vegetation precinct plan or property vegetation plan.
- To manage vegetation near buildings to reduce the threat to life and property from wildfire.

Pursuant to Clause 52.17-1 a permit is required to remove, destroy or lop native vegetation unless specified within the table at clause 52.17-6

**Comment: Pursuant to Clause 52.17-6 a permit is not required for removal of native vegetation.**

##### Clause 54 One Dwelling on a Lot

The purpose of the policy is:

- To protect and conserve native vegetation to reduce the impact of land and water degradation and provide habitat for plants and animals
- To achieve residential development that respects the existing neighbourhood character or which contributes to a preferred neighbourhood character
- To encourage residential development that provides reasonable standards of amenity for existing and new residents.
- To encourage residential development that is responsive to the site and the neighbourhood.

Pursuant to Clause 43.05 overlay a Res Code report addressing Clause 54 is required with the application to construct a building or carry out works.

**Comment: With regards to each area being assessed please see below comments:**

- ***Neighbourhood Character*** – The dwelling proposal is in keeping with the Precinct 1 Green Wedge description at Clause 21.04-13. The development complies with the neighbourhood character objective.
- ***Site Layout and Building Massing*** – The nature of the sites topography creates a minor section of the roof line to the dwelling that would be over the 8 metre height requirement. The layout and mass of the dwelling addresses the requirements of the standards within the clause.



- **Amenity Impacts** – the application addresses the setback requirements while providing minimal concerns in relation to the other amenity areas.
- **On-Site Amenity and Facilities** – orientation of the dwelling will enable solar access to the internal layout as well as the private open space to the rear of the dwelling.
- **Detailed Design** – the design response respects the existing neighbourhood character – no front fence has been proposed with the application

#### **f) Summary**

It is considered that the development is appropriate for the site. The development complies with the State and Local Planning Policy framework and the provisions of the Planning Scheme allowing for the development of a dwelling. The proposal addresses Clause 54 including the modified objective of NCO.

The vegetation removal proposed is seen as minimal and appropriate for this development, and revegetation will ensure the green wedge landscape character of the area is maintained.

#### **Recommendation(s)**

**That Council's Planning Committee resolve to issue a Planning Permit for Use and Development of a dwelling and shed and Removal of Vegetation and Associated Works at 61 Old Coach Road, Skenes Creek subject to the following conditions:**

#### **Endorsed Plans**

1. **The layout of the site and the size of the proposed buildings and works as shown on the endorsed plans must not be altered or modified without the written consent of the Responsible Authority.**

#### **General**

2. **The dwelling must be connected to a reticulated sewerage system or if not available, the waste water must be treated and retained on-site in accordance with the State Environmental Protection Policy (Waters of Victoria) under the Environment Protection Act 1970.**
3. **The dwelling must be connected to a reticulated potable water supply or have an alternative potable water supply with adequate storage for domestic use as well as for fire fighting purposes.**
4. **The dwelling must be connected to a reticulated electricity supply or have an alternative energy source.**

#### **Access**

5. **Individual access must be provided onto each lot created and the subject access must be constructed to the satisfaction of the Responsible Authority.**

6. **The driveway must/should enter the roadway perpendicular to the roads centre line and be in a safe location for users, pedestrians, cyclists and motorists by consideration of both vertical and horizontal sight distance to the satisfaction of the Responsible Authority.**
7. **The driveway must be constructed to an all weather surface to the satisfaction of the Responsible Authority with a cross fall of 0.03m/m for sealed driveways and 0.06m/m for unsealed driveways.**

#### **Drainage**

8. **Prior to commencement of the development, a stormwater detention system designed by a qualified engineer must be lodged with the Responsible Authority verifying that post development stormwater discharge volume from the land does not exceed pre-development stormwater discharge volume to the satisfaction of the Responsible Authority, once approved such design must be endorsed and must form part of the permit issued.**
9. **Stormwater discharge from the approved stormwater detention system must only be distributed across the property by sheet flow (i.e. along a contour) or to a legal point of discharge as approved by the Responsible Authority. No sheet flow discharge point must be permitted within five (5) metres of the lowest property boundaries and any discharge point must not be located so as to surcharge the septic effluent disposal system.**

#### **Landscaping**

10. **Before the development starts, a landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The landscaping plan must be generally in accordance with the proposed landscape plan dated August 2007 prepared by Bower Architecture, except that the plan must show:**
  - (a) **a survey (including botanical names) of all existing vegetation to be retained and/or removed**
  - (b) **buildings and trees (including botanical names) on neighbouring properties within three metres of the boundary**
  - (c) **details of surface finishes of pathways and driveways**
  - (d) **a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant**
  - (e) **landscaping and planting within all open areas of the site**
  - (f) **three (3) canopy trees (minimum two metres tall when planted).**

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

11. All clearing and revegetation must be in accordance with the 'Support Information for Planning Application for the Removal of Native Vegetation – for 61 Old Coach Road, Skenes Creek' and the 'Tree Removal Plan – 61 Old Coach Road, Skenes Creek' and 'Revegetation Plan – 61 Old Coach Road, Skenes Creek'. All Plans will be endorsed and form part of this permit.
12. All environmental weeds as outlined in "Environmental Weeds of the Colac Otway Shire" brochure must be controlled on the property at all times and prevented from spreading to neighbouring land to the satisfaction of the responsible authority.
13. No environmental weeds as referred to in "Environmental Weeds of the Colac Otway Shire" brochure shall be planted on or allowed to invade the site.
14. Vegetation removal and disposal must not cause damage to vegetation stands to be retained to the satisfaction of the Responsible Authority.
15. No trenching, soil excavation, storage or dumping of tools, equipment, waste or soil is to occur within areas of existing native vegetation that are to be retained on the site without the written consent of the Responsible Authority.

#### Land Stability

16. All designs, works and maintenance required by the development must be in accordance with the recommendations contained in the geotechnical report, (Geotechnical Assessment for Slope Stability for proposed residence at 61 Old Coach Road, Skenes Creek, Bruce Hollioake and Partners, dated 25 October 2006). A copy of this report and additional advice forms part of this permit.

#### External colours/finishes

17. The nature and colour of building materials employed in the construction of the buildings and works hereby permitted must be harmonious with the environment to the satisfaction of the Responsible Authority.
18. The roof and external walls of the dwelling and the outbuildings shall be constructed of a non-reflective material which will effectively blend the development in with the natural colours of the surrounding landscape (ie. Not white, off white, beige, cream, fawn, light yellow or similar colour, galvanised or zincalume).

#### Expiry of Permit

19. This permit will expire if one of the following circumstances applies:
  - The development and use are not started within two (2) years of the date of this permit.
  - The development is not completed within four years of the date of this permit.

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires, or within three months afterwards.

**CONDITIONS REQUIRED BY CFA****20. Water Supply Requirements**

- 21. A static water supply, such as a pool, tank or dam, must be provided unless there is a hydrant connected to a reticulated water supply within 120 metres of the dwelling.**

**OR**

- 21.1 A static water supply must meet the following requirements:**

- 21.1.1 A minimum of 10,000 litres on-site static storage must be provided on the lot and be maintained solely for fire fighting;**
- 21.1.2 The water supply must be located within 60 metres of the dwelling;**
- 21.1.3 Fire brigade vehicles must be able to get within four metres of the water as indicated on the wildfire development plan;**
- 21.1.4 The water supply should be readily identifiable from the building or appropriate signage (see Appendix A: Figure 1) must point to a water supply. All below-ground water pipelines must be installed to the following depths :-**
  - Subject to vehicle traffic : 300mm**
  - Under houses or concrete slabs : 75mm**
  - All other locations : 225mm**
  - All fixed aboveground water pipelines and fittings, including water supply, must be constructed of non-corrosive and non-combustible materials or protected from the effects of radiant heat and flame.**

- 21.2 If the static water supply is above ground, the following additional standards apply:**

- 21.2.1 All above-ground static water must provide at least one 64mm, 3 thread/ 25mm x 50mm nominal bore British Standard Pipe BSP, round male coupling (see Appendix A: Figure 2)**
- 21.2.2 All pipe work and valving between the water supply and the outlet must be no less than 50mm nominal bore.**
- 21.2.3 If less than 20 metres from the building, each outlet must face away from the building to allow access during emergencies.**

**22. Access Requirements**

- 22.1 Access to the dwelling must be designed to allow emergency vehicles access. The minimum design requirements are as follows:**

- 21.1.1 Curves in driveway must have a minimum radius of 10 metres;**
- 21.1.2 The average grade must be no more than 1 in 7 (14.4%) (8.1°) with a maximum of no more than 1 in 5 (20%) (11.3°) for no more than 50 metres;**
- 21.1.3 Dips must have no more than a 1 in 8 (12.5%) (7.1°) entry and exit angle.**

- 22.2 If the driveway from the road to the dwelling and water supply, including gates, bridges and culverts, is greater than 30m long, the driveway:**

- 21.2.1 Must be designed, constructed and maintained for a load limit of at least 15 tonnes;**
- 21.2.2 be all weather construction; and**
- 21.2.3 Must provide a minimum trafficable width of 4 metres, and be clear of encroachments 4 metres vertically (see Appendix A: Figure 3).**

- 22.3** If the driveway is longer than 100 metres, a turning area for fire fighting vehicles close to the dwelling must be provided by either;
- 21.3.1** A turning circle with a minimum radius of 10 metres;
  - 21.3.2** By the driveway encircling the dwelling; or
  - 21.3.3** A T head or Y head with a minimum formed surface of each leg being 8 metres in length measured from the centre point of the head, and 4 metres trafficable width (see Appendix A : Figure 4).

**23. Vegetation Management Requirements**

**Inner Zone**

A distance of 30 metres around the proposed dwelling or to the property boundary (whichever is the lesser) must be maintained to the following requirements during the declared 'Fire Danger Period' to the satisfaction of the responsible authority:

- Grass must be no more than 100mm in height
- Leaf litter must be less than 10mm deep
- There must be no elevated fuel on at least 50% of the area. On the remaining 50% the elevated fuel must be moist, sparse, with very little dead material.
- Dry native shrubs must be isolated in small clumps more than 10m away from the dwelling
- Trees must not overhang the roofline of the dwelling.

**CFA NOTE**

- 1.** Non-flammable features such as tennis courts, swimming pools, dams, patios, driveways, or paths should be incorporated into the vegetation management plan, especially on the north and western sides of the proposed building.
- 2.** Features with high flammability such as coir doormats, firewood stacks should not be located near the dwelling during the fire danger period. Clumps of hedges of shrubs with low flammability and/or high moisture content may be retained to act as a barrier to embers and radiant heat.

**Note:** For Category of bushfire attack

- 3.** The land is in a bushfire prone area designated under regulation 804 of the Building Regulations 2006. The planning permit conditions mean the building is located within 100 metres of vegetation with a moderate fuel load, which corresponds to a medium category of bushfire attack under AS3959.

**SHIRE NOTES**

- 4.** Building approval is required prior to commencement of construction.
- 5.** Health approval may be required for the effluent disposal system.

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