



**Colac Otway
SHIRE**

AGENDA

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

12 AUGUST 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

12 AUGUST 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 12 August 2008 at 10.30am.

AGENDA

1. PRAYER

2. PRESENT

3. APOLOGIES

4. MAYORAL STATEMENT

Colac Otway Shire encourages active community input and participation in Council decisions. The Planning Committee provides an opportunity for both objectors and proponents to address Council for up to five minutes. Priority will be given to people who have advised Council in advance that they wish to address the Planning Committee. Planning Committee meetings also enable Councillors to debate matters prior to decisions being taken.

I ask that we all respect each other during this process by:

- being courteous and respectful in the way in which you speak;
- not speaking unless you have been permitted to by me as chairperson;
- respecting the local laws which govern meeting procedure (copies of these are here for your information); and
- understanding that I have a responsibility to ensure proper meeting procedure and the upholding of the local law.

I also would like to inform you that the meeting is being taped. The audio recording of the 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.

5. DECLARATION OF INTEREST

6. VERBAL SUBMISSIONS FROM APPLICANTS/OBJECTORS

The Mayor is to read out the names of those applicants and objectors who have confirmed in writing that they wish to make a verbal submission. These verbal submissions will be made in relation to each respective agenda item and must be directly relevant to the respective agenda item. A time limit of 5 minutes will apply.

7. CONFIRMATION OF MINUTES

- Planning Committee Meeting of the Colac-Otway Shire Council held on the 10/06/08.

Recommendation

That the Planning Committee confirm the above minutes.

OFFICERS' REPORTS

Sustainable Planning and Development

PC081208-1	PLANNING COMMITTEE AMENDED DATES – OCTOBER & DECEMBER 2008
PC081208-2	PLANNING PERMITS FOR THE MONTH OF JUNE 2008
PC081208-3	PLANNING PERMITS FOR THE MONTH OF JULY 2008
PC081208-4	ALTERATIONS AND ADDITIONS TO EXISTING SHED AT 288 SUNNYSIDE ROAD, WONGARRA
PC081208-5	THREE LOT SUBDIVISION AT 16-22 CALVERT STREET, COLAC
PC081208-6	PP204/08 - WAIVING OF CAR PARKING ASSOCIATED WITH RESTAURANT AND ON PREMISES LIQUOUR LICENCE AT 14 PASCOE STREET, APOLLO BAY

Tracey Slatter
Chief Executive Officer

PC081208-1 PLANNING COMMITTEE AMENDED DATES – OCTOBER & DECEMBER 2008

AUTHOR: Bronwyn Keenan ENDORSED: Doug McNeill
DEPARTMENT: Sustainable Planning and FILE REF: GEN00460
Development

Purpose

To advise that Council's Planning Committee meeting dates will be re-scheduled for the months of October and December 2008. The October meeting change is due to an error in the Planning Committee PC082301-1 report and the December meeting change is due to Councillor Induction Workshops now scheduled on 2 December 2008.

Proposal

To change the adopted dates of Tuesday 7 October 2008 and Tuesday 2 December 2008 as per the Planning Committee report PC082301-1 Resolution.

The new recommended dates are:

Tuesday 14 October 2008 and Tuesday 9 December 2008.

Recommendation(s)***That Council's Planning Committee:***

- 1. Confirm the following changed meeting dates for Planning Committee meetings for October and December 2008:***

Tuesday, 14 October 2008, 10.30am, COPACC, Colac
Tuesday, 9 December 2008, 10.30am, COPACC, Colac

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**PC081208-2 PLANNING PERMITS FOR THE MONTH OF JUNE 2008**

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

40 Planning permit applications received for the period of 1st June 2008 to 30 June 2008

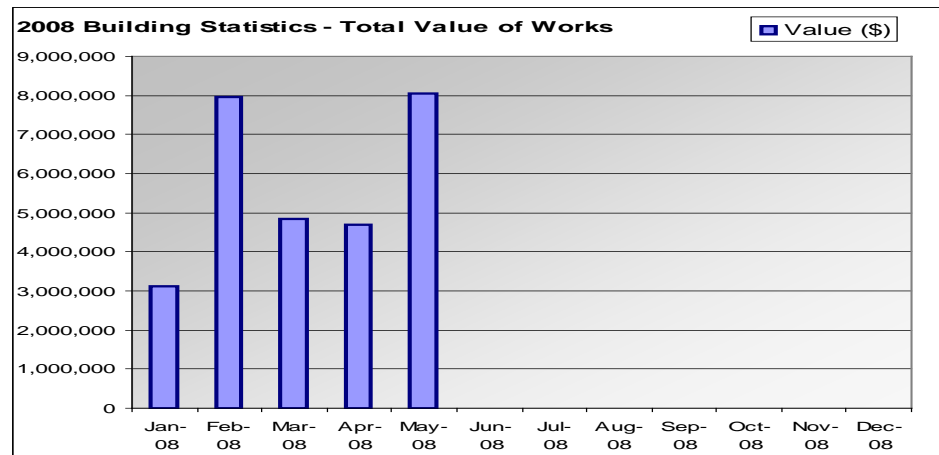
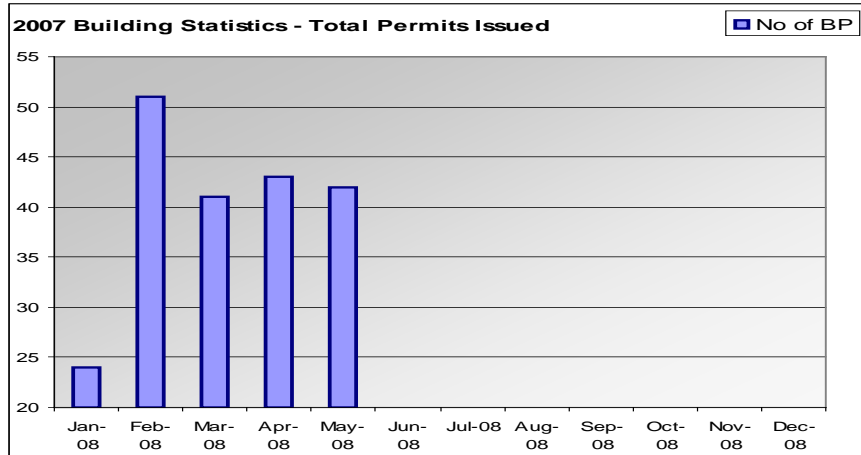
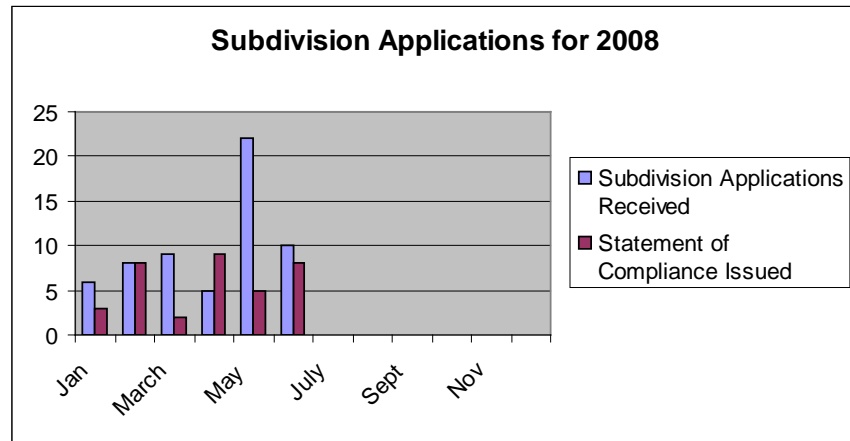
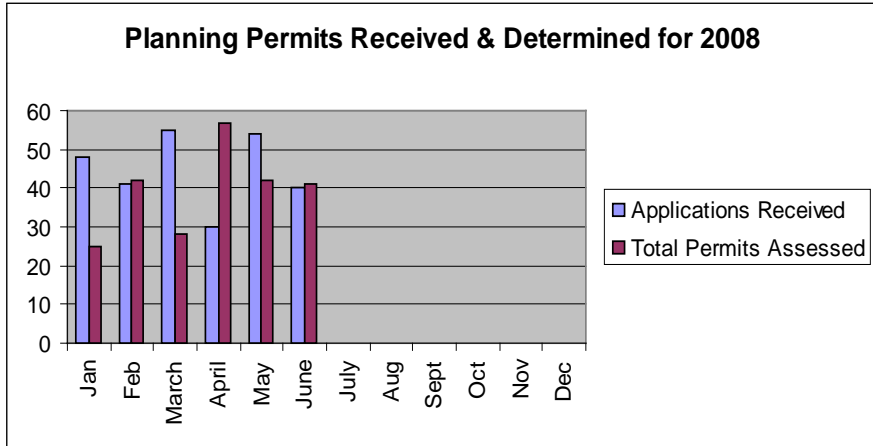
41 Planning permit applications were considered for the period of 1<sup>st</sup> June 2008 to 30 June 2008

| APPLIC NO | DATE RECEIVED | PROPOSAL                                                             | DATE ISSUED | ACTUAL TIME | Authority        | Decision |
|-----------|---------------|----------------------------------------------------------------------|-------------|-------------|------------------|----------|
| PP101/08  | 17-Mar-08     | USE & DEVELOPMENT OF A DWELLING & SHED                               | 16-Jun-08   | 65          | UNDER DELEGATION | GRANTED  |
| PP111/08  | 20-Mar-08     | USE AS A COMMERCIAL KITCHEN                                          | 23-Jun-08   | 68          | UNDER DELEGATION | GRANTED  |
| PP128/08  | 09-Apr-08     | REPLACE EXISTING TIMBER BRIDGE WITH A SINGLE SPAN CONCRETE STRUCTURE | 19-Jun-08   | 51          | UNDER DELEGATION | GRANTED  |
| PP132/08  | 11-Apr-08     | RELOCATION & ADDITIONS TO A DWELLING                                 | 03-Jun-08   | 38          | UNDER DELEGATION | GRANTED  |
| PP134/08  | 15-Apr-08     | DEVELOPMENT OF A SHED                                                | 19-Jun-08   | 46          | UNDER DELEGATION | GRANTED  |
| PP138/08  | 15-Apr-08     | DEVELOPMENT OF A SHED                                                | 10-Jun-08   | 40          | UNDER DELEGATION | GRANTED  |
| PP141/08  | 23-Apr-08     | CONSTRUCTION OF TWO (2) DAMS                                         | 02-Jun-08   | 29          | UNDER DELEGATION | GRANTED  |
| PP144/08  | 01-May-08     | FOUR (4) LOT SUBDIVISION                                             | 10-Jun-08   | 29          | UNDER DELEGATION | GRANTED  |
| PP145/08  | 01-May-08     | REPLACE EXISTING MOBILE PHONE ANTENNAE                               | 23-Jun-08   | 38          | UNDER DELEGATION | GRANTED  |
| PP147/08  | 02-May-08     | DEVELOPMENT OF A SHED                                                | 05-Jun-08   | 24          | UNDER DELEGATION | GRANTED  |
| PP157/08  | 07-May-08     | DEVELOPMENT OF A SHED                                                | 02-Jun-08   | 19          | UNDER DELEGATION | GRANTED  |

|           |           |                                                             |           |     |                  |         |
|-----------|-----------|-------------------------------------------------------------|-----------|-----|------------------|---------|
| PP159/08  | 12-May-08 | DEVELOPMENT OF A SHED                                       | 19-Jun-08 | 27  | UNDER DELEGATION | GRANTED |
| PP16/08   | 10-Jan-08 | CONSTRUCTION OF THREE (3) UNITS & THREE (3) LOT SUBDIVISION | 20-Jun-08 | 62  | UNDER DELEGATION | GRANTED |
| PP161/08  | 12-May-08 | USE & DEVELOPMENT OF A DWELLING & SHED                      | 23-Jun-08 | 30  | UNDER DELEGATION | GRANTED |
| PP164/08  | 12-May-08 | DEVELOPMENT OF A DWELLING & SHED                            | 20-Jun-08 | 28  | UNDER DELEGATION | GRANTED |
| PP167/08  | 14-May-08 | DEVELOPMENT OF A SHELTER & EXTENSION TO EXISTING SHELTER    | 19-Jun-08 | 31  | UNDER DELEGATION | GRANTED |
| PP168/08  | 13-May-08 | ALTERATIONS & ADDITIONS TO EXISTING DWELLING                | 23-Jun-08 | 41  | UNDER DELEGATION | GRANTED |
| PP176/08  | 22-May-08 | DEVELOPMENT OF SHED                                         | 02-Jun-08 | 11  | UNDER DELEGATION | GRANTED |
| PP183/08  | 28-May-08 | USE OF SHOP FOR PIZZA SHOP                                  | 11-Jun-08 | 23  | UNDER DELEGATION | GRANTED |
| PP184/08  | 28-May-08 | CONSTRUCTION OF A HAY SHED                                  | 05-Jun-08 | 8   | UNDER DELEGATION | GRANTED |
| PP191/08  | 03-Jun-08 | CONSTRUCTION OF A SHED FOR STORAGE                          | 19-Jun-08 | 16  | UNDER DELEGATION | GRANTED |
| PP196/07A | 31-Mar-08 | ADDITION OF DOUBLE GARAGE                                   | 03-Jun-08 | 46  | UNDER DELEGATION | GRANTED |
| PP199/08  | 05-Jun-08 | DEVELOPMENT OF A SHED                                       | 23-Jun-08 | 18  | UNDER DELEGATION | GRANTED |
| PP208/08  | 13-Jun-08 | DEVELOPMENT OF A MACHINERY/HAY SHED                         | 26-Jun-08 | 21  | UNDER DELEGATION | GRANTED |
| PP212/08  | 05-Jun-08 | CONSTRUCTION OF AIRLOCK TO EXISTING BUILDING                | 26-Jun-08 | 29  | UNDER DELEGATION | GRANTED |
| PP239/07  | 06-Sep-07 | CONSTRUCTION OF THREE (3) CABINS FOR GROUP ACCOMMODATION    | 10-Jun-08 | 84  | UNDER DELEGATION | REFUSED |
| PP240/07  | 06-Sep-07 | CONSTRUCTION OF DWELLING                                    | 13-Jun-08 | 87  | UNDER DELEGATION | GRANTED |
| PP241/07  | 06-Sep-07 | CONSTRUCTION OF DWELLING & CONSOLIDATION OF TITLE           | 03-Jun-08 | 77  | UNDER DELEGATION | GRANTED |
| PP253/07  | 20-Sep-07 | CONSTRUCTION OF A DWELLING                                  | 02-Jun-08 | 130 | UNDER DELEGATION | GRANTED |

|                                                      |           |                                                                        |           |           |                  |           |
|------------------------------------------------------|-----------|------------------------------------------------------------------------|-----------|-----------|------------------|-----------|
| PP260/07                                             | 28-Sep-07 | THREE (3) LOT SUBDIVISION                                              | 11-Jun-08 | 118       | UNDER DELEGATION | GRANTED   |
| PP269/07                                             | 08-Oct-07 | CONSTRUCTION OF TWO LEVEL DWELLING & ASSOCIATED WORKS                  | 26-Jun-08 | 103       | UNDER DELEGATION | GRANTED   |
| PP301/07-A                                           | 12-May-08 | EXTENSION TO TRADING HOURS                                             | 30-Jun-08 | 35        | UNDER DELEGATION | GRANTED   |
| PP311/07                                             | 19-Nov-07 | CONSTRUCT THREE DWELLINGS AND THREE LOT SUBDIVISION                    | 05-Jun-08 | 40        | UNDER DELEGATION | WITHDRAWN |
| PP326/03A                                            | 19-Dec-07 | CONVERT OUTBUILDING TO TOURIST ACCOMMODATION-AMENDMENT TO PLANS        | 30-Jun-08 | 16        | UNDER DELEGATION | GRANTED   |
| PP39/08-A                                            | 19-Jun-08 | AMENDMENT TO DIESEL TANK INSTALLATION                                  | 20-Jun-08 | 1         | UNDER DELEGATION | GRANTED   |
| PP41/08                                              | 31-Mar-08 | USE & DEVELOPMENT OF A DWELLING                                        | 13-Jun-08 | 53        | UNDER DELEGATION | GRANTED   |
| PP478/04-B                                           | 28-May-08 | AMENDMENT - CONSTRUCTION OF A DWELLING                                 | 02-Jun-08 | 3         | UNDER DELEGATION | GRANTED   |
| PP48/08                                              | 14-Feb-08 | CONSTRUCTION OF DWELLING (REMOVAL OF EXISTING DWELLING)                | 02-Jun-08 | 78        | UNDER DELEGATION | GRANTED   |
| PP56/04A                                             | 12-Nov-07 | AMENDMENT - ALTER DWELLING SITING AND DESIGN & CONSTRUCT NEW SHED      | 10-Jun-08 | 105       | UNDER DELEGATION | GRANTED   |
| PP64/08                                              | 26-Feb-08 | ALTERATIONS & ADDITION TO EXISTING DWELLING                            | 20-Jun-08 | 82        | UNDER DELEGATION | GRANTED   |
| PP95/08                                              | 14-Mar-08 | CONSTRUCTION OF TWO x TWO (2) STOREY UNITS AND TWO (2) LOT SUBDIVISION | 27-Jun-08 | 75        | UNDER DELEGATION | GRANTED   |
| <b>Average Days to Process Planning Applications</b> |           |                                                                        |           | <b>47</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-08        | 20         | 2,466,200         | 1            | 50,000         | 1          | 90,000           | 1        | 11,500         | 0          | 0             | 1                   | 500,000        | 0                | 0                | 24               | 3,117,700         |
| Feb-08        | 47         | 4,280,656         | 0            | 0              | 3          | 113,020          | 0        | 0              | 0          | 0             | 0                   | 0              | 1                | 3,553,701        | 51               | 7,947,377         |
| Mar-08        | 34         | 4,552,124         | 0            | 0              | 4          | 156,781          | 1        | 100,000        | 1          | 20,000        | 0                   | 0              | 1                | 22,000           | 41               | 4,850,905         |
| Apr-08        | 36         | 4,376,049         | 0            | 0              | 2          | 38,550           | 2        | 227,950        | 0          | 0             | 0                   | 0              | 3                | 39,966           | 43               | 4,682,515         |
| May-08        | 35         | 3,040,877         | 1            | 50,000         | 4          | 4,660,000        | 1        | 55,000         | 0          | 0             | 0                   | 0              | 1                | 250,000          | 42               | 8,055,877         |
| Jun-08        |            |                   |              |                |            |                  |          |                |            |               |                     |                |                  |                  | 0                | 0                 |
| Jul-08        |            |                   |              |                |            |                  |          |                |            |               |                     |                |                  |                  | 0                | 0                 |
| Aug-08        |            |                   |              |                |            |                  |          |                |            |               |                     |                |                  |                  | 0                | 0                 |
| Sep-08        |            |                   |              |                |            |                  |          |                |            |               |                     |                |                  |                  | 0                | 0                 |
| Oct-08        |            |                   |              |                |            |                  |          |                |            |               |                     |                |                  |                  | 0                | 0                 |
| Nov-08        |            |                   |              |                |            |                  |          |                |            |               |                     |                |                  |                  | 0                | 0                 |
| Dec-08        |            |                   |              |                |            |                  |          |                |            |               |                     |                |                  |                  | 0                | 0                 |
| <b>Totals</b> | <b>172</b> | <b>18,715,906</b> | <b>2</b>     | <b>100,000</b> | <b>14</b>  | <b>5,058,351</b> | <b>5</b> | <b>394,450</b> | <b>1</b>   | <b>20,000</b> | <b>1</b>            | <b>500,000</b> | <b>6</b>         | <b>3,865,667</b> | <b>201</b>       | <b>28,654,374</b> |

**Building Stats**

\*\*\*Please note that the Building Commission website has only been updated to May 2008.

**Recommendation(s)**

***That Council's Planning Committee note the June 2008 statistical report.***

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PC081208-3 PLANNING PERMITS FOR THE MONTH OF JULY 2008

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

42 Planning permit applications received for the period of 1st July 2008 to 31st July 2008
25 Planning permit applications were considered for the period of 1st July 2008 to 31st July 2008

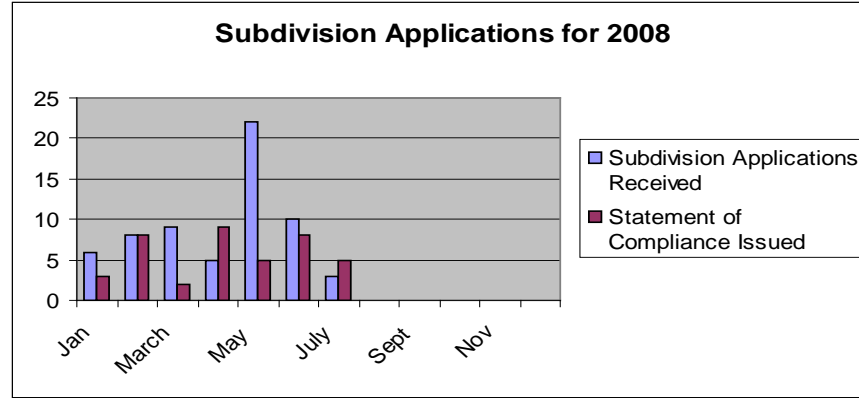
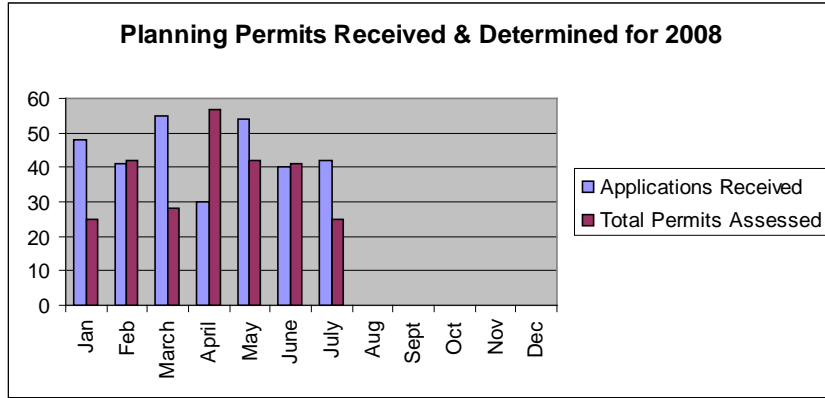
| APPLIC NO | DATE RECEIVED | PROPOSAL | DATE ISSUED | ACTUAL TIME | Authority | Decision |
|-----------|---------------|--|-------------|-------------|------------------|-------------------|
| PP1/08 | 02-Jan-08 | FOUR (4) LOT SUBDIVISION
PS614653E | 04-Jul-08 | 131 | UNDER DELEGATION | GRANTED |
| PP124/08 | 04-Apr-08 | USE & DEVELOPMENT OF
DWELLING | 11-Jul-08 | 70 | UNDER DELEGATION | GRANTED |
| PP160/08 | 12-May-08 | DEVELOPMENT OF A DAM | 22-Jul-08 | 51 | UNDER DELEGATION | GRANTED |
| PP162/08 | 12-May-08 | DEVELOPMENT OF A GARAGE &
EXTENSION TO DWELLING | 22-Jul-08 | 51 | UNDER DELEGATION | GRANTED |
| PP172/08 | 22-May-08 | CONSTRUCTION OF A SHED &
EXTENSION TO EXISTING SHED | 01-Jul-08 | 19 | UNDER DELEGATION | GRANTED |
| PP175/08 | 22-May-08 | USE OF LAND FOR 'SHOP' &
USE OF LAND FOR
'RESTRICTED RETAIL
PREMISES' | 03-Jul-08 | 16 | UNDER DELEGATION | GRANTED |
| PP179/08 | 22-May-08 | DEVELOPMENT OF A DWELLING | 16-Jul-08 | 44 | UNDER DELEGATION | GRANTED |
| PP185/08 | 26-May-08 | THREE (3) LOT SUBDIVISION | 22-Jul-08 | 51 | UNDER DELEGATION | GRANTED |
| PP189/08 | 26-May-08 | TWO (2) LOT SUBDIVISION | 22-Jul-08 | 57 | UNDER DELEGATION | GRANTED |
| PP205/08 | 26-May-08 | CONSTRUCTION OF A
DWELLING | 11-Jul-08 | 46 | UNDER DELEGATION | GRANTED |
| PP212/08 | 05-Jun-08 | CONSTRUCTION OF AIRLOCK
TO EXISTING BUILDING | 11-Jul-08 | 36 | UNDER DELEGATION | GRANTED |
| PP220/08 | 26-Jun-08 | DEVELOPMENT OF A GARAGE | 11-Jul-08 | 15 | UNDER DELEGATION | GRANTED |
| PP221/08 | 26-Jun-08 | CONSTRUCTION OF A GARAGE
& WORKSHOP | 07-Jul-08 | 40 | UNDER DELEGATION | PERMIT NOT
REQ |

| | | | | | | |
|------------|-----------|--|-----------|-----|------------------|-----------|
| PP222/08 | 26-Jun-08 | INSTALLATION OF A WATER TANK & ANCILLARY PLUMBING CONNECTIONS, EARTHWORKS & FENCING | 30-Jul-08 | 65 | UNDER DELEGATION | GRANTED |
| PP237/08 | 14-Jul-08 | DEVELOPMENT OF A DWELLING | 22-Jul-08 | 8 | UNDER DELEGATION | GRANTED |
| PP242/08 | 15-Jul-08 | DEVELOPMENT OF A DWELLING | 22-Jul-08 | 7 | UNDER DELEGATION | GRANTED |
| PP307/07 | 16-Nov-07 | TWO (2) LOT SUBDIVISION | 01-Jul-08 | 122 | UNDER DELEGATION | GRANTED |
| PP31/08 | 30-Jan-08 | USE & DEVELOPMENT OF A WINE, CHEESE & PIANO BAR, SALES OF LOCAL PRODUCE & ARTWORK, LIQUOR LICENCE AND WAIVE CARPARKING | 01-Jul-08 | 51 | UNDER DELEGATION | WITHDRAWN |
| PP314/07 | 21-Nov-07 | USE & DEVELOPMENT OF A PAINTBALL FACILITY | 14-Jul-08 | 81 | UNDER DELEGATION | GRANTED |
| PP326/07 | 30-Nov-07 | CONSTRUCTION OF DWELLING & REMOVE 2-3 TREES | 04-Jul-08 | 74 | UNDER DELEGATION | GRANTED |
| PP334/05-A | 02-May-08 | AMEND LICENSED HOURS OF OPERATION (ALTER CONDITION 3 & DELETE CONDITION 8) | 01-Jul-08 | 32 | UNDER DELEGATION | GRANTED |
| PP49/08-A | 07-Jul-08 | REMOVAL & VARIATION OF SEWERAGE EASEMENTS & REMOVAL OF CONDITION 7 | 22-Jul-08 | 10 | UNDER DELEGATION | GRANTED |
| PP86/08 | 06-Mar-08 | DEVELOPMENT OF SHED | 02-Jul-08 | 84 | UNDER DELEGATION | GRANTED |
| PP89/08 | 07-Mar-08 | USE & DEVELOPMENT OF TWO (2) DWELLINGS & TWO (2) LOT SUBDIVISION | 03-Jul-08 | 8 | UNDER DELEGATION | LAPSED |
| PP99/08 | 14-Mar-08 | EXTENSION TO CHILDCARE CENTRE | 10-Jul-08 | 53 | UNDER DELEGATION | NOD |

**Average Days to Process
Planning Applications**

49

Days



Building Stats

***Please note that the Building Commission website has only been updated to May 2008 and those statistics were provided in June 2008 Planning Committee Report.

Recommendation(s)

That Council's Planning Committee note the July 2008 statistical report.

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**PC081208-4 ALTERATIONS AND ADDITIONS TO EXISTING SHED AT 288 SUNNYSIDE ROAD, WONGARRA**

AUTHOR: Doug McNeill ENDORSED: Jack Green  
DEPARTMENT: Sustainable Planning and Development FILE REF: PP74/08

**Location:**

**Proposal:** Alterations and Additions to Existing Shed

**Applicant:**

**Zoning:** Rural Conservation Zone

**Overlay controls:** Wildfire Management Overlay (WMO)  
Erosion Management Overlay (EMO1)

**Amendments:** Amendment C55 proposes Significant Landscape Overlay (SLO3)

**Abuts:** Rural Conservation Zone

**Restrictive Covenants:** Nil

**Reasons for Planning Committee consideration:**

This application requires consideration by Council's Planning Committee as seven (7) objections have been received in response to notice of the application.



## Summary

- Approval is sought for alterations and additions to an existing shed. The existing shed was formerly a dairy and is now derelict. It is sited approximately 6.4m from the road frontage.
- The new shed will be in the same footprint as the existing shed and adjoining concrete slab, and will comprise workshop areas, store areas, an open machinery store, a loft, veranda and bathroom.
- The application states that it will be used for storage associated with the rural maintenance of the land (e.g. weed control, revegetation, infrastructure maintenance etc), and also as a studio/workshop for sketching and painting hobbies. The bathroom is required due to the distance of the shed from the existing dwelling (250m).
- The same siting has been selected due to the lack of alternative flat areas and to avoid site disturbance elsewhere on this steep lot. The new shed will be within 1.5m off the road frontage, sited on the existing concrete slab in this location.
- Access is from Sunnyside Road via Groves Court, a no through road that carries only local traffic. The new building will not be highly visible from Sunnyside Road which is a scenic route.
- There were seven objections to this application. Grounds of objection centred on the siting and visual impact of the building (particularly from the nearest dwelling, some 50m to the south west), and the possible use of the building as a second dwelling.
- It is considered that appropriate screen planting and use of muted, non-reflective external colours and materials will minimise the visual impact of the shed. The proposal is likely to result in a better visual outcome (particularly with effective screen planting) than the existing derelict shed.
- A Geotechnical Report identified a low risk of landslip associated with the proposal.
- In light of the above, it is considered that the application should be supported subject to appropriate conditions as outlined below.
- Permit conditions (amongst other requirements) prohibit the use of the shed as a second dwelling, require a suitable septic system appropriately setback from the creek to the north, and require development strictly in accordance with the geotechnical report.

## Proposal

On 28 February 2008, Council received an application (PP74/08) for alterations and additions to an existing shed at 288 Sunnyside Road, Wongarra.

An existing derelict, weatherboard shed is located on the western portion of the site, approximately 6.5 metres from the road frontage. It comprises a ground floor storage area (67.6sqm) with a small loft (18.2sqm) above, with an overall building footprint of approximately 85.8sqm. The ground floor has a height of 2.77 metres to the top of the roof line, where the loft is positioned the overall height of the shed to the top of the roof line is 3.9 metres. The shed contained shower and toilet facilities that were not connected to a septic tank system and currently not in use. A large concrete paved area (approximately 40sqm) extends to the northwest from the shed.

Approval is sought for refurbishment of the existing shed, and construction of an extension on the adjoining concrete area. The shed will comprise two workshop areas and a store on the ground floor (79.35sqm) with a new loft (44sqm) above. The extended area will comprise an open machinery store, a store area, a bathroom and a covered veranda area, and will have a total area of approximately 106sqm.



The total building area will be approximately 230sqm, an increase of approximately 144.20sqm. (more than double the current building footprint) The overall roof height will increase by approximately 1.6m to 5.7 metres (to the top of the roof line of the loft).

The application states that the shed will be used for storage associated with the rural use of the land (e.g. weed control, revegetation, infrastructure maintenance etc) and also as a studio/workshop for sketching and painting hobbies. It will not be used for commercial or residential purposes. The bathroom is required due to the substantial distance to the existing dwelling, an estimated distance of 250 metres away.

The siting of the shed in this location is due to the site's topography and the absence of other flat areas. It will also avoid disturbance elsewhere on the site. No vegetation removal is required.

### **Subject Site and Locality**

The site is located on the east side of Sunnyside Road, Wongarra, and is accessed via Groves Court. This property is located at the end of the court and has an irregular shape with an area of 15.74ha. It contains a derelict timber shed located close to the road frontage, and a timber dwelling some 250m to the east. The topography of the land is generally steep. A small creek within in a steep, treed gully is located just north of the shed. The eastern portion of the site also contains a creek and significant vegetation cover.

The lot was created as part of a subdivision approved in 1979. Surrounding land is also within the Rural Conservation Zone, and these lots generally contain dwellings and are used for grazing.

The nearest dwelling is situated opposite the existing shed, set back about 40 metres from the road frontage. As a result of the previous subdivision, this property effectively surrounds the subject site.

### **Referrals**

Referral of the application was not required pursuant to Section 55 of the Planning and Environment Act.

Council's Environmental Health Department was consulted and provided consent for an aerated waste water treatment system to be setback at least 30 metres from the creek.

### **Notice of Application**

The application was advertised pursuant to Section 52 of the Planning & Environment Act 1987. Notice was provided via a sign on-site and notices to surrounding owners/occupiers.

Seven objections were received. However, the weight given to those objections needs to be considered in context to their proximity to the site and potential for material detriment to occur as a result of the proposal.

Of those seven objections, two objectors advised that their property was 'nowhere near this proposed site' and another objector advised that they were friends of the property owner opposite the subject site. Therefore, little weight should be given to these objections.

The main concerns raised are summarised as follows:

- The intention appears to be to build a second residence.

**Comment:** The shed is not a self-contained dwelling as it does not include a kitchen sink and food preparation facilities. If approved, permit conditions will prohibit the use of the shed as a second dwelling.

- Who monitors use of the shed to ensure that it does not become a second dwelling?

**Comment:** Permit conditions will prohibit habitation of the shed. The owners risk enforcement action by Council should it be used as a second dwelling. The permit runs with the land, not the owner, and as such, this restriction applies to all subsequent owners.

- Major visual impact as sited so close to Sunnyside Road.

**Comment:** The siting, whilst close to the road, has been selected due to the lack of other flat areas on the site and to avoid further disturbance elsewhere. Portion of the proposed building will occupy the same footprint as the existing shed and concrete pad, and can be effectively screened by planting, to achieve a better visual outcome than the existing derelict shed.

- The proposal suggests a small commercial development.

**Comment:** The application states that the shed is for private purposes only (storage and workshop/studio). Further approval would be required for any commercial use. This matter is addressed in permit conditions.

- The development will alter the neighbourhood and environmental character of Sunnyside Road.

**Comment:** This area is generally used for agricultural related uses where outbuildings and sheds would be expected to be found. These improvements would be considered to form part of the character of the area providing that they are sensitively sited and screened by landscaping.

- The building will be 50m from the dwelling at 290 Sunnyside Road and less than 20m from the boundary of this property and will have a severe impact on privacy of the dwelling at 290 Sunnyside Road.

**Comment:** The existing shed is setback about 6 metres from the property boundary and while the proposed extension will encroach on this set (1.6 metres), this reduction in setback is largely caused as a result of the irregular shape of the allotment. The earlier subdivision of the land has created a situation whereby the property at 290 Sunnyside Road effectively wraps partly around the subject site. It is noted that under the provisions of the planning scheme the existing shed, including loft, could be rebuilt without planning approval.

- Visual and noise impacts upon 290 Sunnyside Road, which adjoins the site on the west and north sides.

**Comment:** Redevelopment of the existing shed and extension sought for approval will increase activity levels in this location. It is not unusual for farming activities to create noise associated with the use of machinery, etc and is generally acceptable. Emission of unacceptable levels of noise can be controlled by placing a condition on the permit to address any potential noise impacts from the workshop.

- Significant increase to the height and width of the loft.

**Comment:** The existing building contains a loft area that is proposed to be increased in area by approximately 26sqm. The overall height of the structure, to the top of the roof line of the loft, will increase by around 1.6 metres to 5.7 metres.

- Risk of pollution of the creek due to septic waste.

**Comment:** An aerated waste water treatment system must be designed and installed, with a minimum setback of 30 metres to the creek, to the satisfaction of the Responsible Authority.

- Possible removal of trees which line creek.

**Comment:** No vegetation removal is proposed.

- The shed would be more conveniently and appropriately sited closer to the dwelling (better security, easier access and less impact on neighbours).

**Comment:** For the shed to be sited closer to the dwelling it would be likely that earthworks would be required given the steepness of the site and lack of alternative flat areas to site a structure.

- Impact on the current usage of Groves Court.

**Comment:** The shed will be contained within the boundaries of the lot and will have no impact on the use of Groves Court.

- The description '*addition and alteration to an existing shed*' understates the size and scope of the proposal.

**Comment:** The description is considered to accurately describe the proposal. The application was available for inspection during the notice period, to allow affected parties to consider the full extent of the proposal.

- There has been no significant agricultural or farming activity on this property for the last seven years.

**Comment:** The application states that the shed is required to support rural maintenance activities (e.g. weed control, revegetation, and infrastructure maintenance).

- Increased tourist traffic on a very minor country road.

**Comment: The shed will not be used for tourist accommodation and will have no impact on traffic generation.**

- It will detract from the value of 290 Sunnyside Road.

**Comment: This is not a valid planning consideration.**

### **Consideration of the Proposal**

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

- Clause 35.06-5, Rural Conservation Zone – buildings and works associated with a Section 2 Use (agriculture, dwelling), a building within 20m from a road, 100m from a dwelling not in the same ownership and 100m from a waterway.
- Clause 44.01, Erosion Management Overlay (EMO1) – buildings and works.

#### **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 15.01 – Environment, which deals with the protection of catchments, waterways and groundwater;
- Clause 15.07 – Protection from Wildfire;
- Clause 15.08 – Coastal Areas (Great Ocean Road Region), which seeks to protect natural landscapes of the coastal environment, and manage the impact of development on the environmental values of the area.
- Clause 17.05 – Agriculture, which seeks to protect the State's agricultural base;

**Comment: The proposal is considered to be consistent with relevant State Policy. Approval is sought for an outbuilding that will be used to support the rural and environmental management of the land. It is considered that the building can be appropriately screened from the road, and is likely to improve the existing visual appearance of the site. The siting avoids the need for disturbance elsewhere on the site and there will be no loss of vegetation as a result of this proposal. If approved, permit conditions will require screen planting, use of muted non-reflective colours and appropriate wastewater treatment on the site.**

#### **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 policies are relevant to the consideration of this application:

- Clause 21.04-2 – The Otway Ranges and Foothills, which seeks to protect key environmental features, whilst facilitating a range of developments in an environmentally sensitive way.

- Clause 22.01 – Main Roads/Scenic Routes, which seeks to protect scenic roads from unsympathetic development, and to ensure a high level of visual amenity is achieved by blending development into the environs.
- Clause 22.06 – Erosion Management Policy, which seeks to ensure that use and development has regard to, and does not increase the potential for landslip.

**Comment:** It is considered that the application can comply with the intent of relevant local policy. The site is accessed from Sunnyside Road via Groves Court, which is not a through road. Whilst sited close to the road frontage, the new shed will not be highly visible from Sunnyside Road. The new building will be larger than the existing shed, which is in a very poor state of repair. The use of screen planting and muted colours will minimise the appearance of the building from the surrounding lots and the road. The building does not exceed 8.0m in height. It is considered that the proposal is likely to result in an improved visual appearance. EMO1 requirements have been satisfied as discussed below.

### **c) Zoning**

The site is within a Rural Conservation Zone (Clause 35.06 of the Colac Otway Planning Scheme), the purpose of which is:

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

**Comment:** A permit is required under Clause 35.06-5 for buildings and works associated with a Section 2 Use (agriculture and dwelling) and for a building within prescribed setbacks. The application proposes an extension and alterations to an existing building, which is appropriate in light of the purpose and decision guidelines of the zone. The siting of the building is close to the road due to the location of the existing shed and the topography of the land. It can be screened from the road and surrounding properties however by appropriate planting, and use of muted, non-reflective colours will further minimise the visual impact. Effluent disposal must meet Environmental Health Department requirements to ensure no impact on the adjacent creek. No vegetation removal is required, and the proposal will not affect other environmental features of the site.

**d) Overlay Controls****Erosion Management Overlay (EMO1)****Purpose:**

- 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.

**Comment:** A permit is required for all buildings and works, and for removal of vegetation under Clause 44.01. A Geotechnical Report was submitted with the application. The Geotechnical Report found that a low landslip risk was associated with this proposal. Compliance with the Geotechnical Report will be a condition on the permit.

**Wildfire Management Overlay (WMO)****Purpose:**

- 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 where the intensity of wildfire is significant and likely to pose a threat to life and property.
- To ensure that development which is likely to increase the number of people in the overlay area:
  - Satisfies the specified fire protection objectives.
  - Does not significantly increase the threat to life and surrounding property from wildfire.
- To detail the minimum fire protection outcomes that will assist to protect life and property from the threat of wildfire.

**Comment:** A permit is not required under this overlay as the proposal is not for a use specified under Clause 44.06-1.

**e) Amendment C55**

Consideration should be given to the proposed controls as they apply to this site for Planning Scheme Amendment C55. Amendment C55 is a seriously entertained document for which a Panel Hearing was held for two weeks commencing 16<sup>th</sup> June 2008. Amendment C55 proposes to introduce a Significant Landscape Overlay 3 (SLO3 – Apollo Bay Coastal Valley and Hills Precinct over this site.

**Significant Landscape Overlay (SLO3)****Landscape Character Objectives:**

- To achieve the preferred character for the area.
- To increase the use of indigenous vegetation to highlight natural features within the precinct.
- To consider the contrasts between landscapes elements within the precinct.
- To ensure that development that occurs on hill faces or in other prominent locations is not highly visible.
- To protect the clear sweeping views to the ocean available from the precinct.

- To consider the dominance of an indigenous natural landscape in coastal areas, between townships, particularly from the Great Ocean Road.

**Comment:** A permit will be required for all buildings and works under the provisions of this overlay. This proposal has been assessed against the objectives of the proposed SLO and found to comply for the reasons discussed earlier in this report.

### Summary

In light of the above assessment, it is considered that the application should be supported. While the extension will be sited close to the road, this is influenced by the use of the footprint of the existing shed and concrete slab. By siting the structure in this location, the need for earthworks and vegetation is avoided. The proposed development can be appropriately screened by landscaping; and use of muted colours and materials will minimise the visual impact of the building. It is likely that the proposal will achieve a better visual outcome, given the dilapidated state of the existing shed.

Permit conditions will address objectors' concerns, and require appropriate screen planting, use of muted, non-reflective colours and materials, and appropriate on-site septic waste treatment. Conditions will also prohibit use of the building for habitation or commercial use.

### Recommendation (s)

***That Council's Planning Committee resolve to issue a Notice of Decision to Grant a Planning Permit for Planning Permit Application PP74/08 for alterations and additions to an existing shed at 288 Sunnyside Road, Wongarra, subject to the following conditions:***

- 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.***
- 2. Stormwater discharge from access roads and buildings and structures must be dealt with on the site to the satisfaction of the Responsible Authority. No sheet flow discharge point will 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.***
- 3. An aerated wastewater septic tank system is to be constructed concurrently with the redevelopment of the shed to ensure that all liquid waste is to be contained within the curtilage of the title at all times. Such system must be designed and installed to the satisfaction of the Responsible Authority.***
- 4. The aerated wastewater septic tank system must not be located within 60 metres of the bank of any surface waters, unless the liquid waste is treated to the satisfaction of the Responsible Authority. Any such reduction in distance to the surface waters will be at the discretion of the Responsible Authority.***
- 5. Before a Building Permit can be issued, a landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The plan must show:***

- (a) *a survey (including botanical names) of all existing vegetation to be retained and/or removed in the vicinity of the shed;*
- (b) *extensive screen planting around the shed to effectively screen it from Groves Court, Sunnyside Road and the dwelling located at 290 Sunnyside Road.*
- (c) *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.*

6. *The landscaping must be established within 6 months of the completion of the development hereby permitted and must be maintained to the satisfaction of the Responsible Authority.*
7. *All development and works associated with this permit must be carried out in strict conformity with the recommendations of Geotechnical Engineers Report prepared by Saunders Consulting Group Pty Ltd, Number 29550, dated 24 July 2007.*
8. *The use of the building hereby approved must be managed so that the amenity of the area is not detrimentally affected, through the:*
  - (a) *appearance of any building, works or materials;*
  - (b) *emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.*
10. *The roof and exterior walls of the outbuilding must be constructed of a non-reflective material which will effectively blend the development in with the natural colours of the surrounding landscape (i.e. not white, off-white, beige, cream, fawn, light yellow or similar colour, galvanised or zincalume, gull grey or any other unsuitable colour as determined by the Responsible Authority).*
11. *Prior to the issue of a Building Permit, the owner must enter into an agreement with the Responsible Authority under Section 173 of the Planning and Environment Act 1987 requiring that:*
  - a. *The shed must not be used for habitation or converted to a habitable dwelling.*

*Evidence of lodging of this agreement in accordance within Section 181 of the Planning and Environment Act 1987 must be submitted to the Responsible Authority. All costs associated with the agreement will be met by the owner/applicant.*

*Or, the shed hereby permitted must at no time be used as a dwelling, or for any commercial use, without further consent of the Responsible Authority.*

*Expiry of permit:*

12. *In accordance with Section 68 of the Planning and Environment Act 1987, 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.*



***In accordance with Section 69 of the Planning and Environment Act 1987, 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.***

**NOTES**

- 1. A Permit to install an all waste septic tank system must be lodged and approved by the Responsible Authority prior to the commencement of works. Such system must be designed and installed to the satisfaction of the Responsible Authority before a Permit to Use the waste septic tank system can be issued.***

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PC081208-5 THREE LOT SUBDIVISION AT 16-22 CALVERT STREET, COLAC

AUTHOR: Anne Sorensen
DEPARTMENT: Executive

ENDORSED: Jack Green
FILE REF: PP83/08

Location:**Applicant:**

Zoning: Residential 1 Zone

Overlay controls: Nil Overlays

Amendments: Nil

Restrictive Covenants: Nil

Reasons for Planning Committee consideration:

This application is before the Planning Committee for consideration as six objections have been lodged against the proposal for a 3 lot subdivision.

**Summary**

- This is an application to subdivide the land at 16-22 Calvert Street into three lots. The subdivision will create lots with frontage of 15.15m (lots 1 & 2) and 15.17M (lot 3) and with areas of 689sq.m (lot 1), 600sq.m (lot 2) and 556sq.m (lot 3).
- The property is within the Residential 1 Zone and is not subject to any overlay controls.

- The application was advertised and six (6) objections were received. The concerns relate to the retention of the croquet club for recreation purposes, potential two storey development on the lots, loss of amenity due to future development of the land, reduction in property values, creation of a small area in lot 2 which may result in nuisance, location of building envelopes too close to the boundary, loss of amenity during construction, and loss of a community facility.
- It is considered that the application is consistent with the State and Local planning provisions including the zoning of the land, and as such it is recommended that a Notice of Decision be issued.

Proposal

The application proposes the subdivision of the land into three lots, with dimensions as follows (see Appendix A for a copy of plan of subdivision):

- Lot 1 has an area of 689sq.m, width of 15.15m and maximum depth of 45.23m
- Lot 2 has an area of 600sq.m, width of 15.15m and maximum depth of 45.16m
- Lot 3 has an area of 556sq.m, width of 15.17m and maximum depth of 36.10m

Lot 1 contains a small sewer easement in the south west corner of the lot, whilst no other easements are proposed.

The application also provides building envelopes for each of the three lots, seeking to ensure no buildings are built to side boundaries via the imposition of a 1m setback to side boundaries for each lot. Lot 1 also has a front setback of 6.5 and rear (southern) setback of 3m in which no buildings may be constructed.

Lot 2 also has a 6.5m front setback, whilst the south west corner of the lot is contained within a no building area. This area comprises a rectangle of 5.49m x 8.76m.

Lot 3 has a 9m front setback proposed.

Subject Site and Locality

The subject site is located on the south side of Calvert Street, 34.9m east of the Corangamite Street intersection. The site has been developed and used as the Uniting Church croquet club for many years comprising a single title of land in an irregular shape.

The site is developed only with a single shed and the croquet lawns and is fenced on all sides with a corrugated iron fence of 1.8m in height.

The surrounding area is predominantly residential in use, with neighbouring lots developed with single detached dwellings set amongst gardens and in a tree lined street. Directly opposite the site is a multi unit development and diagonally opposite is the St Mary's Primary School.

External Referrals

The application was referred to all of the servicing authorities, none of whom had any objection to the issue of a planning permit.

Notice of Application

The application was advertised pursuant to Section 52 of the Planning & Environment Act, via a sign on-site and notices to owners/occupiers, as it was considered that the application may result in material detriment.

A total of 6 objections were received. The objections are summarised and discussed below:

Change of use of croquet club

The planning scheme does not seek to provide for the ongoing use of clubs and activities which are occurring on private land and for which there are other potential development/use options available to them and the long term use of the land for a croquet club would be at the sole discretion of the owner of the property, being the Uniting Church. Council are obligated to consider the application for a three lot subdivision and determine whether the proposed lots comply with the relevant provisions of the planning scheme.

Height restrictions on titles

The surrounding land is affected by a single storey covenant which restricts any of the property owners from developing a two storey dwelling. The subject site is not bound by the same restriction. However, building envelopes are proposed on each lot that will control minimum side and front setbacks.

The owner of the property does not seek to impose any height restrictions on the titles, and as such height would be governed by the provisions of the zone and the Building Regulations upon development of a single dwelling on each lot. Under the Residential 1 Zone no planning permit is required to develop a lot for a single dwelling. A maximum 9m height could be achieved under the zone and Building Regulations. However, issues of overlooking and overshadowing are addressed as part of the building permit and governed by the Building Regulations.

Building envelopes

Concern has been raised about the proposed building envelopes. The purpose of the building envelope is to provide an area within which development may occur. The area outside the building envelope can not be developed. It is likely that the footprint of any dwelling would only occupy a portion of the building envelope area.

The main components of the building envelopes are the provision of a front setback which will ensure that the setback of future dwellings is consistent, and the inability to construct within 1m of a side boundary which will provide for some separation between dwellings which is a consistent characteristic of the area.

Number of dwellings on each lot

The subdivision only provides for three lots, and an as of right development of one dwelling per lot. If a future owner of a lot sought to develop more than one dwelling on the lot, further planning approval would be required and neighbours would be notified of the proposal. Any concerns related to the development of more than one dwelling could be addressed at that stage.

Nuisance area at rear of Lot 2

At the rear of Lot 2 is an area of 5m x 8m in area which is not within the building envelope, and which a neighbour is concerned has the potential to become a nuisance. The dimensions of the lot are defined by the existing lot dimensions, and an unusually shaped parcel of land still has the ability to be developed and used in a manner not unlike any other parcel of land.

The 40sq.m area at the rear of the property will most likely form part of the rear private open space area and as such form part of a larger garden area. Residential lots are not always regular in shape, however, this does not impact on the use of the lot and there is no evidence to suggest that irregular shaped lots result in anything other than standard residential use.

Site management

All costs associated with the development of the three lots will be borne by the developer, including engineering design, sewer and water, gas and electricity services. If there is any works undertaken which have an impact on neighbouring gardens or fencing, there are legal requirements which require the developer to reinstate the area to the manner in which it was prior to the works.

Consideration of the Proposal

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

- Clause 32.01-2 – Subdivision

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 14.01 – Planning for urban settlement
- Clause 16.01 – Residential development for single dwellings
- Clause 18.09 – Water supply, sewerage and drainage
- Clause 19.01 – Subdivision

Comment: It is considered that the proposed development of this small parcel of land accords with the land use principles for this area. The state planning policy framework supports the further subdivision of the land to make better use of existing infrastructure and services in the area.

The development of the land in the manner proposed provides for appropriate services to each lot as required by Clause 18.09, and meets the objectives set out in Clause 19.01 (Subdivision).

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 21.04-3 – Settlement patterns and rural living

- Clause 21.04-12– Colac

Comment: The proposed subdivision is consistent with the local planning policy framework as the proposal supports the principles of urban consolidation and development of residential dwellings on land already zoned for that purpose.

c) Zoning

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

- To implement the SPPF and the LPPF, including the MSS 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.
- In appropriate locations, to allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs.

An application to subdivide land, other than an application to subdivide land into lots each containing an existing dwelling or car parking space, must meet the requirements of Clause 56 and:

- Must meet all of the objectives included in the clauses specified in the following table.
- Should meet all of the standards included in the clauses specified in the following table.

3-15 Lots - All except Clauses 56.02-1, 56.03-1 to 56.03-4, 56.05-2, 56.06-1, 56.06-3 and 56.06-6.

Comment: The proposed subdivision is consistent with the zoning provisions which seek to provide for residential development at a range of densities and with a variety of dwellings to meet the housing needs of the community. An assessment against the provisions of Clause 56 is detailed later in the report.

d) Particular Provisions

- An assessment against the provisions of Clause 56 has been undertaken and found that the proposal generally complies with these provisions. A copy of this assessment is included as Appendix B.

Public Open Space Contribution

Under the provisions of the Subdivision Act, Council can require up to 5% contribution, either in land or cash towards the provision of public open space. A condition has been placed on the permit requiring 5% cash contribution towards public open space.

Summary

In light of the above assessment, it is considered that the application can be supported. The proposed subdivision satisfies the requirements of Clause 56 of the Colac Otway Planning Scheme and is considered to satisfy the state and local planning policy framework, and is able to meet the decision guidelines of the zone effectively.

As such it is recommended that a Notice of Decision to Grant a Permit be issued.

Recommendation(s)

That Council's Planning Committee resolve to issue a Notice of Decision to Grant a Planning Permit for a three lot residential subdivision of 16-22 Calvert Street, Colac, subject to the following conditions:

COLAC OTWAY SHIRE CONDITIONS:

- 1. The subdivision as shown on the endorsed plan must not be altered save, with the written consent of the Responsible Authority.***
- 2. Plans lodged for certification pursuant to the provisions of the subdivision Act 1988, as amended, must include a separate sheet which delineates a building envelope within each proposed lot, to the satisfaction of the Responsible Authority.***
- 3. Plans lodged for certification pursuant to the provisions of the subdivision Act 1988, as amendment, must include a separate sheet which delineates a building envelope within each proposed lot, to the satisfaction of the Responsible Authority.***
- 4. Prior to the issue of Statement of Compliance, written confirmation is required stating that discharge from any structures are not concentrated over or across the new allotment boundaries to the satisfaction of the Responsible Authority.***
- 5. Before the Statement of Compliance is issued under the Subdivision Act 1988, the applicant or owner must pay to the Responsible Authority a sum equivalent to 5% percent of the site value of all the land in the subdivision.***
- 6. The plan of subdivision submitted for certification under the Subdivision Act 1988 shall be referred to Powercor Australia Limited, SP AusNet (Gas), Telstra and Barwon Water in accordance with Section 8 of that Act.***

POWERCOR CONDITIONS

- 7. The applicant shall:***
 - i) 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.***
 - ii) 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 Service and Installation Rules issued by the Victorian Electricity Supply Industry. You shall arrange compliance through a Registered Electrical Contractor.***
 - iii) Set aside on the plan of subdivision for the use of Powercor Australia Ltd a reserve(s) and/or easements satisfactory to Powercor Australia Ltd where any electric sub-station (other than a pole mounted type) is required to service the subdivision.***

- iv) Alternatively, at the discretion of Powercor Australia Ltd, a lease(s) of the site(s) and for easements for associated powerlines, cables and access ways shall be provided. Such a lease shall be for a period of 30 years at a nominal rental with a right to extend the lease for a further 30 years. Powercor Australia Ltd will register such leases on the title by way of a caveat prior to the registration of the plan of subdivision.*
- v) Provide easements satisfactory to Powercor Australia Limited, where easements have not been otherwise provided, for all existing Powercor Australia Ltd 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 show on the plan an easement(s) in favour of Powercor Australia Ltd for "Powerline Purposes" pursuant to Section 88 of the Electricity Industry Act 2000.*
- vi) Obtain for the use of Powercor Australia Ltd any other easement external to the subdivision required to service the lots.*
- vii) Adjust the position of any existing easement(s) for power lines to accord with the position of the line(s) as determined by survey.*
- viii) Obtain Powercor Australia Ltd'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.*
- ix) Provide to Powercor Australia Ltd, a copy of the version of the plan of subdivision submitted for certification, which shows any amendments which have been required.*

BARWON WATER

8. General

- i) The creation of easements over all existing and proposed sewers located within the subdivision in favour of the Barwon Region Water Corporation. The width of the easement is to be 2.0m centrally located over existing and future sewers.*

9. Water

- i) The provision and installation of individual water services including meters to all lots in the subdivision in accordance with Barwon Water's requirements and Victorian Plumbing Regulations. A dimensioned plan showing location of all meters relative to the allotment boundaries, and its number(s) is to be submitted. Note that tappings and services are not to be located under existing or proposed driveways.*
- ii) The payments of New Customer Contributions for each additional lot created and/or each additional metered connection for water supply within the subdivision.*
- iii) An additional tapping(s) is to be supplied to service the proposed development. A dimensioned plan showing location of all new tappings relative to the allotment boundaries, and its number(s), is to be submitted, where a meter is not fitted. Note that tappings and services are not to be located under existing or proposed driveways.*

- iv) **Barwon Water's records indicate that an existing water service and meter is located on this property. A dimensioned plan showing the location of the 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.**

10. 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 house connection drains are to be installed for and extended into each allotment.**
- ii) **The payment of New Customer Contributions for sewer for each additional lot created and/or each additional metered connection within the subdivision.**
- iii) **Reticulated sewer mains or a sewer main extension are required to service the proposed development.**
- iv) **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.**
- v) **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 existing house connection drain that traverses through the proposed allotments shall be relocated so not to inhibit future development.**

NOTE: **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.**

- i) **It would be appreciated if all communication between the developer/agent and Barwon Water quote Barwon Water reference no 60/066/08221.**

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

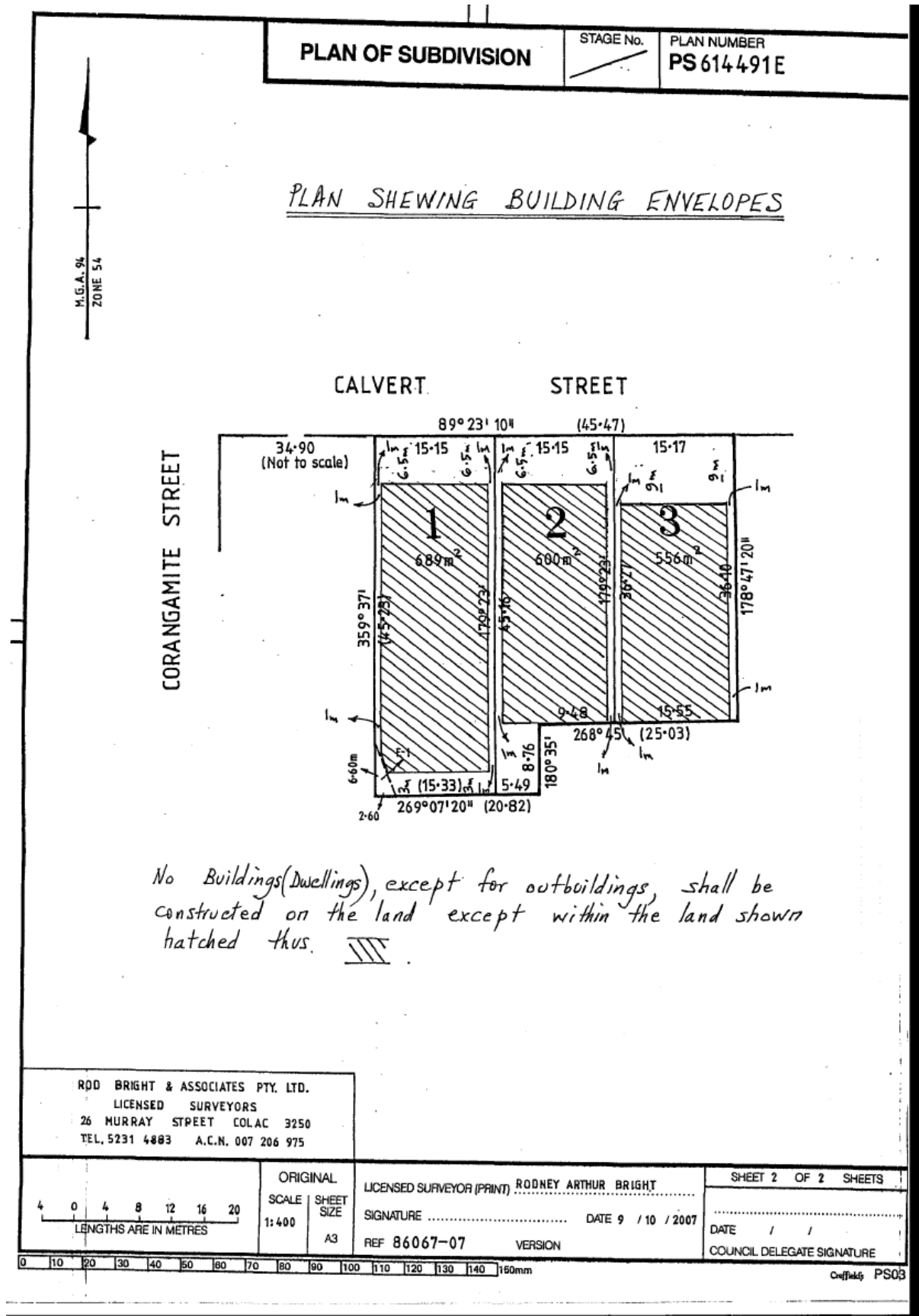
- i) **The plan of subdivision is not certified within two (2) years of the date of this permit;**
- ii) **A Statement of Compliance is not issued within five (5) years of the date of this permit.**

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

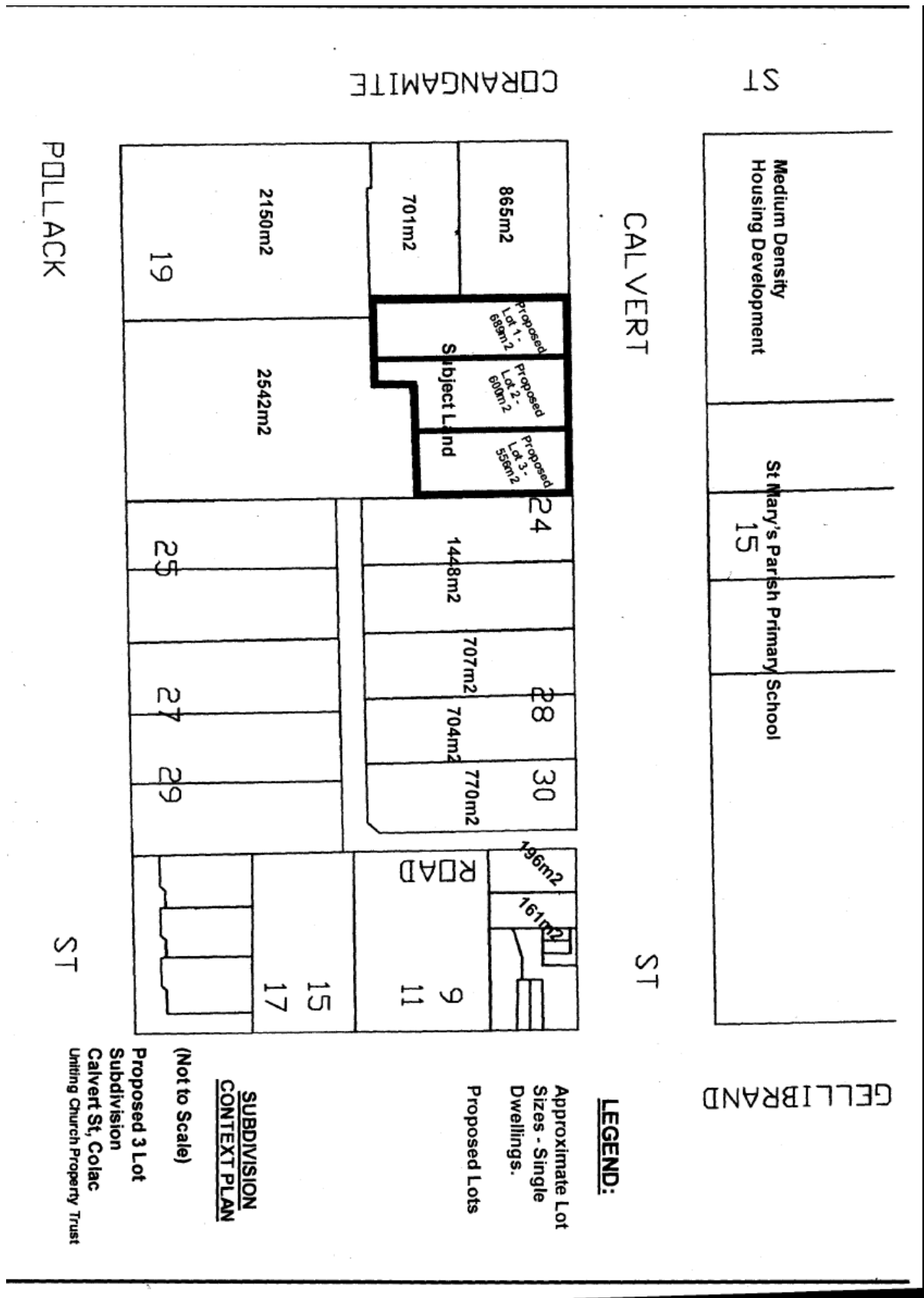
COLAC OTWAY NOTES

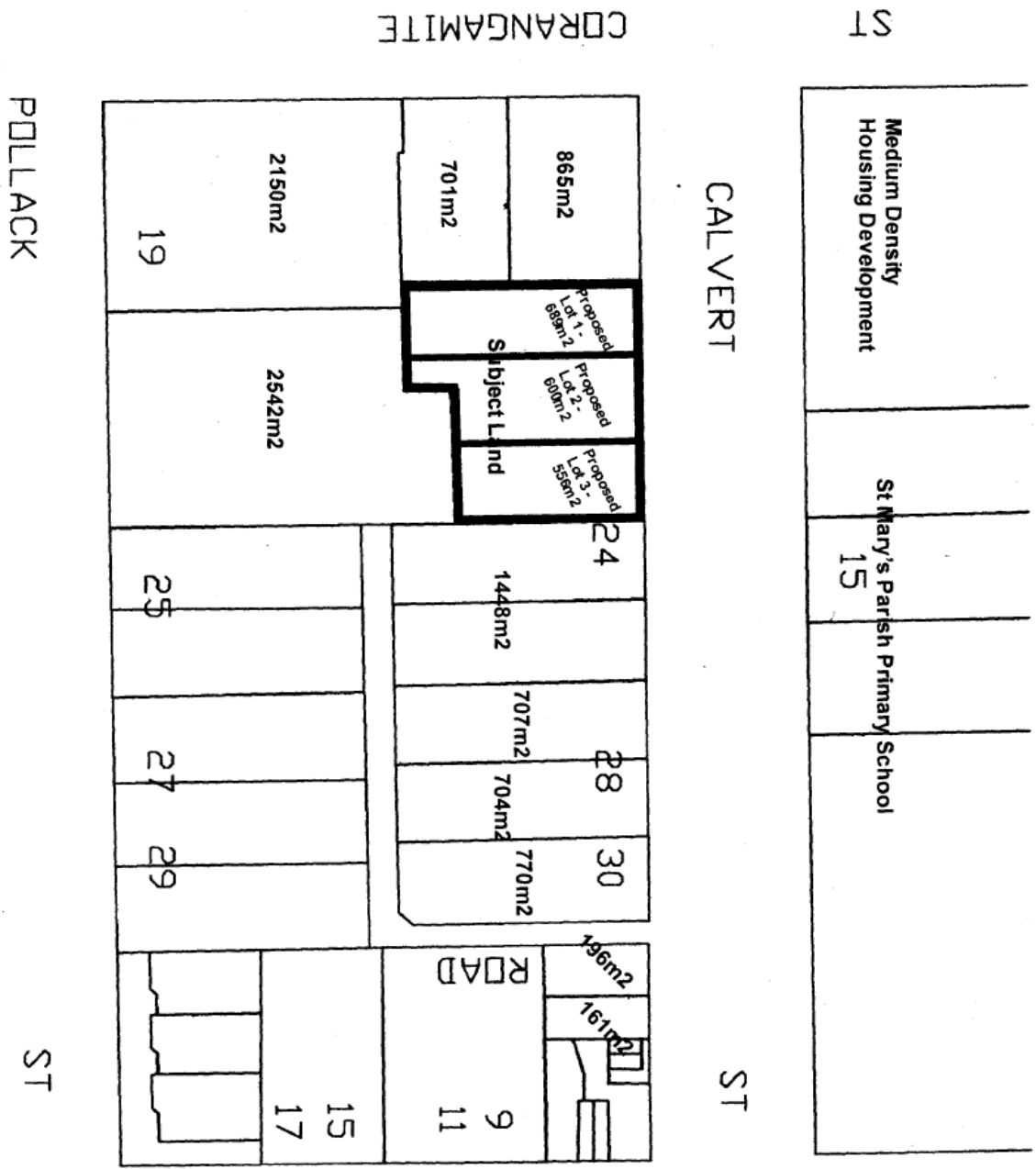
The developer must mark street numbers for all lots in the subdivision in accordance with the Shire's street numbering scheme to the satisfaction of the Responsible Authority.

APPENDIX A – PROPOSED 3 LOT PLAN OF SUBDIVISION



APPENDIX A - LOCALITY PLAN





LEGEND:

Approximate Lot Sizes - Single Dwellings.
Proposed Lots

SUBDIVISION CONTEXT PLAN

(Not to Scale)

Proposed 3 Lot Subdivision
Calvert St, Coliac
Uniting Church Property Trust

APPENDIX B – CLAUSE 56 ASSESSMENT

| Neighbourhood Character | Standard C6 | Comments |
|---|---|---|
| <i>To design subdivisions that respond to neighbourhood character</i> | <ul style="list-style-type: none"> Respect the existing neighbourhood character or achieve a preferred neighbourhood character consistent with any relevant neighbourhood character objective, policy or statement set out in this scheme. | <p>The subdivision is consistent with the size and orientation of surrounding allotments such that it will respect the existing neighbourhood character and provide for lots which have few constraints and can provide for a range of developments.</p> <p>A response to the policy framework and zone provisions is provided earlier in the submission.</p> |
| | <ul style="list-style-type: none"> Respond to and integrate with the surrounding urban environment | The subdivision layout integrates with the surrounding urban environment via the orientation of the lots, consistent lot frontages, orientation and access to Calvert Street. |
| | <ul style="list-style-type: none"> Protect significant vegetation and site features | There is no significant vegetation or site features which require protection. |
| Lot diversity and distribution | Standard C7 | Comments |
| <p><i>To achieve housing densities that support compact and walkable neighbourhoods and the efficient provision of public transport services.</i></p> <p><i>To provide higher housing densities within walking distance of activity centres.</i></p> <p><i>To achieve increased housing densities in designed growth areas.</i></p> <p><i>To provide a range of lot sizes to suit a variety of dwelling and household types</i></p> | <p>A subdivision should implement any relevant housing strategy, plan or policy for the area set out in this scheme.</p> | The local policy for Colac supports infill development and residential development which respects the existing residential neighbourhood on existing zoned land. |
| | <p>Lot sizes and mix should achieve the average net residential density specified in any zone or overlay that applies to the land or in any relevant policy for the area set out in this scheme</p> | Lot sizes of the proposal reflect the surrounding lot sizes which generally range between 600-800sq.m in area. |
| | <p>A range and mix of lot sizes should be provided including lots suitable for the development of:</p> <ul style="list-style-type: none"> Single dwellings Two dwellings or more Higher density housing Residential buildings and retirement villages | The small scale of the subdivision does not provide the ability to provide a variety of lot sizes; however each of the lots has potential for further development. |
| | <p>Unless the site is constrained by topography or other site conditions, lot distribution should provide for 95% of dwellings to be located no more than 400m street walking distance from the nearest or proposed bus stop.</p> | The subject site is within walking distance of the CBD and has access to public transport. |
| Lot area & Building Env | Standard C8 | Comments |
| <p><i>To provide lots with areas and dimensions that enable the appropriate siting and construction of a dwelling, solar access, private open space, vehicle access and parking, water management, easements and the retention of significant vegetation and site features.</i></p> | <p>An application to subdivide land that creates lots of less than 300 square metres should be accompanied by information that shows:</p> <ul style="list-style-type: none"> That the lots are consistent of contained building envelope that is consistent with a development approved under this scheme, or | N/A |
| | <ul style="list-style-type: none"> That a dwelling may be constructed on each lot in accordance with the requirements of this scheme. | The proposed building envelopes demonstrate that a dwelling could be developed on each lot in accordance with the provisions of the planning scheme. |
| Solar Orientation of lots | Standard C9 | Comments |
| <p><i>To provide good solar orientation of lots and solar access for future dwellings.</i></p> | <p>Unless the site is constrained by topography or other site conditions, at least 70% of lots should have appropriate solar orientation:</p> <p>Lots have appropriate solar orientation when:</p> <ul style="list-style-type: none"> The long axis of lots are within the range north 20 degrees west to north 30 degrees east or east 20 degrees north to east 30 degrees south. | The lots are orientated north-south to provide for good solar access to future dwellings. |

| | | |
|--|---|--|
| | <ul style="list-style-type: none"> Dimensions of lots are adequate to protect solar access to the lot, taking into account likely dwelling size and the relationship of each lot to the street. | Each lot is 15.15-15.17m in width and will provide appropriate solar access and development on these lots is not expected to impact on adjoining lots. |
| Street Orientation | Standard C10 | Comments |
| To provide a lot layout that contributes to community social interaction, personal safety and property security. | <p>Subdivision should increase visibility and surveillance by:</p> <ul style="list-style-type: none"> Ensuring lots front all roads and streets and avoid the side or rear of lots being oriented to connector streets and arterial roads | Each of the lot s is designed to front Calvert Street. |
| Common Area | Standard C11 | Comments |
| To Identify common areas and the purpose for which the area is commonly held.
To ensure the provision of common area is appropriate and that necessary management arrangements are in place.
To maintain direct public access throughout the neighbourhood street network | <p>An application to subdivide land that creates common land must be accompanied by a plan and a report identifying:</p> <ul style="list-style-type: none"> The common area to be owned by the body corporate, including any streets and open space. The reasons why the area should be commonly held Lots participating in the body corporate The proposed management arrangements including maintenance standards for streets and open spaces to be commonly held | N/A |
| Walking & cycling network | Standard C15 | Comments |
| To contribute to community health and well being by encouraging walking and cycling as part of the daily lives of residents, employees and visitors

To provide safe and direct movement through and between neighbourhoods by pedestrians and cyclists

To reduce car use, greenhouse gas emissions and air pollution | <p>Walking and Cycling network should be designed to:</p> <ul style="list-style-type: none"> Implement any relevant regional and local walking and cycling strategy, plan or policy for the area set out in this scheme Link to any existing pedestrian and cycling networks Provide safe walkable distances to activity centres, community facilities, public transport stops and public open spaces Provide an interconnected and continuous network for safe, efficient and convenient footpaths, shared paths, cycle paths and cycle lanes based primarily on the network of arterial roads, neighbourhood streets and regional public open spaces Provide direct cycling routes for regional journeys to major activity centres, community facilities, public transport and other regional activities and for regional recreational cycling. Ensure safe street and road crossing including the provision of traffic controls Provide an appropriate level of priority for pedestrians and cyclists Have natural surveillance along streets from abutting dwellings and be designed for personal safety and security particularly at night | <p>Walking and cycling networks are not proposed due to the small scale of this subdivision within an existing residential neighbourhood.</p> <p>As above.</p> <p>As above.</p> <p>As above.</p> <p>As above.</p> <p>As above.</p> <p>As above.</p> <p>As above.</p> |

| | | |
|---|---|---|
| | <ul style="list-style-type: none"> Be accessible to people with disabilities | As above. |
| Neighbourhood street network | Standard C17 | Comments |
| <i>To provide for direct, safe and easy movement through and between neighbourhoods for pedestrians, cyclists, public transport and other motor vehicles using the neighbourhood street network</i> | <p>The neighbourhood street network must</p> <ul style="list-style-type: none"> Take account of the existing mobility network of arterial roads, neighbourhood streets, cycle paths etc | No new roads are proposed. |
| Walking & Cycling network detail | Standard C18 | Comments |
| <i>To design and construct footpaths, shared path and cycle path networks that are safe, comfortable, well constructed and accessible for people with disabilities.</i> | <ul style="list-style-type: none"> Footpaths, shared paths, cycle paths and cycle lanes should be designed to: <ul style="list-style-type: none"> Be part of a comprehensive design of the road or street reservation. Be continuous and connect. Provide for public transport stops, street crossings for pedestrians and cyclists and kerb crossovers for access to lots. Accommodate projected user volumes and mix. Meet the requirements of Table C1. | N/A |
| Neighbourhood street network detail | Standard C20 | Comments |
| <i>To design and construct street carriageways and verges so that the street geometry and traffic speeds provide an accessible and safe neighbourhood street system for all users.</i> | | N/A as no new roads proposed. |
| Lot Access Objective | Standard C21 | Comments |
| <i>To provide for safe vehicle access between roads and lots</i> | <ul style="list-style-type: none"> Vehicle access to lots abutting arterial roads should be provided for service roads, side or rear access lanes, access places or access streets where appropriate and in accordance with the access management requirements for the relevant roads authority. | N/A |
| | <ul style="list-style-type: none"> Vehicle access to lots of 300 square metres or less in areas and lots with a frontage of 7.5 metres or less should be provided via rear or side access lanes, places or streets. | N/A |
| | <ul style="list-style-type: none"> The design and construction of a crossover should meet the requirements of the relevant road authority. | Crossovers will be constructed as per Colac Otway Shire requirements and the issue of a crossover permit. |
| Drinking water supply | Standard C22 | Comments |
| <i>To reduce the use of drinking water
To provide an adequate, cost effective supply of drinking water</i> | <p>The supply of drinking water must be:</p> <ul style="list-style-type: none"> Designed and constructed in accordance with the requirements and to the satisfaction of the relevant water authority. | Water will be provided to each lot as per Barwon Waters requirements. |
| | <ul style="list-style-type: none"> Provided to the boundary of all lots in the subdivision to the satisfaction of the relevant water authority. | As above. |

| Reused & recycled water | Standard C23 | Comments |
|--|--|--|
| <p>To provide for the substitution of drinking water for non-drinking purposes with reused and recycled water.</p> | <p>Reused and recycled water supply systems must be:</p> <ul style="list-style-type: none"> Designed, constructed and managed in accordance with the requirements and to the satisfaction of the relevant water authority, Environment Protection Authority and Department of Human Services. | Reused and recycled water is not available to Colac. |
| | <ul style="list-style-type: none"> Provided to the boundary of all lots in the subdivision where required by the relevant water authority. | N/A |
| Waste water management | Standard C24 | Comments |
| <p>To provide a waste water system that is adequate for the maintenance of public health and the management of effluent in an environmentally friendly manner</p> | <p>Waste water systems must be:</p> <ul style="list-style-type: none"> Designed, constructed and managed in accordance with the requirements and to the satisfaction of the relevant water authority and the Environment Protection Authority. | Sewer will be provided to each lot as per the requirements of Barwon Water. |
| | <ul style="list-style-type: none"> Consistent with any relevant approved domestic waste water management plan. | As above. |
| | <p>Reticulated waste water systems must be provided to the boundary of all lots in the subdivision where required by the relevant water authority.</p> | As above. |
| Urban run-off management | Standard C25 | Comments |
| <p>To minimise damage to properties and inconvenience to residents from urban run-off.
To ensure that the street operations adequately during major storm events and provides for public safety.
To minimise increase in stormwater run-off and protect the environmental values and physical characteristics of receiving waters from degradation by urban run-off.</p> | <p>The urban stormwater management system must be:</p> <ul style="list-style-type: none"> Designed and managed in accordance with the requirements and to the satisfaction of the relevant drainage authority. | Stormwater will be managed in accordance with the requirements of the Shires Engineers. |
| | <ul style="list-style-type: none"> Designed and managed in accordance with the requirements and to the satisfaction of the water authority where reuse of urban run-off is proposed. | N/A |
| | <ul style="list-style-type: none"> Designed to meet the current best practice performance objectives for stormwater quality as contained in the Urban Stormwater – Best Practice Environmental Management Guidelines (Victorian Stormwater Committee 1999) as amended. | The drainage system will be designed to Colac Otway Shire standards. |
| Site Management | Standard C26 | Comments |
| <p>To protect drainage infrastructure and receiving waters from sedimentation and contamination.
To protect the site and surrounding areas from environment degradation or nuisance prior to and during construction of subdivision works.
To encourage the re-use of materials from the site and recycled materials in the construction of subdivisions where practicable</p> | <p>A subdivision application must describe how the site will be managed prior to and during the construction period and may set out requirements for managing:</p> <ul style="list-style-type: none"> Erosion and sediment. | Works associated with the proposed subdivision will be minimal and as such it is not expected that there will be any environmental impacts resulting from the subdivision. |
| | <ul style="list-style-type: none"> Dust. | |
| | <ul style="list-style-type: none"> Run-off | |
| | <ul style="list-style-type: none"> Litter, concrete and other construction wastes. | |
| | <ul style="list-style-type: none"> Chemical contamination | |
| | <ul style="list-style-type: none"> Vegetation and natural features planned for retention. | |
| <p>Recycled material should be used for the construction of streets, shared paths and other infrastructure where practicable.</p> | | |

| Shared Trenching | Standard C27 | Comments |
|--|---|--|
| <i>To maximise the opportunities for shared trenching
To minimise constraints on landscaping within street reserves.</i> | <i>Reticulated services for water, gas, electricity and telecommunications should be provided in shared trenching to minimise construction costs and land allocation for underground services.</i> | Shared trenching is commonly used to reduce costs with the provision of services. |
| Electricity, gas and telecommunication | Standard C28 | Comments |
| <i>To provide public utilities to each lot in a timely, efficient and cost effective manner.
To reduce greenhouse gas emission by supporting generation and use of electricity from renewable sources.</i> | <i>The electricity supply system must be designed in accordance with the requirements of the relevant electricity supply agency and be provided to the boundary of all lots in the subdivision to the satisfaction of the relevant electricity authority.</i> | Electricity will be provided as per Powercor requirements. |
| | <i>The telecommunication system must be designed in accordance with the requirements of the relevant telecommunications servicing agency and should be consistent with any approved strategy, policy or plan for the provision of advanced telecommunications infrastructure, including fibre optic technology. The telecommunications system must be provided to the boundary of all lots in the subdivision to the satisfaction of the relevant telecommunications servicing authority.</i> | Telecommunications will be provided as per Telstra requirements. |
| | <i>Where available, the reticulated gas supply system must be designed in accordance with the requirements of the relevant gas supply agency and be provided to the boundary of all lots in the subdivision to the satisfaction of the relevant gas supply agency.</i> | N/A |
| Fire Hydrants | Standard C29 | Comments |
| <i>To provide fire hydrants and fire plugs in positions that enable fire fighters to access water safely, effectively and efficiently.</i> | <i>Fire hydrants should be provided:</i>
<ul style="list-style-type: none"> ▪ A maximum distance of 120 metres from the rear of each lot ▪ No more than 200 metres apart | As no new roads are proposed fire hydrants will not be required for this subdivision. |
| | <i>Hydrants and fire plugs must be compatible with the relevant fire service equipment</i> | |
| Public Lighting | Standard C30 | Comments |
| <i>To provide public lighting to ensure the safety of pedestrians, cyclists and vehicles
To provide pedestrians with a sense of personal safety at night
To contribute to reducing greenhouse gas emissions and to saving energy</i> | <i>Public lighting should be provided to streets, footpaths, public telephones, public transport stops and to major pedestrian and cycle paths including public open spaces that are likely to be well used at night to assist in providing safe passage for pedestrians, cyclists and vehicles.</i> | Due to the small scale of the proposed subdivision within an established residential area, public lighting is not required to be provided. |
| | <i>Public lighting should be designed in accordance with the relevant Australian Standards</i> | N/A |
| | <i>Public lighting should be consistent with any strategy, policy or plan for the use of renewable energy and energy efficient fittings</i> | N/A |

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**PC081208-6 PP204/08 - WAIVING OF CAR PARKING ASSOCIATED WITH RESTAURANT AND ON PREMISES LIQUOUR LICENCE AT 14 PASCOE STREET, APOLLO BAY**

AUTHOR: Anne Sorensen  
DEPARTMENT: Sustainable Planning and Development

ENDORSED: Jack Green  
FILE REF: PP204/08

**Location:** 14 Pascoe Street, Apollo Bay

**Applicant:**

**Zoning:** Business 1

**Overlays Controls:** Nil

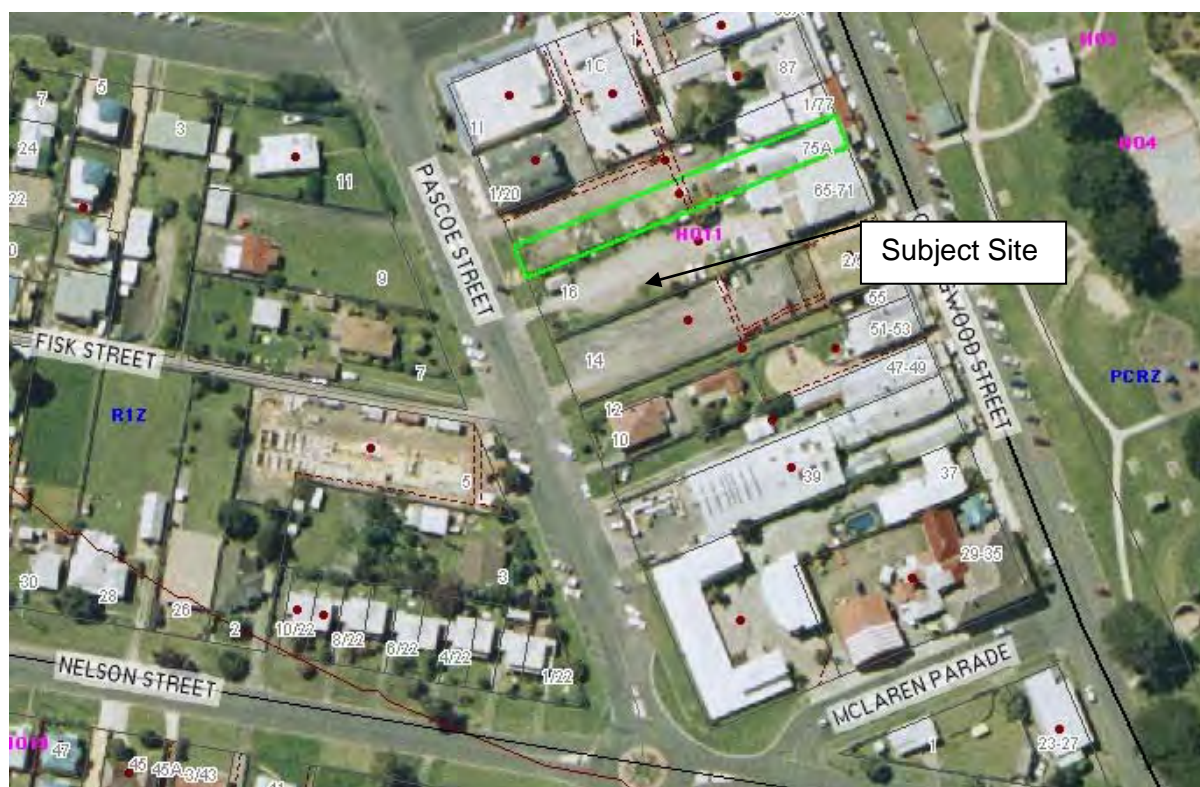
**Amendment:** Amendment C55 proposes a new Design and Development Overlay – Schedule 7

**Abuts:** Business 1

**Restrictive Covenants:** Section 173 agreement re car parking at rear of site

**Reasons for Planning Committee consideration**

This application is before Council's Planning Committee for the waiving of car parking requirements of Clause 52.06-1 of the Colac Otway Planning Scheme. The waiving of twelve (12) car parking spaces is required for this application.



**Summary**

- The site is located in Pascoe Street, Apollo Bay and has been developed for the purposes of a shop. A second phase of the development will include a 'shop top' dwelling.
- The Pascoe Street precinct forms part of the commercial heart of Apollo Bay and is contained within the Business 1 Zone. Properties within this area are generally used for commercial purposes and a number of recent developments along Pascoe Street provide for a combination of commercial and residential activity at the upper level.
- The application seeks permission for the waiving of car parking associated with a restaurant use. Permission is also sought for an on premises liquor licence.
- The application was advertised and no objections were lodged with Council.
- The restaurant will accommodate a maximum of 40 patrons. The use generates the need for an additional 12 car spaces above and beyond what has already been provided for by previous planning approval. As no additional on-site car parking can be provided, the application seeks to waiver the additional car parking requirements.
- The Planning Scheme requirement of parking in this instance is considered onerous given past VCAT decisions for similar applications and a reduced requirement is supported.
- It is considered that there is adequate on street parking and public parking in the immediate area to accommodate the needs of the restaurant and that the peak hours for the restaurant will be outside the peak hours for shops, such that times of high demand do not coincide.
- As the application accords with the State and Local Planning Policy Framework it is recommended that this application be supported through the issue of a planning permit.

**Proposal**

The application proposes to use the land for the purpose of a restaurant to accommodate a maximum of 40 patrons at any one time. Under the Business 1 Zone, the use does not require planning approval. However, the provisions of the planning scheme are such that a car parking rate of 0.6 spaces per seat is required to be provided on site. As there is no ability to accommodate any additional parking on the site, the application seeks permission to waive car parking.

Approval is also sought for an "on premises" liquor licence. This form of licence is associated with a restaurant use and sets out that the premises must be predominantly used for the preparation and serving of meals for consumption on the premises.

**Subject Site and Locality**

Planning permit PP122/07A was issued in September 2007 to allow the site to be developed for two shops, two offices, four "shop top" dwellings and a nine lot subdivision. As part of the planning approval for the development under PP122/07A, a Section 173 Agreement required that part of the common property being 18 non dedicated car spaces and associated accessways be maintained and kept available for public use initially via 14 Pascoe Street only, and then additionally over contiguous and proximate land which is similarly developed as a centrally located car park as depicted in the draft "Apollo Bay Parking Precinct Plan". The permit calls for eight (8) car spaces to be set aside for the dwellings and eleven (11) car spaces for the "Iluka Motel" component of the development. The permit also requires construction of the car spaces prior to the use commencing.

Construction of the shops and offices is substantially complete, with the Bendigo Bank occupying the offices. No car parking on site has been formalised at this stage – this will occur at the same time as adjoining sites are jointly developed for parking as part of the co-ordinated proposal. The site has a total area of 146 square metres.

This site sits within the Pascoe Street precinct where car parking is to be provided in a central car park at the rear of the site, being a mix of common property and council owned car parking. There have been a number of recent Council resolutions to support the imposition of Section 173 Agreements over the properties to enable the central car park at the rear of Pascoe Street to be used to provide car parking, access across, and to abutting properties.

Adjoining properties are similarly developed with shops and dwellings above and with car parking provided at the rear of the properties.

### **Referrals**

The application was referred to the Victoria Police and Council's Health Department for comment in relation to the food registration provision of the Health Act and no objections were lodged.

### **Public Notice**

Notice of the application was required pursuant to Clause 52 of the Planning *and Environment Act 1987*, as it was considered that the application may result in material detriment. The application was advertised in the following manner:

- An A3 sign on the site.
- Letters to surrounding property owners and occupiers.

No objections were received.

### **Consideration of the Proposal**

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

- Clause 52.06-1 – Waiving of Car Parking
- Clause 52.27 – Licensed Premises.

The application has been considered as follows:

#### **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 14.01 – Planning for Urban Settlement
- Clause 17.02 – Business

**Comment:** This application supports the SPPF policy directions as it provides for commercial use within the primary commercial area of Apollo Bay, increasing the vitality of the centre and the variety of services available.

**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 clause is specifically relevant to the proposal:

- Clause 21.04-10 – Apollo Bay

**Comment:** The proposal implements the strategies of this clause in that Apollo Bay is promoted as a centre for tourist and commercial activities and this application adds to the diversity of businesses available within the town.

**c) Zoning Provisions**

The subject land is located within the Business 1 Zone. There are no overlays which apply to the site.

The primary purpose of the Business 1 Zone is to encourage the intensive development of business centres for retailing and other complementary commercial, entertainment and community uses.

**Comment:** The proposed use is consistent with the provisions of the Business 1 Zone as it provides for a restaurant use which complements the existing business centre. A permit is not required for the use of the site as a restaurant.

**e) Particular Provisions**

The particular provisions applicable to the assessment of this application are as follows.

Clause 52.06– Car Parking

This Clause contains purposes including:

- To promote the efficient use of car spaces through the consolidation of car parking facilities.
- To ensure the provision of an appropriate number of car spaces having regard to the activities on the land and the nature of the locality

**Comment:** The provisions of the planning scheme allow consideration to be given to parking credits which exist for a site. In this instance, the site is currently being developed as a shop and office with shop top dwellings. The previous planning approval required the provision of 12 spaces for the shop forming part of this proposal.

**A restaurant use attracts a requirement for 0.6 spaces per seat. With 40 seats available, a total of 24 car parking spaces are required to be provided. Given the credit that exists for the approved retail use of 12 spaces, this would leave 12 further spaces required for the proposal.**

**As there is no available area on site to provide additional car parking, the applicant has sought to waive the requirement of the twelve car spaces under the provisions of 52.06-1. The Decision Guidelines require consideration of the following to justify reducing or waiving car parking requirements:**

- **The availability of car parking in the locality;**
- **Local traffic management;**
- **Local amenity including traffic amenity;**
- **An empirical assessment of car parking demand.**

**It is considered that there is car parking available along Pascoe Street and also in the nearby private car parking areas located at the rear of the shop. It is likely that during the day the use itself will not be a destination, but will be an activity undertaken as part of a trip to the commercial area of Apollo Bay. It is considered that the restaurant will be an adjunct to the main purpose of the trip, however, the function of the restaurant will alter in the evening and it will become more of a destination in itself. It must be acknowledged that the peak hours of the restaurant as a destination in its own right are at night and this is outside the peak times for the shops.**

**It is also noted that VCAT has regularly accepted a rate of 0.3 spaces per seat for a restaurant, based on studies undertaken by Traffic Engineers. If this rate was to be applied to the proposal, there would be a requirement for 12 on site car parking spaces to be provided. This level of car parking would equate to the existing credit of 12 spaces which applies to the site, and no further parking would be required.**

**A concept Parking Precinct Plan was adopted for the Pascoe Street precinct in 2001. Although a detailed design has yet to be prepared, this parking precinct plan provides a framework for the future development of the area, including future car parking and access arrangements, and Council and affected land owners are committed to its implementation. Council has accepted cash-in-lieu contributions from several developments where parking could not be provided on-site which will assist in delivering this project. The plan relies upon existing and future agreements with property owners, secured through the use of S173 Agreements, for the provision of car parking under a common property arrangement. Council also owns land within the precinct, providing for some public car parking.**

**In considering the decision guidelines and purposes of Clause 52.06 the request for waiving of the car parking requirement is considered to be acceptable and reasonable.**

The particular provision which relates to licensed premises is applicable to the assessment of this application.

#### **Clause 52.27– Licensed Premises**

The purpose of Clause 52.27 is as follows:

- To ensure that licensed premises are situated in appropriate locations.
- To ensure that the impact of the licensed premises on the amenity of the surrounding area is considered.

**Comment:** A permit is required for any new form of liquor license pursuant to Clause 52.27 of the scheme. The issues associated with liquor licences tend to be amenity concerns associated with late night venues and car parking.

An on-premises license is unlikely to cause any amenity type concerns due to the nature of licensed restaurants and their proposed hours. The site is also located in a Business 1 Zone.

### Summary

The proposed use of a licensed restaurant at this site is considered to be an appropriate use as it will complement the existing commercial use in the vicinity. The nature of the use will allow for the sharing of car parking in the area and is unlikely to result in any loss of amenity.

The waiving of car parking requirements in addition to parking already provided for commercial development of the site is necessary as there is no ability to provide any additional parking on the property.

It is considered that the waiving of car parking associated with the application is justified.

It is recommended that Council supports this application through the issue of a planning permit.

### Recommendation(s)

***That Council's Planning Committee resolve to issue a Planning Permit for the waiving of car parking associated with the use of the land as a Restaurant and an "on premises" Liquor License at 14 Pascoe Street, Apollo Bay subject to the following conditions:***

1. ***Before the use commences, amended plans 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:***
  - i) ***only those parts of the site outside of the building footprint being used for the restaurant and "on premises" liquor license, which have approval for outdoor dining under Council's local laws.***

***to the satisfaction of the Responsible Authority.***
2. ***Prior to the commencement of the use, car parking must be constructed, as it applies to this development, in accordance with Planning Permit PP122/07A, to the satisfaction of the Responsible Authority.***
3. ***The amenity of the area must not be detrimentally affected by the use or development through the:***
  - a) ***Transport of materials, goods or commodities to or from the land;***
  - b) ***Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;***

- d) ***Presence of vermin;***  
***to the satisfaction of the Responsible Authority.***
4. ***The use must only operate between the hours of:***
- ***7am – 11pm Monday to Sunday***
5. ***Accommodation for patrons must not exceed 40 seats except with the prior written consent of the Responsible Authority.***
6. ***This permit will expire if the use hereby permitted is not started within two 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***

***NOTE: A Local Laws permit will be required to use part of the footpath for tables and chairs.***

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