

**Colac Otway
SHIRE**

AGENDA

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

11 NOVEMBER 2008

at 12.00pm

**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

11 NOVEMBER 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 11 November 2008 at 12.00pm.

AGENDA

1. **OPENING PRAYER**

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

AMEN

2. **PRESENT**

3. **APOLOGIES**

4. **MAYORAL STATEMENT**

Colac Otway Shire 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

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

- Ordinary Meeting of the Colac-Otway Shire Council held on the 14/10/08.

Recommendation

That Council confirm the above minutes.

OFFICERS' REPORTS

Sustainable Planning and Development

PC081111-1	PLANNING PERMITS FOR THE MONTH OF OCTOBER 2008
PC081111-2	DEVELOPMENT OF ONE SHOP WITH DWELLING ABOVE & PARTIAL WAIVING OF CAR PARKING REQUIREMENTS AT 20 PASCOE STREET, APOLLO BAY
PC081111-3	PP46/08- PARTIAL WAIVING OF CAR PARKING ASSOCIATED WITH USE & DEVELOPMENT OF THE LAND FOR THREE (3) SHOPS & ASSOCIATED STORAGE AT 304-312 MURRAY STREET, COLAC.

Tracey Slatter
Chief Executive Officer

PC081111-1 PLANNING PERMITS FOR THE MONTH OF OCTOBER 2008

AUTHOR: Janole Cass
DEPARTMENT: Executive

ENDORSED: Jack Green
FILE REF: GEN00450

39 Planning permit applications received for the period of 1st October 2008 to 31st October 2008

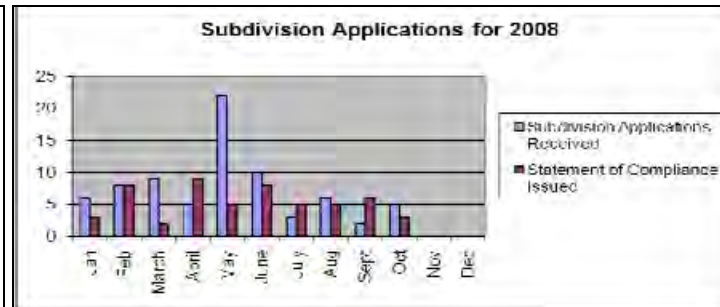
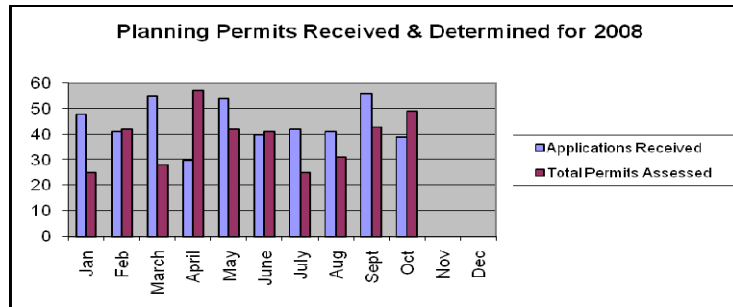
49 Planning permit applications were considered for the period of 1st October 2008 to 31st October 2008

APPLIC NO	APPLICANT	DATE RECEIVED	LOCATION	Proposal	DATE ISSUED	ACTUAL TIME	Authority	Decision
PP106/08	ROD BRIGHT & ASSOCIATES	18-Mar-08	1A KETTLE STREET, COLAC	THREE (3) LOT SUBDIVISION	17-Oct-08	120	COUNCIL	NOD To Grant Permit
PP110/08	GEOFF DELARUE	20-Mar-08	45 MCLAUGHLINS ROAD, BARWON DOWNS	CONSTRUCTION OF SECOND DWELLING ON LOT	24-Oct-08	164	UNDER DELEGATION	Refusal To Grant
PP115/08	FOCUS CREATIVE DEVELOPMENT SOLUTIONS	27-Mar-08	210 PIERCES ROAD, BEEAC	SIX (6) LOT RESUBDIVISION	27-Oct-08	119	COUNCIL	NOD To Grant Permit
PP119/06-A	RAY & LYN GARROW	8-Sep-08	100 MAGGIOS ROAD, BARONGAROOK	CONSTRUCTION OF A DWELLING & SHED - AMENDMENT TO PERMIT OF REPLACING EXISTING SHED AND DELETION OF NEW SHED APPROVED.	29-Oct-08	62	UNDER DELEGATION	Permit Issued
PP119/08	MARTIN BEAVER	2-Apr-08	305 SAND PIT ROAD, CHAPPLE VALE	DEVELOPMENT & USE OF A DWELLING & REMOVAL OF VEGETATION	27-Oct-08	152	COUNCIL	Refuse the Permit
PP14/08	ROD BRIGHT & ASSOCIATES	7-Jan-08	12 ANDERSON STREET, BIRREGURRA	THREE (3) LOT SUBDIVISION	1-Oct-08	244	UNDER DELEGATION	Permit Issued
PP147/08-A	TONY MARTINO	2-Oct-08	74 FOREST STREET, COLAC EAST	DEVELOPMENT OF A SHED - AMENDMENT	28-Oct-08	36	UNDER DELEGATION	Permit Issued
PP152/08	WYE RIVER PTY LTD	6-May-08	35 GREAT OCEAN ROAD, WYE RIVER	ALTERATIONS AND ADDITIONS TO EXISTING GENERAL STORE/CAFE, WAIVER OF CARPARKING, SIGNAGE, ALTERATION TO LIQUOR LICENCE, REMOVAL OF UNDERGROUND PETROL TANK AND ASSOCIATED WORKS	14-Oct-08	108	COUNCIL	NOD To Grant Permit

APPLIC NO	APPLICANT	DATE RECEIVED	LOCATION	Proposal	DATE ISSUED	ACTUAL TIME	Authority	Decision
PP181/07	MARK GRATWICK	24-Jul-07	788 WILD DOG ROAD, APOLLO BAY	CONSTRUCTION OF A DWELLING	17-Oct-08	42	COUNCIL	Refusal To Grant
PP182/08	COLAC OTWAY SHIRE	28-May-08	55-59 HESSE STREET, COLAC	EXTENSION TO SENIOR CITIZEN CENTRE AND WAIVER OF CARPARKING	17-Oct-08	67	COUNCIL	Permit Issued
PP184/07-A	BRIAN O'DONOHUE	17-Sep-08	55 HUGH MURRAY DRIVE, COLAC EAST	CONSTRUCTION OF INDUSTRIAL SHED & WAIVER OF CARPARKING - AMENDMENT - MINIMUM CARPARKS(13), CHANGED SITING OF LOADING BAY & NORTH ACCESS ENTRY POINT	20-Oct-08	50	UNDER DELEGATION	Permit Issued
PP200/05-A	R & L MARTIN	14-Aug-08	85 CORANGAMITE LAKE ROAD, LARPENT	AMENDMENT - ALTERATIONS TO DWELLING PLANS, SITING, ACCESS AND INCLUSION OF A SWIMMING POOL	28-Oct-08	57	UNDER DELEGATION	Permit Issued
PP201/08	TERANCE REED	4-Jun-08	101 QUEEN STREET, COLAC	EXTENSION TO EXISTING SHED	1-Oct-08	32	UNDER DELEGATION	Permit Issued
PP217/08	VIVIENNE PARISH	25-Jun-08	35 LAVERS HILL COBDEN ROAD, LAVERS HILL	USE & DEVELOPMENT OF A DWELLING	17-Oct-08	79	UNDER DELEGATION	Permit Issued
PP218/08	COLAC OTWAY SHIRE	25-Jun-08	1595 BIRREGURRA FORREST ROAD, BARWON DOWNS	USE & DEVELOPMENT OF A BUILDING FOR THE PURPOSE OF VISITOR, COMMUNITY & HISTORICAL INFORMATION (INCLUDING TOILETS)	17-Oct-08	85	UNDER DELEGATION	Permit Issued
PP223/08	ROD BRIGHT & ASSOCIATES	30-May-08	1A KETTLE STREET, COLAC	TWO (2) LOT SUBDIVISION	17-Oct-08	106	COUNCIL	NOD To Grant Permit
PP232/08	HERMAN SIBBEL	30-Jun-08	4990 GREAT OCEAN ROAD, SUGARLOAF	DEMOLISH EXISTING STORE AND CARPORT, CONSTRUCT TWO (2) TOILET BLOCKS AND CONSTRUCTION OF A SHED.	1-Oct-08	53	UNDER DELEGATION	Permit Issued
PP238/08	MR IAN FOX	14-Jul-08	12 MAIN STREET, BIRREGURRA	CHANGE OF USE OF EXISTING DWELLING TO OFFICE & DEVELOPMENT OF A SECOND DWELLING & ADVERTISING SIGN	1-Oct-08	65	UNDER DELEGATION	Permit Issued
PP243/08	SKILLS CONNECTION	15-Jul-08	96 POUND ROAD, ELLIMINYT	EXTENSION TO EXISTING SHED	17-Oct-08	47	UNDER DELEGATION	Permit Issued

APPLIC NO	APPLICANT	DATE RECEIVED	LOCATION	Proposal	DATE ISSUED	ACTUAL TIME	Authority	Decision
PP25/03-A	GRAND MAISON CONSTRUCTIONS	22-May-08	23 ILUKA AVENUE, WYE RIVER	DEVELOP OF A DWELLING (AMENDMENT)	1-Oct-08	113	UNDER DELEGATION	Permit Issued
PP254/08	TRIPP BUILDING PTY LTD	16-Jul-08	93-115 OLD COACH ROAD, SKENES CREEK	CONSTRUCTION OF STORAGE SHED	17-Oct-08	65	UNDER DELEGATION	Permit Issued
PP257/08	STEVEN RICHES	28-Jul-08	1035 TOMAHAWK CREEK ROAD, IRREWILLIPE	EXTENSION TO DWELLING	17-Oct-08	41	UNDER DELEGATION	Permit Issued
PP259/08	RHONDA GARD	1-Aug-08	7 HOWARTH STREET, ELLIMINYT	ADDITION TO EXISTING KINDERGARTEN	29-Oct-08	59	UNDER DELEGATION	Permit Issued
PP263/06-A	MARK GRATWICK ARCHITECTS	22-Jul-08	3 MCLELLAN COURT, WYE RIVER	CONSTRUCTION OF DWELLING - REDUCED DWELLING & DECK SIZE	1-Oct-08	58	UNDER DELEGATION	Permit Issued
PP267/08	ROSS SHEPPARD	4-Aug-08	180 BAILEYS ROAD, IRREWILLIPE EAST	REMOVAL OF NATIVE VEGETATION	24-Oct-08	47	UNDER DELEGATION	Permit Issued
PP269/08	H GREENING & P GRANT	13-Aug-08	85 DORANS ROAD, CORAGULAC	EXTENSIONS TO THE EXISTING DWELLING	1-Oct-08	55	UNDER DELEGATION	Permit Issued
PP27/08	JUNE IVENS	18-Jan-08	350 COLAC LAVERS HILL ROAD, BARONGAROOK WEST	CONSTRUCTION OF A DWELLING	24-Oct-08	195	UNDER DELEGATION	Refusal To Grant
PP276/07	PETER & LOIS PARKER	11-Oct-07	145 AIRE SETTLEMENT ROAD, JOHANNA	USE & DEVELOPMENT OF A DWELLING	30-Oct-08	123	UNDER DELEGATION	Permit Issued
PP276/08	TIM HEAYSMAN	19-Aug-08	1/12 NEWCOMBE STREET, MARENGO	USE & DEVELOPMENT OF A DWELLING AND SHED	29-Oct-08	73	UNDER DELEGATION	Permit Issued
PP282/08	V DUDA & S ROBERTS	25-Aug-08	25 MAIN ROAD, GELLIBRAND	CONSTRUCTION OF STORAGE SHED	29-Oct-08	63	UNDER DELEGATION	Permit Issued
PP286/08	STEPHEN ARNOLD	21-Aug-08	4380 PRINCES HIGHWAY, BIRREGURRA	DEVELOPMENT OF A POOL AND GARAGE, EXTENSION TO SHED AND DWELLING	17-Oct-08	57	UNDER DELEGATION	Permit Issued
PP287/08	ARBORGEN AUSTRALIA PTY LTD	28-Aug-08	125 DRAPERS ROAD, COLAC EAST	CONSTRUCTION OF GREENHOUSE	29-Oct-08	64	UNDER DELEGATION	Permit Issued
PP291/08	COSWORKS	4-Sep-08	1 BINNS ROAD, BEECH FOREST	THE REMOVAL AND TRIMMING OF NATIVE VEGETATION FROM ROADSIDES.	23-Oct-08	35	UNDER DELEGATION	Permit Issued
PP298/08	COLAC OTWAY SHIRE	4-Sep-08	1 BINNS ROAD, BEECH FOREST	REMOVAL AND TRIMMING OF VEGETATION FROM ROADSIDES.	23-Oct-08	35	UNDER DELEGATION	Permit Issued
PP299/08	COLAC OTWAY SHIRE	4-Sep-08	1 BINNS ROAD, BEECH FOREST	REMOVAL AND TRIMMING OF VEGETATION FROM ROADSIDES	23-Oct-08	35	UNDER DELEGATION	Permit Issued

APPLIC NO	APPLICANT	DATE RECEIVED	LOCATION	Proposal	DATE ISSUED	ACTUAL TIME	Authority	Decision
PP300/08	COLAC OTWAY SHIRE	4-Sep-08	1 BINNS ROAD, BEECH FOREST	REMOVAL AND TRIMMING OF VEGETATION FROM ROADSIDES	23-Oct-08	35	UNDER DELEGATION	Permit Issued
PP304/06-B	PAUL MCDONALD	13-Aug-08	11 MOTTS LANE, SKENES CREEK	DEMOLITION OF EXISTING DWELLING & DEVELOPMENT OF A NEW DWELLING - AMENDMENT	1-Oct-08	58	UNDER DELEGATION	Permit Issued
PP308/07	SIMON SHAW	16-Nov-07	22 HARRINGTON STREET, SEPARATION CREEK	CONSTRUCTION OF A DOUBLE STOREY DWELLING	9-Oct-08	247	UNDER DELEGATION	NOD To Grant Permit
PP315/08	THOMAS RUSSELL	15-Sep-08	100 LINEENS ROAD, CORAGULAC	BOUNDARY RE-ALIGNMENT.	17-Oct-08	39	UNDER DELEGATION	Permit Issued
PP316/08	TIM HEYSMAN	15-Sep-08	290 COLAC LAVERS HILL ROAD, ELLIMINYT	USE & DEVELOPMENT OF SKILLON MACHINERY SHED	17-Oct-08	41	UNDER DELEGATION	Permit Issued
PP318/08	BLAIR DAWKINS	12-Sep-08	20 LUMEAH ROAD, BIRREGURRA	CONSRUCT SINGLE STORY DWELLING.	14-Oct-08	38	UNDER DELEGATION	Permit Issued
PP319/08	BRONWYN THOMAS	12-Sep-08	152 DRAPERS ROAD, COLAC EAST	PANTRY - EXTENSION ON TO KITCHEN AREA OF RESTAURANT AND CARPORT	2-Oct-08	24	UNDER DELEGATION	Permit Issued
PP320/08	NARELLE KERR	12-Sep-08	48 CALVERT STREET, COLAC	EXTENSION TO EXISTING DWELLING	29-Oct-08	29	UNDER DELEGATION	Permit Issued
PP321/08	OTWAY COMMUNITY COLLEGE	19-Aug-08	6 MURRAY STREET, COLAC	REPLACEMENT OF SIGNAGE	17-Oct-08	66	UNDER DELEGATION	Permit Issued
PP331/08	MARK WRIGHT	26-Sep-08	257 RYANS LANE, BALINTORE	DEVELOPMENT OF A SHED IN ASSOCIATION WITH AN EXISTING DWELLING	29-Oct-08	34	UNDER DELEGATION	Permit Issued
PP356/08	BRENDAN SCANLON	15-Oct-08	10 FULFORD CRESCENT, ELLIMINYT	CONSTRUCTION & USE OF A DWELLING	29-Oct-08	16	UNDER DELEGATION	Permit Issued
PP358/08	GREGORY WOODWARD	16-Oct-08	4 OTWAY AVENUE, SKENES CREEK	INFILL UNDER EXISTING DWELLING FOR NEW COMMON ROOM / BATHROOM	29-Oct-08	15	UNDER DELEGATION	Permit Issued
PP473/04-A	SIMONE ROBERTSON & CHRIS ROLLING	10-Oct-08	346 FRY'S ROAD, GELLIBRAND	CONSTRUCTION OF A DWELLING & SHED - AMENDMENT	24-Oct-08	14	UNDER DELEGATION	Permit Issued
PP52/04-A	MICHAEL & PAM FOLEY	27-Jun-08	5495 GREAT OCEAN ROAD, YUULONG	USE AND DEVELOPMENT OF THE LAND FOR A DWELLING	24-Oct-08	29	UNDER DELEGATION	Permit Issued
				Average Days to Process Planning Applications		71		



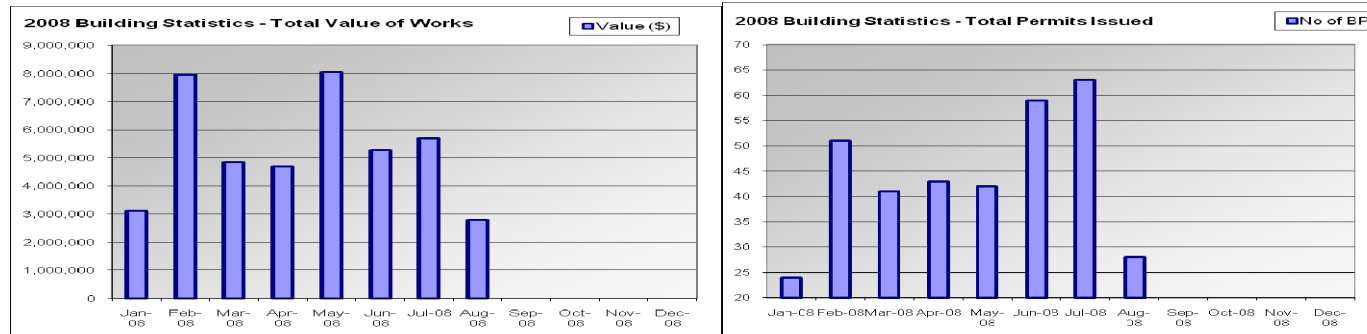
[Pulse Building Statistics](#)

[Financial Yr Stats](#)

[Pulse Building Reports](#)

	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	50	4,422,243	3	600,000	2	144,000	1	0	2	90,000	1	20,000	0	0	59	5,276,243
Jul-08	50	4,411,138	0	0	8	532,950	1	15,000	1	10,000	1	9,000	2	711,874	63	5,689,962
Aug-08	27	2,491,383	0	0	0	0	1	300,000	0	0	0	0	0	0	28	2,791,383
Totals	299	30,040,670	5	700,000	24	5,735,301	8	709,450	4	120,000	3	529,000	8	4,577,541	351	42,411,962

*Multi-Development



Building Stats

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

Recommendation(s)

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

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**PC081111-2 DEVELOPMENT OF ONE SHOP WITH DWELLING ABOVE & PARTIAL WAIVING OF CAR PARKING REQUIREMENTS AT 20 PASCOE STREET, APOLLO BAY**

AUTHOR: Anne Sorensen                      ENDORSED: Jack Green  
DEPARTMENT: Sustainable Planning and Development                      FILE REF: PP107/08

**Location:** 20 Pascoe Street, Apollo Bay  
**Applicant:** Apollo Bay Building Group  
**Zoning:** Business 1 Zone  
**Overlay controls:** Nil  
**Amendment:** C55 currently on exhibition proposes DDO5 on site  
**Abuts:** Business 1 Zone

**Restrictive Covenants**

Section 173 Agreement dated 2004 requires that unrestricted vehicular and pedestrian access to all lots on Plan of Subdivision 506901J shall be provided from the public road network through Lot 6 on Plan of Subdivision 506901J until alternative access is available to the rear of the site.

**Reasons for Planning Committee consideration**

This application is before Planning Committee as the application involves the waiving of car parking and the construction of a building exceeding 8m in height.



**Summary**

- This is an application for the construction of one shop with a dwelling above.
- The development has a maximum height of 8.33 metres.
- A total of five on-site parking spaces are currently provided on site. The application involves the waiving of an additional five car spaces.
- The site is located in the Business 1 Zone.
- The application was advertised and one objection was received. The objector has raised concern in relation to the provision of parking and impact this proposal may have on the deliveries to the "Second Sails Opportunity Shop".
- The existing S173 Agreement provides unrestricted vehicular and pedestrian access to all lots on PS506901 from the public road network through this site (Lot 6, PS506901).
- All properties that benefit from the access arrangements under the existing S173 Agreement have entered into a S173 Agreement that guarantees access from the public road network through the more recent car park to the rear of each of the lots created on PS506901.
- The S173 Agreements recently entered into with adjoining properties provide for access arrangements that negate the need for the original access arrangement through this site.
- The site is appropriate for redevelopment, and the proposal provides a positive urban design outcome which will tie the form and scale of the development in with the recently approved two and three storey developments to the east of the site.
- Carparking provided at the rear of the premises and additional spaces created at the front of the property are considered appropriate to satisfy the parking requirement.
- It is considered that the application should be supported and that a Notice of Decision to Grant a Permit be issued and that the original S173 Agreement be removed from the title.

**Proposal**

The application proposes the development as follows:

- A shop at ground floor level with an area of 50.22m<sup>2</sup> with common area of 8.58m<sup>2</sup>;
- One bedroom dwelling on the first floor 43.32m<sup>2</sup> with a deck of 6.9m<sup>2</sup>;
- A roof top deck with a floor area of 43.32m<sup>2</sup>.

The building is contemporary in design, with glazed areas at ground floor level, a small balcony accessed from the bedroom at the first floor and an enclosed stairwell at the second floor providing access to the roof top deck.

This building has a maximum height of approximately 8.33 metres.

Vehicle access to the site is proposed from the rear via access from the public road way via Council's car park and the common property car park at the rear of the properties in accordance with recent legal agreements that have been entered into.

The application involves the waiving of five car parks as pursuant to Clause 52.06, a total of 6 spaces are required for the development and only one car park is provided on the site.

**Subject Site and Locality**

The site fronts onto Pascoe Street and is located in the Business 1 Zone and located within the commercial heart of Apollo Bay.

A number of sites along Pascoe Street are currently being developed with a mix of commercial and residential uses. Typically buildings are two or three storey in height and contain varied roof forms and lighter looking building materials. Buildings are generally constructed to the front property boundary, with car parking located to the rear.

The site contains a total area of approximately 50.22 square metres, having a frontage of approximately 3.42 metres to Pascoe Street. Common property at the rear has an area of 306sq.m and is set aside for car parking. The site is currently vacant.

The site is burdened by two Section 173 Agreements as follows:

1. S173 Agreement dated 27 March 2002 to satisfy PPA/131/2001 Condition 5 that requires that six car parks and an access driveway to be constructed by 16 August 2003.
2. S173 Agreement dated 2004 to satisfy P02/052 issued 9/9/02, Condition 1 requiring that unrestricted vehicular and pedestrian access to all lots on PS506901J shall be provided from the public road network through Lot 6 (subject site) on Plan of Subdivision 506901J until alternative access is available.

**Referrals**

There were no statutory referrals required to be undertaken for the proposal.

**Notice of Application**

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

- Difficulties accessing the rear of the shops on the corner of Moore and Pascoe Street due to low levels of parking and deliveries for other businesses.
- The volunteers who work at 'Second Sails' need off street parking to maximise the availability of on street parking for customers.
- With small businesses being established in Pascoe Street and the narrow access to Moore Street, it is important and a safety issue, to maintain adequate space to allow traffic to flow freely at the rear of all of those buildings.

**Comment** Council has adopted a Precinct Car Parking Plan in 2001 that shows the primary access to the rear of Pascoe Street through Council owned land at 14 Pascoe St. Interim access arrangements through this site have been in place while the subdivision and consolidation of titles has been underway to provide access to all commercial and domestic premises. Once the car park has been fully constructed and formalised, additional car spaces will become available for customer use of the commercial premises in this precinct. At present there is on-street car parking available in Pascoe and Moore Streets. This, combined with the car park at the rear of Pascoe Street will provide further car parking to service the existing businesses in this area.

**Once this area has been constructed it will improve traffic management and increase safety for vehicles and pedestrians using this area.**

**Formalisation of the car park at the rear of Pascoe Street will see improvements to access arrangements into the larger public car parking area from Pascoe Street. Existing access arrangements off Moore Street that service private car spaces at the rear of existing commercial developments will remain.**

### **Consideration of the Proposal**

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

- Clause 34.01-4– Buildings and Works
- Clause 52.06 – Waiving of Car Parking.

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

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

- Clause 11.03– Principles of Land Use and Development Planning
- Clause 17.02– Business
- Clause 15.08– Coastal Areas
- Clause 19.03– Design and Built Form.

**Comment     The proposal accords with the direction to provide for medium density housing and commercial uses within the business zoned land of all towns, and provide for development which is appropriate to the coastal township and of high quality design. The proposed development will sit comfortably between similarly approved developments of two and three storey heights, with shops at ground level and dwellings above.**

**The provisions of Clause 19.03 are such that the attractiveness of towns is promoted and designs are encouraged to enhance liveability, diversity and safety.**

**In this instance, it is considered that the design solution contributes positively to the character of this part of Apollo Bay and provides for housing choices which are not readily available in this vicinity, being shop top housing and in particular one bedroom accommodation.**

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

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

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

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

**c)      Amendment C55**

Council has adopted Amendment C55, which will apply a Design and Development Overlay to the site (DDO5) when the amendment is approved by the Planning Minister. The overlay will apply to the town centre and it seeks to limit building heights and ensure the articulation of buildings.

**Comment**    **The application is generally in accordance with the proposed overlay given the form, scale and mass of the building proposed.**

**d)      Zoning**

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

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

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

**The uses proposed are allowed by the zone, and it is considered that the various uses proposed for the site are appropriate and accord with the decision guidelines of the zone.**

**The buildings and works component of the application is acceptable (i.e. the design), and the application meets with the decision guidelines relating to buildings and works.**

**The proposal does provide for safe movement of pedestrians and access to the site. The proposal relies on the access approved via the Council owned allotment to the east of the site, 14 Pascoe Street, and over the abutting properties as provided for by the S173 Agreements which are in the process of being finalised.**

**The decision guidelines also require consideration to be given to the objectives and standards of ResCode to ensure an appropriate degree of amenity for the dwellings. It is considered that the dwelling will have an appropriate sense of address such that the application accords with the objectives of the clause.**

**e)      Waiving of Car Parking**

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

| Use      | Car Parking Rate                   | Car Spaces Required |
|----------|------------------------------------|---------------------|
| Dwelling | 2 per dwelling                     | 2                   |
| Shop     | 8 per 100 square metres floor area | 4                   |
| Total    |                                    | 6                   |

A total of one additional space can be provided on site, such that the waiving of five spaces is required. Other spaces on the site were previously provided for the existing shops and accommodation.

**Comment** It is not unreasonable for car parking to be provided at a rate of one space per dwelling where less than two bedrooms are provided, as is the case with the current proposal when the development is located in the commercial heart of a township close to public transport, commercial and community facilities.

The application will result in the provision of a further two spaces on the street as the crossover can be reinstated.

It should also be noted that the parking requirement for a shop at Clause 52.06 is widely recognised in the planning industry as being far higher than the actual demand for parking generated by developments, and a review is occurring into whether the rate should be reduced in future. A lower figure of 4 spaces per 100m<sup>2</sup> of leasable floor area is considered to be much closer to that required for similar developments elsewhere. Application of this lower rate in this circumstance would mean that 2 additional car parking spaces would be required for the shop use of the site.

Given the additional available parking on the street created by this proposal and the existing provision of parking at the rear of the shop on the common property area which all businesses in Pascoe Street will share, it is considered that the level of parking provided is reasonable and will accommodate the proposed development without impacting on the use of the abutting businesses.

#### f) S173 Agreements

Two S173 Agreements are registered on the title of this site.

**Comment** The obligations of the S173 Agreement dated March 2002 have been met and should be removed from the title. The other S173 Agreement dated 18/1/2005 will end once a replacement S173 Agreement is signed and executed as reported to Council in December 2007. The replacement agreement is to ensure that the common property to be developed as a public car park at the rear of Pascoe Street will be made available for public use to be accessed via Council land at 14 Pascoe Street. The agreement will ensure that car spaces and access ways on the land may be accessed and utilized by members of the public as well as the landowners/occupiers of the dwellings/shops. This agreement is consistent with the adopted Parking Precinct Plan.

A permit condition will be required to ensure that the replacement S173 Agreement is entered into and registered on title prior to the commencement of the development of the land.



**Once the replacement agreement has been executed it will be possible to remove the two existing agreements registered on the title as they both would have ended.**

### **Summary**

The proposed development of this site is supported by the relevant planning provisions of the planning scheme and is considered to be appropriate. The development of the site is considered to assist in consolidating the town centre and creating a vibrant business activity area for Apollo Bay. The development assists in creating the mid block car parking area, a plan for which has been in place since 2001. This site has previously been set aside to provide vehicle and pedestrian access into the common car parking area to service other development sites.

As the development of the car parking area proceeds along the lines of the adopted Precinct Car Parking Plan, access through the Council owned land at 14 Pascoe St will become the main access point into the car park at the rear of Pascoe Street resolving any access issues raised through the processing of this application.

Once the S173 Agreement is signed and registered on title, this will ensure that access rights remain for all landowners across the respective titles.

For the reasons above, it is recommended that a Notice of Decision to Grant a Planning Permit be issued subject to conditions.

### **Recommendation(s)**

**That Council's Planning Committee resolve to Issue a Notice of Decision to Grant a Planning Permit for the development of one shop, one dwelling and partial waiving of car parking subject to the following permit conditions:**

- 1. *Prior to the issue of a Building Permit for the development approved by this permit the S173 Agreement as reported to Council at the Ordinary Council meeting of 12 December 2007 must be signed by the landowner, sealed by Council and registered on the title of Lot 6, PS516901, 20 Pascoe Street, Apollo Bay. Evidence of lodging of this agreement in accordance with 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 permit holder.***
- 2. *The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.***
- 3. *No fewer than one car parking space, specific to the approved development, must be provided at the rear of the development to the satisfaction of the Responsible Authority.***
- 4. *Loading and unloading of all goods, materials and items must be carried out on the site to the satisfaction of the Responsible Authority.***
- 5. *The development must be managed so that the amenity of the area is not detrimentally affected, through the:***
  - (a) *transport of materials, goods or commodities to or from the land***

- (b) **appearance of any building, works or materials**
- (c) **emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil**
- (d) **presence of vermin**
6. **All run off from stormwater, including overflow from water storage, must be taken to a legal point of discharge to the satisfaction of the Responsible Authority.**
7. **The existing crossover must be removed and replaced with footpath, nature strip, and kerb and channel at the cost of the permit holder to the satisfaction of the Responsible Authority**
8. **External lighting must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land.**
9. **Provision shall be made for waste receptacles for each of the occupancies within the development to the satisfaction of the responsible authority.**
10. **Driveways and car parking areas shall be constructed to conform with the overall Parking precinct Plan in an all weather surface to the satisfaction of the responsible authority.**
11. **No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the ridge of the building.**
12. **This permit will expire if one of the following circumstances applies:**
- **The development is not started within two (2) years of the date of this permit.**
  - **The development is not completed within four years of the date of this permit.**

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

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PC081111-3 PP46/08- PARTIAL WAIVING OF CAR PARKING ASSOCIATED WITH USE & DEVELOPMENT OF THE LAND FOR THREE (3) SHOPS & ASSOCIATED STORAGE AT 304-312 MURRAY STREET, COLAC.

AUTHOR: Anne Sorensen
DEPARTMENT: Sustainable Planning and Development

ENDORSED: Jack Green
FILE REF: PP46/08

Location: 304-312 Murray Street, Colac

Applicant: Geoff De La Rue

Zoning: Business 2 Zone, abutting Road Zone Category 1

Overlays Controls: Nil

Amendment: Nil

Abuts: Road Zone Category 1, Business 1 Zone

Restrictive Covenants: Nil

Reasons for Planning Committee consideration

This application is before Council's Planning Committee for the reduction of car parking requirements of Clause 52.06-1 of the Colac Otway Planning Scheme. The waiving of eight (8) car parking spaces is required for this application.

**Summary**

- The site is located in Murray Street, Colac between Scott and Hart Streets, and is situated in the Business 2 Zone.
- The site comprises two shops on two separate titles (Middleton's Heating and Cooling and a vacant shop next door).
- The site is located in Colac's main shopping strip, and accordingly is surrounded by properties which are used and developed as businesses.

- The application seeks approval to demolish an existing shop at 310-312 Murray Street and to redevelop the adjoining 304-308 Murray Street, to create three (3) new shops with associated storage and rear car parking.
- There is currently no on-site car parking. Under this proposal however, some on-site parking will be provided on each lot, to be accessed from the laneway from Scott Street.
- The site has car parking credits which are attributed to its current use as shops and storage. The car parking requirement for the development exceeds these credits and the number of spaces proposed, resulting in a need to apply to waive eight (8) car parking spaces.
- The application has been advertised and no objections have been lodged with Council.
- There is considered to be adequate on-street parking and public parking in the immediate area to accommodate the shortfall associated with the development.
- The redevelopment of the site will contribute to enhancing the vibrancy of the main street of Colac, complementing nearby uses.
- 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 demolish the existing weatherboard and brick shop at 310-312 Murray Street and to redevelop the adjoining building at 304-308 Murray Street, to create three new shops and associated storage and rear parking. The building will be constructed of concrete blockwork external walls with zincalume roofing. It should be noted that the applicant requires the development to be retained in two distinct titles.

Shop 1 will have an expanded showroom area adjacent to the street frontage, a larger rear warehouse/storage area and a small mezzanine store. The external storeroom at the rear of the site will remain. Four (4) car parking spaces are proposed at the rear of this site. This shop will continue to be used by Middleton's Heating and Cooling after the redevelopment.

Shops 2 and 3 will be developed at 310-312 Murray Street and will have areas of 189sqm and 164sqm respectively. These are being developed on a speculative basis, and may be used as shops or offices. Seven (7) car spaces are proposed at the rear of this site.

The application seeks approval to waive car parking, as the number of spaces required under the Planning Scheme cannot be accommodated on the site. Approval is required to waive eight (8) car parking spaces, two (2) spaces for Shop 1 and six (6) spaces for Shops 2 and 3. The proposal is assessed at the higher car parking rate of 8 spaces per 100sqm of leasable floor area, to accommodate use as shops as well as offices. It should also be noted that the car parking requirements are applied to the increased shop and storage areas only, on the basis that credits apply to the existing floor areas.

Subject Site and Locality

The site is located in the main street of Colac, between Scott and Hart Streets. It comprises two titles, each having an area of 637.77sqm, for a total area of 1,275.54sqm. The site is developed for commercial purposes comprising two existing shops with associated rear storage and car parking.

Middleton's Heating and Cooling occupies the eastern portion of the site (304-308 Murray Street) and the western portion of the site (310-312 Murray Street) has been used as a take away food outlet, but is currently vacant. The rear of both premises appears to be in a poor state of repair.

Murray Street is a Category 1 Road. Parallel parking is available along the south side of Murray Street, and parallel and angled parking on the north side.

The site and surrounding area is located in the Business 2 Zone, such that lots in the area are used and developed for commercial purposes. A large site to the east and south is used by Regal Ice Creams, and premises to the west comprise a paint shop, and various food outlets which form part of a recent commercial development located on the corner of Scott and Murray Streets. Red Rooster, Mid-City Motel, Beaurepaires and Mitre 10 are located on the north side of Murray Street.

Referrals

It was not necessary to refer the application to VicRoads, pursuant to Section 55 of the Planning and Environment Act, as there will be no change to access under this proposal. No other external referrals were required.

Council's Building Department was consulted and raised no objection, but advised that building approval is required.

Council's Infrastructure Department provided conditional consent, and requires deletion of spaces shown within the warehouse of Shop 1 (these spaces have been excluded from car parking calculations).

Public Notice

Notice of the application was required pursuant to Clause 52 of the Planning and Environment Act, 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 34.02-1 – shops in a Business 2 Zone
- Clause 34.02-4 – buildings and works
- Clause 52.06-1 – waiving of car parking

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 Colac, 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 policies are relevant to the consideration of this application:

- Clause 21.04-12 – Colac

Comment: The proposal implements the strategies of this policy in that Colac is promoted as a centre for commercial and service 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 2 Zone. There are no overlays which apply to the site.

The primary purpose of the Business 2 Zone is to encourage the development of offices and associated commercial uses.

Comment: The proposed use is consistent with the provisions of the Business 2 Zone, as it provides for commercial uses which complement the existing business centre.

The purpose of the zone encourages '*office development and associated commercial uses*'. An office is an 'as of right' use in the Business 2 Zone, however, a permit is required for a shop under Clause 34.02-1, and for buildings and works under Clause 34.02-4.

The proposal is considered to be appropriate as Shops 2 and 3 may be used for offices or shops, both permitted uses in this zone. Despite the zoning, there are many retail uses in the vicinity of the site.

The proposal satisfies the application requirements and decision guidelines for the use and buildings and works. The works are appropriate in light of relevant decision guidelines, and if approved, permit conditions will require maintenance of buildings in good order and appearance, and appropriate storage of rubbish, consistent with provisions of the zone.

d) Overlay Provisions

There are currently no overlays which apply to the site.

e) Particular Provisions

Clause 52.05– Advertising Signs

The site is within Category 2 – Office and Industrial, under which approval is required for business identification signage exceeding 8sqm to each premises.

Comment: This application does not seek approval for advertising signage.

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: As discussed above, the application seeks approval to waive car parking under the provisions of Clause 52.06-1, as the number of spaces required under the Planning Scheme cannot be accommodated on the site.

Approval is required to waive eight (8) car parking spaces, two (2) spaces for Shop 1 and six (6) spaces for Shops 2 and 3, calculated as follows:

| Use | Car Parking Rate | Spaces |
|------------------------------|---------------------------|--------|
| Shop1: | | |
| Increased shop area (70sqm) | 8/100sqm floor area | 5.6 |
| Increased store area (50sqm) | 1.5/100sqm net floor area | 0.7 |
| Car Parking Required | | 6.3 |
| Car Parking Proposed | | 4.0 |
| Shortfall | | 2.3 |
| Shop 2 & 3: | | |
| Increased shop area (175sqm) | 8/100sqm floor area | 14.0 |
| Decreased store area (35sqm) | 1.5/100sqm net floor area | +0.5 |
| Car Parking Required | | 13.4 |
| Car Parking Proposed | | 7.0 |
| Shortfall | | 6.4 |

It should be noted that:

- The proposal is assessed at the higher car parking rate of 8 spaces per 100sqm of leasable floor area, to enable the premises to be used in the future as shops or as offices.
- The car parking requirements are applied only to the increased shop and storage areas, on the basis that credits apply to the existing floor areas for which no dedicated on-site car parking is provided.

- Two spaces shown within the rear warehouse of Shop 1 have been excluded from these calculations as they are not suitable for car parking spaces or accessible for customer car parking. They will be removed from the plan.

The Decision Guidelines of Clause 52.06-1 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 pedestrian amenity;
- An empirical assessment of car parking demand.

It is considered reasonable to approve the proposed reduction in on-site car parking in this instance. The proposal involves provision of a combined total of eleven (11) on-site spaces at the rear of the site. Whilst contained on separate titles, no dividing fence is proposed between the sites, to allow greater flexibility and manoeuvring. A single entry/exit point will be required to enable this flexibility to be maintained. It is noted that the existing shop (Middleton's Heating and Cooling) is able to operate from the site without impacting unreasonably on the level of car parking available in the surrounding area. The redevelopment of this shop is unlikely to generate additional parking demand, and the increased demand associated with the two new shops is unlikely to exceed the provision of spaces at the rear of the site.

In addition, there is car parking available on Murray Street and also in a public car parking area within short walking distance to the east of the site, accessed via Johnstons Lane. Several businesses in the vicinity of the site also have on-site car parks (ie. Red Rooster, KFC, McDonalds) and are not reliant on on-street parking for patrons. It is also likely that the proposed shops will not be a single destination, but will form part of activities undertaken as part of a trip to the commercial area of Colac.

It should also be noted that the parking requirement for a shop at Clause 52.06 is widely recognised in the planning industry as being far higher than the actual demand for parking generated by developments, and a review is occurring into whether the rate should be reduced in future. A lower figure of 4 spaces per 100sqm of leasable floor area is considered to be much closer to that required for similar developments elsewhere. Application of this lower rate would require ten (10) on-site spaces, and would in fact eliminate the car parking shortfall for this development, as eleven (11) on-site spaces are proposed.

There is no existing Parking Precinct Plan contained within the Colac Otway Planning Scheme and therefore no ability under the Planning Scheme to require, as a condition on the permit, a monetary contribution (cash in lieu) for off-site car parking unless a voluntary agreement between Council and the land owner is reached. Eleven car spaces will be provided onsite which if the lower rate were applied as discussed above, would satisfy car parking requirements. Given that car parking is being provided on site, it is considered unreasonable to seek an additional monetary contribution in this circumstance.

In considering the decision guidelines and purposes of Clause 52.06, the request for waiving of the car parking requirement is considered to be reasonable in this instance.

Permit conditions will require signage at the front of the premises to advise customers of the carparking at the rear, deletion of the spaces shown within the rear warehouse of Shop 1, and provision of a clearly delineated customer/pedestrian pathway from the rear carpark to the showroom of Shop 1.

Clause 52.07– Loading

The purpose of this Clause is:

- To set aside land for loading and unloading commercial vehicles to prevent loss of amenity and adverse effect on traffic flow and road safety.

Comment: The proposal includes provision of a loading bay within the rear warehouse/store of Shop 1 and a loading area adjacent to the rear of Shops 2 and 3. Whilst loading may occasionally impede access to rear carparking spaces, it will not cause loss of amenity or have an adverse effect on traffic flow or road safety. As such, loading is considered satisfactory.

f) Planning Scheme Amendments

Amendment C55 proposes to implement the recommendations of the Colac Structure Plan.

Comment: Whilst there are no recommendations specifically related to uses in this area, the proposal is considered to be consistent with the Structure Plan (p.93) and the draft MSS, which states that:

- *Colac is to be promoted as the municipal and regional administrative and commercial centre for the Colac Otway Shire.*
- *Retail and business development in the town is to be promoted, particularly the central area.*

The Structure Plan recommends that design guidelines for development on the eastern and western approaches to Colac be prepared. Whilst these guidelines are not yet available, the design is generally considered to be consistent with the Urban Design Framework (p.30), which seeks to:

'Improve the streetscape in the western section by adopting the design principles used in the eastern section. Build upon existing liaison with companies which have prominent facades to Murray Street through encouraging attractive, active and interesting facades'.

The proposal will significantly improve the appearance of the site by creating new facades, providing large glass shopfronts with a cantilevered canopy to the new shops to match the existing building.

Summary

The proposed redevelopment of this site is supported by the relevant planning provisions of the Colac Otway Planning Scheme and as such is considered to be appropriate. The redeveloped premises in Murray Street will further enhance the vitality and diversity of services available in the street, whilst improving the streetscape. The waiving of car parking is appropriate as there is increased parking being provided on-site and there is parking available on street and in public car parking areas within the vicinity of the site. 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 grant Planning Permit PP46/08 for Use and Development of the Land for Three (3) Shops, Associated Storage and Waiving of Car Parking at 304-312 Murray Street, Colac subject to the following conditions:

1. ***Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:***
 - a) ***deletion of the two (2) car parking spaces shown within the rear warehouse to Shop 1 and renumbering of the external spaces on this lot (i.e. No.1-4);***
 - b) ***provision of a clearly delineated customer/pedestrian pathway from the rear carpark through the warehouse to the showroom of Shop 1 (consideration must be given to relevant Occupational Health & Safety Standards);***
 - c) ***single vehicle entry and exit point into the customer car parking area.***
2. **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.**
3. **Before the issue of a building permit, the owner must enter into an agreement with the Responsible Authority made pursuant to Section 173 of the Planning and Environment Act 1987 to provide for the following:**
 - a) **Lot 1 and 2, TP345398 (formerly known as Pt CA1 Section 43 Township of Colac, Pt of CA3 Section 43 Township of Colac Parish of Colac) have equal rights over the use of the car park area shown on the approved plan forming part of planning permit PP46/08.**

except with the written consent of the Responsible Authority.

Evidence of lodging of this agreement in accordance with Section 1881 of the Planning and Environment Act 1987 must be submitted to the Responsible Authority. All costs associated with the agreement must be met by the owner/applicant.

4. Prior to commencement of the use, areas set aside for parked vehicles and access lanes as shown on the endorsed plans must be:-
 - a) Constructed to the satisfaction of the Responsible Authority.
 - b) Properly formed to such levels that they can be used in accordance with the plans.
 - c) Surface sealed to the satisfaction of the Responsible Authority.
 - d) Drained and maintained to the satisfaction of the Responsible Authority.
 - e) Line-marked to indicate each car space and all access lanes to the satisfaction of the Responsible Authority.
 - f) Clearly marked to show the direction of traffic along access lanes and driveways

Parking areas and access lanes must be kept available for these purposes at all times.

5. *No fewer than four (4) car parking spaces must be provided at the rear of Shop 1 and seven (7) car parking spaces at the rear of Shops 2 and 3 to the satisfaction of the Responsible Authority.*
6. *Stormwater quality is to meet EPA Guidelines prior to discharge to ensure suspended solid loading does not occur to the satisfaction of the Responsible Authority.*
7. *Waste collection is to be at the front of the development to the satisfaction of the Responsible Authority.*
8. *Loading and unloading of all goods, materials and items must be carried out on the site to the satisfaction of the Responsible Authority.*
9. *Vehicles under the control of the operator or the use of the operator's staff must not be parked on the nearby roads.*
10. *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) *Appearance of any building, works or materials;*
 - c) *Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;*
 - d) *Presence of vermin.*

to the satisfaction of the Responsible Authority.

11. *Signage must be provided at the front of the premises advising customers that parking is available at the rear of the site to the satisfaction of the Responsible Authority.*
12. *All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.*
13. *The uses must only operate within the hours of 7.00am and 6.00pm, seven days a week, except with the prior written consent of the Responsible Authority*
14. *This permit will expire if one of the following circumstances applies:*
 - *The development and use are not started within two (2) years of the date of this permit.*
 - *The development is not completed within four years of the date of this permit.*

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

NOTE:

- A. *Building Approval is required prior to the commencement of any works.*
- B. *Further planning approval is required for business identification signage exceeding 8.0 square metres to each premises (Clause 52.05, Category 2 of the Colac Otway Planning Scheme).*

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