



Colac Otway
SHIRE

AGENDA

PLANNING COMMITTEE MEETING
OF THE
COLAC-OTWAY SHIRE
COUNCIL

14 OCTOBER 2009

at 10:30 AM

COPACC Meeting Rooms

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

14 OCTOBER 2009

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NOTICE is hereby given that the next *PLANNING COMMITTEE MEETING OF THE COLAC-OTWAY SHIRE COUNCIL* will be held in COPACC Meeting Rooms on 14 October 2009 at 10:30 am.

AGENDA

1. OPENING PRAYER

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

AMEN

2. PRESENT

3. APOLOGIES

4. MAYORAL STATEMENT

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

Colac Otway Shire encourages 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 show respect to each other and respect for the office of an elected representative.

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 held on the 09/09/09.

Recommendation

That Council confirm the above minutes.

OFFICERS' REPORTS

Sustainable Planning and Development

- | | |
|------------|--|
| PC091410-1 | PLANNING & BUILDING STATISTICAL REPORT |
| PC091410-2 | BUILDINGS AND WORKS, ADVERTISING SIGNAGE, A LIQUOR LICENSE AND WAIVING OF CAR PARKING IN ASSOCIATION WITH THE USE OF THE LAND FOR A RESTAURANT AT 4A HARDY STREET, APOLLO BAY. |
| PC091410-3 | INSTALLATION OF A COMMUNICATION MAST FOR BROADCASTING |

Rob Small
Chief Executive Officer

PC091410-1 PLANNING & BUILDING STATISTICAL REPORT

AUTHOR:	Janole Cass	ENDORSED:	Jack Green
DEPARTMENT:	Sustainable Planning & Development	FILE REF:	GEN00450

Summary

This report provides statistics relating to the months of August and September 2009.

Planning Statistics

27 Planning Permit applications were received for the period 1 August to 31 August 2009.

32 Planning Permit applications were determined for the period 1 August to 31 August 2009.

31 Planning Permit applications were received for the period 1 September to 30 September 2009.

21 Planning Permit applications were determined for the period 1 September to 30 September 2009.

Building Statistics

Please note that the Building Commission Website has been updated to July 2009.

Attachments

1. PC Stats Report August & September 2009

Recommendation(s)

That Council's Planning Committee note the statistical report.

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Planning Statistical Report August 2009

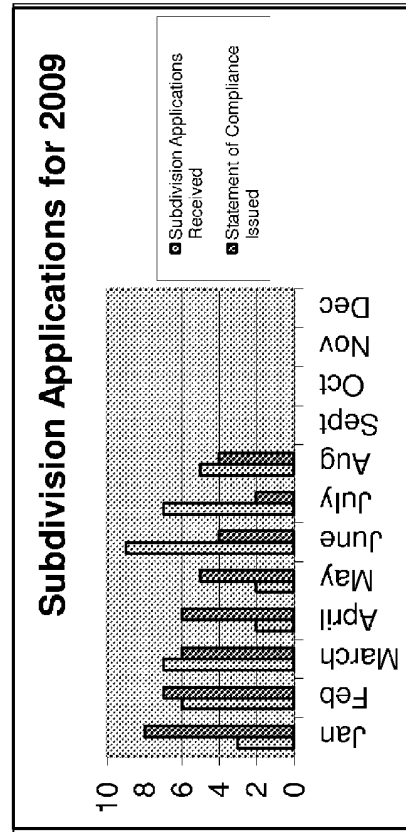
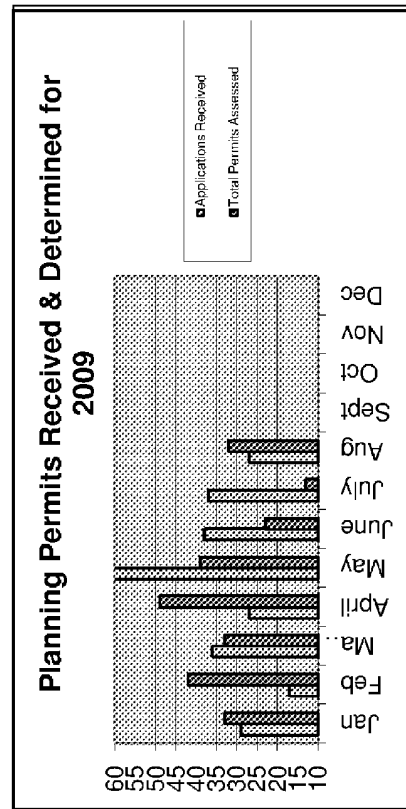
| APPUC NO     | DATE RECEIVED | LOCATION                                     | Proposal                                                                                                                                                                                                   | DATE ISSUED | ACTUAL TIME | Authority          | Decision      |
|--------------|---------------|----------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|-------------|--------------------|---------------|
| PP86/2006-2  | 02-Jun-09     | 58 Main Street, Birregurra                   | Use & development of a gallery, café, bookshop, accommodation, sale & display of antiques, furniture restoration, clothing & waiver of carparking spaces - Amendment to remove a section of existing wall. | 06-Aug-09   | 30          | Under Delegation   | Permit Issued |
| PP275/2008-1 | 14-Aug-08     | 147 Wilson Street, Colac                     | Use of land for place of assembly and waiver of carparking                                                                                                                                                 | 07-Aug-09   | 0           | Under Delegation   | Permit Lapsed |
| PP311/2008-1 | 11-Sep-08     | 2 Breakwater Road, Apollo Bay                | Floating Restaurant                                                                                                                                                                                        | 05-Aug-09   | 0           | Under Delegation   | Permit Lapsed |
| PP131/2009-1 | 20-May-09     | 215 Coragulac Becac Road, Warrion            | Proposed additions to residence                                                                                                                                                                            | 07-Aug-09   | 50          | Under Delegation   | Permit Issued |
| PP373/2008-2 | 12-Jun-09     | 24 Murray Street, Colac                      | Temporary Advertising Sign - Amendment                                                                                                                                                                     | 07-Aug-09   | 21          | Under Delegation   | Permit Issued |
| PP240/2009-1 | 02-Jul-09     | 55 Churchill Square, Colac                   | Replacement Of Existing Fence With A Colourbond Fence                                                                                                                                                      | 07-Aug-09   | 30          | Under Delegation   | Permit Issued |
| PP121/2009-1 | 12-May-09     | 2030 Colac Ballarat Road, Beecac             | Advertising Signage                                                                                                                                                                                        | 07-Aug-09   | 0           | Under Delegation   | Permit Lapsed |
| PP68/09-1    | 20-Mar-09     | 88 Strachan Street, Birregurra               | Two (2) Lot Subdivision                                                                                                                                                                                    | 07-Aug-09   | 41          | Under Delegation   | Permit Issued |
| PP58/2009-1  | 16-Mar-09     | 7 Bass Crescent, Separation Creek            | Construction of a dwelling and associated works                                                                                                                                                            | 07-Aug-09   | 78          | Under Delegation   | Permit Issued |
| PP370/2008-1 | 16-Oct-08     | 90 Manna Gum Drive, Cape Otway               | Alterations & additions to existing dwelling, camp kiosk/reception and addition of 6 unregistered movable dwellings (2 retrospective), and trimming and removal of vegetation and associated works.        | 10-Aug-09   | 72          | Under Delegation   | Permit Issued |
| PP138/200-1  | 29-May-09     | Lang Street from Lang to Main Street, Beecac | Trimming and removal of roadside vegetation                                                                                                                                                                | 10-Aug-09   | 73          | Under Delegation   | Permit Issued |
| PP124/2009-1 | 22-May-09     | 4925 Great Ocean Road, Lavers Hill           | Removal of two (2) trees                                                                                                                                                                                   | 12-Aug-09   | 43          | Under Delegation   | Permit Issued |
| PP435/2008-1 | 10-Dec-08     | 3620 Great Ocean Road, Glenaire              | Use & development of the land for a two (2) storey dwelling and garage/shed                                                                                                                                | 12-Aug-09   | 47          | Planning Committee | Permit Issued |

| APPLIC NO    | DATE RECEIVED | LOCATION                         | Proposit                                                                                                                               | DATE ISSUED | ACTUAL TIME | Authority          | Decision                  |
|--------------|---------------|----------------------------------|----------------------------------------------------------------------------------------------------------------------------------------|-------------|-------------|--------------------|---------------------------|
| PP432/2009-1 | 04-Dec-08     | 9A Diana Street, Apollo Bay      | Use & development of existing building for the purpose of accommodation & waiver of carparking                                         | 12-Aug-09   | 51          | Planning Committee | Notice of Decision Issued |
| PP191/2007-2 | 29-Jul-09     | 7 Hart Street, Colac             | Alterations to the building and provision of carparking - Amendment                                                                    | 13-Aug-09   | 15          | Under Delegation   | Permit Issued             |
| PP415/2008-1 | 26-Nov-08     | 130-138 Bromfield Street, Colac  | Use & development of the land for a trade supplies and ancillary timber yard, signage and waiving of car parking                       | 14-Aug-09   | 93          | Planning Committee | Notice of Decision Issued |
| PP33/2007-2  | 24-Jun-09     | 275 Robinson Road, Barongarook   | Use & development of a two (2) storey dwelling & removal of twelve (12) trees & other vegetation - Amendment                           | 17-Aug-09   | 54          | Under Delegation   | Permit Issued             |
| PP158/2008-2 | 14-May-08     | 14A Tulloh Street, Elliminyt     | Seven (7) lot subdivision and creation of a road - Amendment                                                                           | 17-Aug-09   | 82          | Under Delegation   | Permit Issued             |
| PP11/2009-1  | 25-Jun-09     | 25-27 Cawood Street, Apollo Bay  | Alteration & additions to an existing recreational building - amendment                                                                | 17-Aug-09   | 75          | Under Delegation   | Permit Issued             |
| PP207/2009-1 | 03-Jul-09     | 59-61 Main Street, Birregurra    | Building & works in relation to a proposed ATM & Signage                                                                               | 17-Aug-09   | 13          | Under Delegation   | Permit Issued             |
| PP188/2009-1 | 11-Jun-09     | 5 Coads Lane, Ondit              | Construction of a verandah & deck                                                                                                      | 17-Aug-09   | 67          | Under Delegation   | Permit Issued             |
| PP186/2009-1 | 12-Jun-09     | 21 Saunders Street, Colac East   | Construction of a shed for private use                                                                                                 | 17-Aug-09   | 68          | Under Delegation   | Permit Issued             |
| PP299/2004-2 | 10-Jul-09     | 163 Queen Street, Colac          | Two (2) Lot Subdivision - Amendment to have condition 1 deleted                                                                        | 17-Aug-09   | 33          | Under Delegation   | Permit Issued             |
| PP149/2008-1 | 04-May-08     | 161 Great Ocean Road, Apollo Bay | Development and use of mixed use building comprising ten dwellings, two shops, access to a road zone and partial waiving of carparking | 17-Aug-09   | 84          | Planning Committee | Refusal to Grant a Permit |
| PP156/2009-1 | 29-May-09     | Various Locations                | Trimming and removal of roadside vegetation                                                                                            | 19-Aug-09   | 66          | Under Delegation   | Permit Issued             |
| PP189/2009-1 | 11-Jun-09     | 7-15 Forest Street, Colac        | Construction of a steel framed clad building                                                                                           | 20-Aug-09   | 6           | Under Delegation   | Permit Issued             |
| PP248/2009-1 | 17-Aug-09     | 41 Skene Street, Colac           | Construction of a deck, pergola & carport                                                                                              | 20-Aug-09   | 3           | Under Delegation   | Permit Issued             |
| PP124/2008-2 | 02-Jun-09     | 370 Phillips Track, Ferguson     | Use & development of a dwelling & shed - Amendment                                                                                     | 20-Aug-09   | 58          | Under Delegation   | Permit Issued             |

| APPLIC NO    | DATE RECEIVED | LOCATION                           | Proposal                                    | DATE ISSUED | ACTUAL TIME | Authority        | Decision                  |
|--------------|---------------|------------------------------------|---------------------------------------------|-------------|-------------|------------------|---------------------------|
| PP187/2009-1 | 09-Jun-09     | 320 Colac Ballarat Road, Irrewarra | Construction of a five (5) Bay shed         | 20-Aug-09   | 19          | Under Delegation | Permit issued             |
| PP174/2009-1 | 29-May-09     | Various Locations                  | Trimming and removal of roadside vegetation | 25-Aug-09   | 73          | Under Delegation | Permit issued             |
| PP194/2009-1 | 16-Jun-09     | 12 Gallipoli Parade, Apollo Bay    | Extension of liquor licencing red line area | 26-Aug-09   | 44          | Under Delegation | Permit issued             |
| PP351/2007-1 | 19-Dec-07     | 4 Illowra Avenue, Wye River        | Construction of a dwelling                  | 31-Aug-09   | 58          | Under Delegation | Permit Withdrawn          |
| PP195/2009-1 | 17-Jun-09     | 139 Armstrong Street, Colac        | Two (2) Lot Subdivision                     | 10-Aug-09   | 27          | Under Delegation | Notice of Decision issued |

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**Average Days to Process Planning Applications**





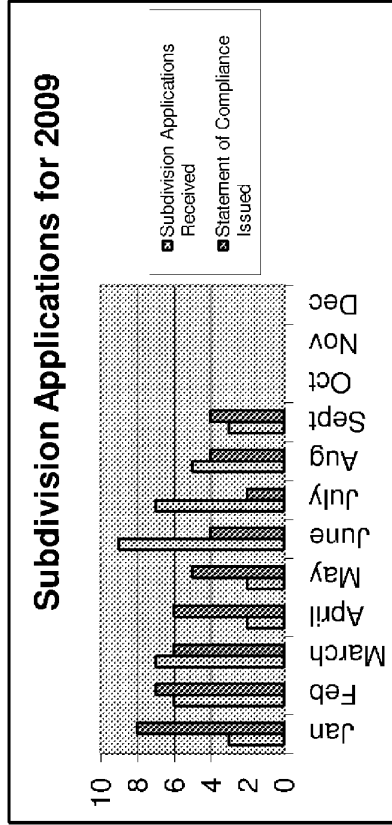
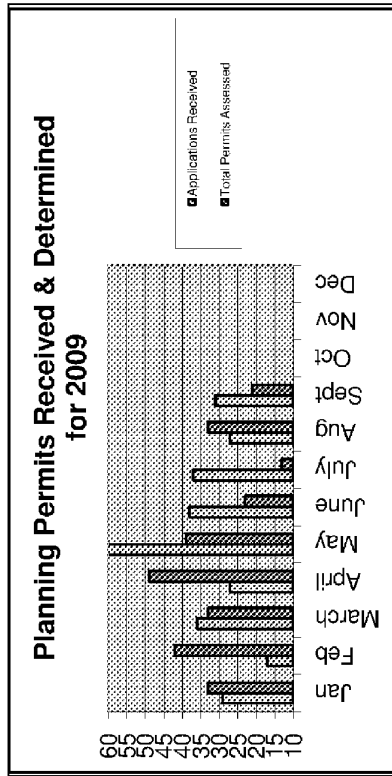
Planning Statistical Report September 2009

| APPLIC NO    | DATE RECEIVED | LOCATION                                   | Proposal                                                                | DATE ISSUED | ACTUAL TIME | Authority        | Decision                  |
|--------------|---------------|--------------------------------------------|-------------------------------------------------------------------------|-------------|-------------|------------------|---------------------------|
| PP517/2002-2 | 04-Sep-09     | 25 Moore Street, Apollo Bay                | Two (2) Lot Subdivision - Amendment                                     | 04-Sep-09   | 1           | Under Delegation | Permit Issued             |
| PP117/2004-2 | 22-Jun-09     | 215 Hendrickson Track, Yuulong             | Construction of a dwelling - Amendment                                  | 17-Sep-09   | 73          | Under Delegation | Permit Issued             |
| PP94/2008-1  | 12-Mar-08     | 2 Telford Street, Marengo                  | Development of three (3) two (2) storey dwellings                       | 21-Sep-09   | 150         | Under Delegation | Refusal to Grant a Permit |
| PP376/2008-1 | 17-Jun-09     | 90-94 Murray Street Colac                  | On Premises Liquor Licence                                              | 18-Sep-09   | 50          | Under Delegation | Permit Issued             |
| PP433/2008-1 | 05-Dec-08     | 23 Harrington Street, Separation Creek     | Demolition of existing shack & construction of a two storey dwelling    | 04-Sep-09   | 0           | Under Delegation | Permit Lapsed             |
| PP438/2008-1 | 11-Dec-08     | 90 Triggs Road, Irrewarra                  | Use & development of a dwelling, garage & shed                          | 17-Sep-09   | 87          | Under Delegation | Permit Issued             |
| PP25/2009-1  | 30-Jan-09     | 17 Wallace Street, Wye River               | To alter & extend the existing dwelling & removal of vegetation         | 10-Sep-09   | 4           | Under Delegation | Permit Lapsed             |
| PP49/2009-1  | 06-Mar-09     | 44-54 Grant Street, Forrest                | Use & development of a dwelling, shed & associated works                | 28-Sep-09   | 138         | Under Delegation | Permit Issued             |
| PP129/2009-1 | 28-May-09     | 1599 Birregurra Forrest Road, Barwon Downs | Removal of native vegetation                                            | 04-Sep-09   | 70          | Under Delegation | Permit Issued             |
| PP182/2009-1 | 16-Jun-09     | 240 Forest Street South, Elliminyt         | Construction of a chemical dosing facility, access & vegetation removal | 09-Sep-09   | 55          | Under Delegation | Permit Issued             |
| PP191/2009-1 | 25-Jun-09     | 5 Rossmoyne Road, Colac West               | Internally illuminated Pole Sign & Buisiness identification signage     | 18-Sep-09   | 34          | Under Delegation | Permit Issued             |
| PP200/2009-1 | 23-Jun-09     | 335 Sinclair Street South, Elliminyt       | Addition to existing dwelling                                           | 01-Sep-09   | 46          | Under Delegation | Permit Issued             |
| PP201/2009-1 | 25-Jun-09     | 86 Forest Street, Colac East               | Construction of a shed                                                  | 04-Sep-09   | 71          | Under Delegation | Permit Issued             |
| PP204/2009-1 | 01-Jul-09     | 25 Great Ocean Road, Wye River             | Construction Of New Bridge To Replace Existing Bridge                   | 04-Sep-09   | 65          | Under Delegation | Permit Issued             |
| PP208-2009-1 | 02-Jul-09     | 95 Old Yeo Road, Yeo                       | Construction of a fibre glass pool, spa & safety barrier                | 23-Sep-09   | 36          | Under Delegation | Permit Issued             |
| PP211/2009-1 | 16-Jul-09     | 470 Colac Forrest Road, Yeo                | Construction of a hay shed                                              | 28-Sep-09   | 41          | Under Delegation | Permit Issued             |
| PP223/2009-1 | 24-Jul-09     | 65 Marriners Lookout Road, Apollo Bay      | Construction of a deck                                                  | 04-Sep-09   | 42          | Under Delegation | Permit Issued             |

| APPLIC NO    | DATE RECEIVED | LOCATION                          | Proposal                                                           | DATE ISSUED | ACTUAL TIME | Authority          | Decision                  |
|--------------|---------------|-----------------------------------|--------------------------------------------------------------------|-------------|-------------|--------------------|---------------------------|
| PP228/2009-1 | 29-Jul-09     | 3-4 Kelly Court, Colac            | Construction of an additional warehouse                            | 25-Sep-09   | 54          | Under Delegation   | Permit Issued             |
| PP203/2009-1 | 29-Jul-09     | 91-149 Forest Street, Colac       | Construction of two (2) stainless steel milk & cream storage silos | 09-Sep-09   | 43          | Planning Committee | Permit Issued             |
| PP240/2009-1 | 04-Aug-09     | 39 Dennis Street, Colac           | Extension to existing garage                                       | 24-Sep-09   | 30          | Under Delegation   | Permit Issued             |
| PP116/2009-1 | 06-May-09     | Unit 2/46 Noel Street, Apollo Bay | Extend existing deck                                               | 18-Sep-09   | 45          | Under Delegation   | Notice of Decision Issued |

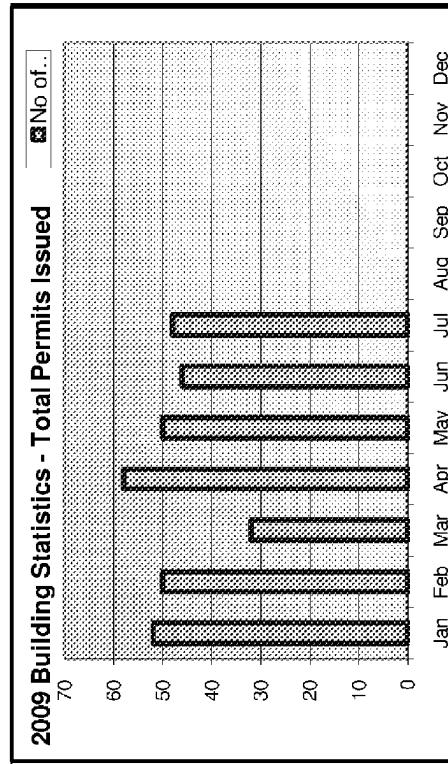
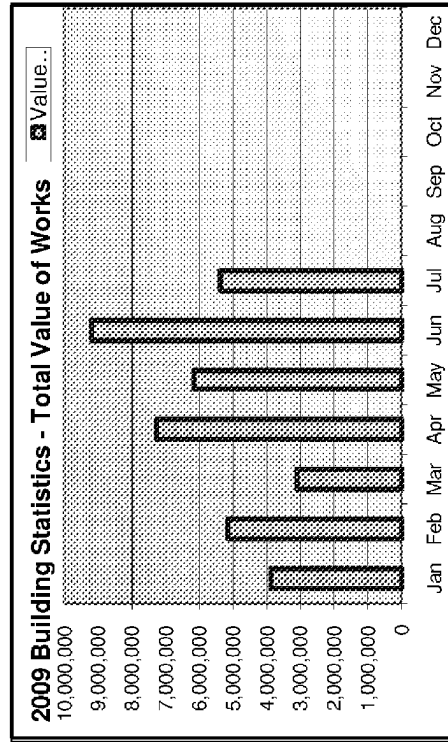
**Average Days to Process Planning Applications**

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Puise Building Statistics Financial Yr Stats Puise 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           | 43       | 3,586,040  | 1            | 105,000    | 6          | 165,090    | 1        | 10,000     | 0          | 0          | 0                   | 0          | 1                | 0          | 52               | 3,866,130  |
| Feb           | 42       | 4,777,075  | 0            | 0          | 4          | 163,950    | 0        | 0          | 0          | 0          | 1                   | 28,138     | 3                | 181,906    | 50               | 5,151,069  |
| Mar           | 26       | 2,908,966  | 0            | 0          | 6          | 185,733    | 0        | 0          | 0          | 0          | 0                   | 0          | 0                | 0          | 32               | 3,094,699  |
| Apr           | 46       | 6,484,011  | 0            | 0          | 6          | 157,287    | 1        | 1,950      | 2          | 55,000     | 0                   | 0          | 3                | 565,000    | 58               | 7,263,248  |
| May           | 38       | 4,839,980  | 2            | 126,675    | 7          | 539,459    | 1        | 150,000    | 1          | 350,000    | 0                   | 0          | 1                | 157,099    | 50               | 6,163,213  |
| Jun           | 38       | 4,583,339  | 0            | 0          | 3          | 147,500    | 1        | 115,500    | 0          | 0          | 0                   | 0          | 4                | 4,364,000  | 46               | 9,210,339  |
| Jul           | 40       | 4,223,689  | 1            | 150,000    | 2          | 14,900     | 3        | 150,000    | 0          | 0          | 0                   | 0          | 2                | 827,525    | 48               | 5,366,114  |
| Aug           |          |            |              |            |            |            |          |            |            |            |                     |            |                  |            |                  |            |
| Sep           |          |            |              |            |            |            |          |            |            |            |                     |            |                  |            |                  |            |
| Oct           |          |            |              |            |            |            |          |            |            |            |                     |            |                  |            |                  |            |
| Nov           |          |            |              |            |            |            |          |            |            |            |                     |            |                  |            |                  |            |
| Dec           |          |            |              |            |            |            |          |            |            |            |                     |            |                  |            |                  |            |
| <b>Totals</b> | 273      | 31,403,100 | 4            | 381,675    | 34         | 1,373,919  | 7        | 427,450    | 3          | 405,000    | 1                   | 28,138     | 14               | 6,095,530  | 336              | 40,114,812 |



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**PC091410-2 BUILDINGS AND WORKS, ADVERTISING SIGNAGE, A LIQUOR LICENSE AND WAIVING OF CAR PARKING IN ASSOCIATION WITH THE USE OF THE LAND FOR A RESTAURANT AT 4A HARDY STREET, APOLLO BAY.**

|             |                                    |           |            |
|-------------|------------------------------------|-----------|------------|
| AUTHOR:     | Anne Sorensen                      | ENDORSED: | Jack Green |
| DEPARTMENT: | Sustainable Planning & Development | FILE REF: | PP125/09   |

**Location:** 4A Hardy Street, Apollo Bay (Lot A, PS439523T, Parish of Krambruk)

**Zoning:** Business 1 Zone

**Overlay controls:** Design and Development Overlay – Schedule 5

**Amendment:** N/A

**Abuts:** Business 1 Zone

**Restrictive Covenants:** Nil

### **Purpose**

This application is seeking approval for buildings and works, advertising signage, a liquor license and waiving of car parking in association with a restaurant. It is before Council's Planning Committee as four objections have been received and waiving of car parking is sought.

The proposal generally complies with the planning scheme provisions and achieves an appropriate outcome in a business zone. It is considered appropriate to waive car parking and it is recommended that a Notice to Grant a Planning Permit be issued.

### **Declaration of Interests**

The Officer has no pecuniary interest in this application.

### **Background**

Approval was given in August 1999 to develop the site as a small shopping complex on the corner of Pascoe and Hardy Streets, Apollo Bay. The development comprises of six shops used for various retail activity. In September 2000, approval was given for the development of six, first floor residential dwellings on the site, including provision of 12 car spaces. On the approved plans, 47 car spaces are shown on site and 20 car spaces are shown on street.

The premises subject of this approval (Shop 4A) has been used for a variety of 'shop' activities, including more recently as Paradise Bookshops (December 2001 to 2003); Thai Take away and spice sales (June 2005 to June 2007); and a Restaurant (November 2007 to October 2008). No planning approval is required to use the premise for a shop, restaurant or takeaway food premise under the Business 1 Zone.

A Building Permit from a Private Building Surveyor has been issued for the internal alterations to the building currently underway.

**Council Plan / Other Strategies / Policy**

The Apollo Bay Structure Plan's objective for commercial development is:

*"To intensify commercial and business land uses within the commercial area of Apollo Bay and ensure a future supply of Business Zoned land to meet demand."*

The proposed use of an existing premise for commercial activity will assist in revitalising the immediate area and is considered consistent with the objectives of the structure plan.

The Apollo Bay Structure Plan's objective for parking is:

*"To ensure the future parking needs of Apollo Bay are met and parking congestion in the Great Ocean Road is minimised."*

The proposal requires the waiving of 11.2 car spaces based on an assessment of the car parking requirements in the planning scheme. As the proposed use seeks to establish in an existing building there is no opportunity to provide any additional on-site car parking. The site is located in a side street, back from the Great Ocean Road and is unlikely to add significantly to parking demand along the Great Ocean Road. It is considered that the proposal will not have an adverse impact on traffic management or car parking in the immediate area. Therefore, it is considered that the proposal is consistent with the objectives of the structure plan.

Council, in January 2009 engaged AECOM Australia Pty Ltd (formerly Maunsell) to undertake a car parking study for Colac and Apollo Bay. Work in relation to the study has commenced and it is expected that an Issues and Options paper will be available shortly for review by Councillors. This study is intended to identify existing levels of car parking and parking demand in both townships, as well as to develop a policy on appropriate levels of car parking requirements for various land uses amongst other things. This study will in the future assist Council in making decisions on when and how much car parking should be required and level of dispensation that should be supported.

**Issues / Options**

Council has the options of:

- Supporting the application through the issue of a Notice of Decision to grant a permit subject to conditions;
- Supporting the application with changes;
- Refusing to grant a permit.

The key issues relating to this application are:

- Waiving of car parking;
- Support for a General Liquor Licence;
- Potential adverse amenity impacts.

These matters are discussed in the following sections of this report.

**Proposal**

Planning approval is sought for buildings and works, advertising signage, a general liquor license and waiving of car parking associated with the use of the land for restaurant.

Proposed external works include construction of a timber deck and disabled ramp within the front setback, covered by a 3.0m high timber framed verandah extending from the existing façade to 1.1m beyond the property boundary into the road reserve. The verandah will have translucent roofing with timber posts and plastic drop curtains. A timber fenced service yard to the west of the entry and new concrete paving in the front setback is also proposed. Internal works include new walls, fitout and seating to create restaurant, bar, kitchen and store areas, and provision of two toilets.

The licensed restaurant proposes to have 16 indoor seats and 12 seats on the outdoor deck area. It proposes to operate from 7:30am to 10:00pm, seven days a week which includes a breakfast service from 7:30am to 11:00am, seven days. It is proposed that no alcohol will be sold or consumed before 11:00am. The area to be licensed covers the interior of the premises and the external area covered by the verandah. Under a general liquor licence, the applicant intends to undertake '*alcoholic and non alcoholic beverage blending, tasting and consumption*', as well as bottle sales (ie. cellar door). This involves mixing of custom ordered drinks using ethanol as a base, for consumption on and off the premises. This component is subject to approval from the Liquor Licensing Commission.

The retail component will operate during the day and sell confectionary, souvenirs, photographs and bottled alcohol sales (ie. cellar door).

A waiving of 11.2 car spaces is being sought to enable the site to be used as a restaurant.

Signage proposed includes a floodlit sign (4.5m by 1.5m) on the south elevation, a neon sign over the south east entrance (2.0m by 0.85m) and three sail banners affixed to the verandah posts (approximately 1.5m by 0.5m). The floodlit sign will be lit from below to reduce impact to neighbouring premises, no flashing lights are proposed and all illuminated signage is to be turned off at 10:00pm daily. It should be noted that following a further information request from Council, the applicant deleted a large LED lights sign (1.4m by 0.78m), which was to be affixed to the wall above the main southern entry. It was to be a dynamic sign which changed four times a day depending on meal service. This has been replaced with the three sail banners described above.

#### Site and Surrounds

The site is located on the north side of Hardy Street, approximately 50m from the Great Ocean Road and 30m from Pascoe Street. It is within the Business 1 Zone and is covered by a Design and Development Overlay (DDO5).

The premise (Shop 4A) forms part of the redevelopment of the former Butter Factory site (PPA/197/99 issued 23 August 1999), which comprises a supermarket, hardware store, four smaller premises, six units and a central car parking area, containing 47 car spaces, accessed from Pascoe Street.

Shop 4A is centrally located along the Hardy Street frontage and has a curved brick façade retained from the original Butter Factory. It has a total floor area of 70sqm with a frontage to Hardy Street of 19m, and is currently vacant.

The supermarket is adjoining to the north and west, and retail premises are located to the east along Hardy Street, all within the former Butter Factory complex. The Gateway development comprising retail at ground floor and apartments above, is located further east, on the northwest corner of Hardy Street and the Great Ocean Road.

The south side of Hardy Street, opposite the site, is also within a Business 1 Zone and comprises a mix of residential and commercial uses.

Land on the west side of Pascoe Street is zoned Residential 1 and is developed with single dwellings and units.

Angled on-street parking is provided on both sides of Hardy Street, and parallel parking is available along the Great Ocean Road and Pascoe Street in the vicinity of the site.

#### Referrals

The application was referred under Section 52 of the Planning and Environment Act to Victoria Police, which did not object to the proposal.

The application was referred internally to the Infrastructure, Health, Building and Local Laws departments who have no objection to the proposal subject to some modifications to the internal functionality of the building.

The Infrastructure Department raised concerns with the verandah extending over the property line onto the road reservation and the inclusion of seating in this area as this is not consistent with the existing streetscape in the area. Infrastructure advised that the installation of plastic curtains is not supported within the road reserve as it will potentially impact on pedestrian safety and passage. The applicant has agreed to contract the verandah so that it does not extend beyond the property boundaries and concrete the area on the road reservation between the verandah and the existing footpath to enable outdoor seating. A permit will be required to be obtained from Local Laws for the outdoor seating.

#### Public Notice

Notice of the application was given in June/July 2009 in accordance with Section 52 of the Planning and Environment Act to all adjoining and opposite owners and occupiers. A sign was also placed on site and public notice was placed in the Apollo Bay Newsheet.

At the conclusion of the notification period, a total of four objections were received. The matters raised in the objections may be summarised as follows:

- Insufficient car parking. Limited spaces in summer periods. The Gateway development was rejected twice on the basis of car parking. Why should this one be permitted?
- Too many licensed liquor places in Apollo Bay. Premises not suitable for another licensed venue. Tables and chairs outside for drinking, smoking and dining is not suitable in this location as people need to walk past to shop or go to the post office.

These concerns are addressed in detail below.

#### **Consideration of the Proposal**

The land is included in the Business 1 Zone and is subject to the Design and Development Overlay – Schedule 5. A planning permit is required for buildings and works, advertising signage, a liquor licence and waiving of car parking.

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

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



- Clause 11.03– Principles of Land Use and Development Planning
- Clause 15.08– Coastal Areas
- Clause 15.12 – Energy efficiency
- Clause 17.02– Business
- Clause 17.04 - Tourism
- Clause 19.03– Design and Built Form
- Clause 21.03-3 – Apollo Bay and Marengo
- Clause 21.05.04 - Tourism

The above policies, including the Apollo Bay Structure Plan, encourage the concentration of retail, commercial, accommodation, administrative and entertainment activities in the Apollo Bay Town Centre. These policies also support the co-location, multiple uses and sharing of facilities, and seek to minimise the effects of commercial development on the amenity of the neighbouring area. The policies encourage the efficient provision of car parking and promote high quality urban design outcomes.

The proposal is considered to accord with the principles of the State and Local Planning Policy Framework. The proposed use and development assists in meeting the community's need for business related uses, in particular social and entertainment facilities. It also assists in further consolidating and building upon the importance of Apollo Bay as a regional centre. The site is appropriately located within the town centre and within walking distance to other commercial, recreational and community facilities. The development will contribute to enhancing the identity of the town and the commercial area.

b) Zoning

The purpose of the Business 1 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.

Planning approval is not required to use the land for 'food and drink premises', 'restaurant' or 'shop' (which includes a bottle shop) under the Business 1 Zone providing car parking requirements are met. Clause 52.06-1 requires a permit to reduce or waive the number of car spaces required by the table at Clause 52.06-5.

Planning approval is required to construct a building or construct or carry out works in a Business 1 Zone under Clause 34.01-4.

The key issues arising from the business zone provisions (purpose of the zone and decision guidelines) relate to the intensive development of business centres for retailing and complementary commercial, entertainment and community uses, whilst having regard to the provision of car parking, the movement of pedestrians and vehicles, loading/unloading, interface with adjoining zones, and streetscape issues.

The application accords with the purpose of the zone in that the development provides for commercial development, adding to the overall vitality of the area. The uses proposed are appropriate in this zone and location. There will be no change to the movement of vehicles and pedestrians, and the provision of car parking is addressed in detail below. Changes to the streetscape will be limited to the provision of an outdoor dining area, verandah and additional signage.

Should the application be supported, permit conditions will require amended plans showing the deck and verandah contained wholly within the site (but still allowing seating in the road reserve subject to a local law permit), and not extending into the road reserve as proposed. Subject to these changes, the extent of works is appropriate to a commercial use in a Business Zone. Permit conditions will also require that all buildings and works be maintained in good order and appearance.

c) Overlay provisions

The site is subject to the Design and Development Overlay (DDO5), the objectives of this overlay are:

- To protect the existing low scale coastal character and identity of Apollo Bay.
- To ensure that new development in Apollo Bay is consistent with and acts to consolidate the character of Apollo Bay as a coastal town.
- To ensure that upper levels are well articulated to respect the character of the area.

This overlay applies to the town centre, and a permit is required for all buildings and works under Clause 43.02-2.

All buildings and works should comply with the following standards unless it can be demonstrated that an alternative approach achieves the design objectives of this control (as relevant to this proposal):

- Simple building details;
- A mix of contemporary and traditional coastal materials, textures and finishes;
- Colours and finishes that compliment those occurring naturally in the area;
- Articulated facades;
- Commercial buildings orientated towards the street and provide the entrance to the building directly from the street frontage;

The building currently exists and the extent of external works proposed is minimal. The works are in keeping with the objectives of this overlay. Access to the premise will be retained as is. i.e. directly from the street frontage.

d) Particular Provisions

**Clause 52.05 – Advertising Signs**

Signage in the Business 1 Zone falls within Category 1 (Business Areas – Minimum Limitation) of Clause 52.05 requirements. This category aims to provide identification and promotion signs that add vitality and colour to business areas. A permit is not required for business identification signage less than 8sqm total area to each premises, and for internally illuminated signage less than 1.5sqm. A permit is required for all other signage.

This application proposes the following signage, for which planning approval is required:

- A floodlit sign (4.5m by 1.5m) attached above the south entrance on the south elevation. The sign will be lit from below to reduce impact to neighbouring premises, and will read 'Great Ocean Distillery Apollo Bay Great Ocean Road Victoria'.
- A neon sign (2.0m by 0.85m) over the south east entrance. Lights will be illuminated during business hours only. This sign will read 'Great Ocean Distillery' prior to 5:00pm, and then as 'Dragon Bay Inn' after 5:00pm. It should be noted that the addition of the 'Dragon Bay Inn' wording was a recent change by the applicant.

- Three sail banners affixed to the verandah posts (approximately 1.5m by 0.5m each). These signs are similar to existing banner signs in the immediate area.

It should be noted that a large LED lights sign (1.4m by 0.78m), which was to be affixed to the wall above the main southern entry was deleted from the proposal following advice from Council Officers that it was inconsistent with the low scale coastal character sought for this area and would not be supported. The applicant replaced this sign with the three sail banners as described above.

The extent and style of signage proposed is considered to be appropriate. There will be no flashing lights and all illuminated signage will be turned off at 10:00pm daily. Despite being located over 30m from a residential zone, permit conditions will ensure minimal impact upon adjoining properties.

### **Clause 52.06 - Car Parking**

Clause 52.06, Car Parking, requires 8 spaces to each 100sqm of leasable floor area for a shop and 0.6 spaces to each seat available to the public for a restaurant. There is scope under this provision to seek a reduction or a waiving of car spaces.

Based on the number of restaurant seats proposed (16 indoor and 12 outdoor), 16.8 car spaces are required for this proposal (28 seats x 0.6 spaces per seat). As the premise was constructed for the purposes of a shop and has been used as a shop, it is reasonable to apply a credit based on a shop rate of 8 spaces/100m<sup>2</sup>. Based on a floor area of 70m<sup>2</sup> this equates to 5.6 car spaces. This leaves a requirement of 11.2 car spaces to be waived (16.8 spaces required less 5.6 spaces credit).

The State Government has undertaken a review of car parking provisions and prepared an Advisory Committee Report in August 2007. This report discusses a range of matters including a review of land use terms and car parking requirements. The report recommends for a restaurant use that 0.4 car spaces per patron be provided or 3.5 car spaces/100m<sup>2</sup> of leasable floor area be adopted. If you applied the rate of 0.4 car spaces per patron then the car parking requirement would be 11.2 car spaces. If you applied the 3.5 car spaces/100m<sup>2</sup> of leasable floor area, then the car parking requirement would be 3 car spaces. If you applied the car parking rates proposed by the State Government, then under the first scenario, after applying the credit of 5.6 car spaces, then 5.6 car spaces would be required. Under the second scenario, after applying the credit of 5.6 car spaces, there would be no additional car parking required.

Although the State Government has not at this stage incorporated the recommendations of the Advisory Committee Report into planning schemes it is widely accepted through VCAT determinations that the car parking requirements for retail type activities are unrealistic and that the lesser rates recommended by the Advisory Committee are generally more appropriate.

The Decision Guidelines of Clause 52.06 state that before a requirement for car spaces is reduced or waived, the applicant must satisfy the responsible authority that the reduced provision is justified due to:

- Any relevant parking precinct plan.
- The availability of car parking in the locality.
- The availability of public transport in the locality.

- Any reduction in car parking demand due to the sharing of car spaces by multiple uses, either because of variation of car parking demand over time or because of efficiencies gained from the consolidation of shared car parking spaces.
- Any car parking deficiency or surplus associated with the existing use of the land.
- Any credit which should be allowed for a car parking demand deemed to have been provided in association with a use which existed before the change of parking requirement.
- Local traffic management.
- Local amenity including pedestrian amenity.
- An empirical assessment of car parking demand.
- Any other relevant consideration.

The applicant has provided the following information in support of a waiving of the car parking requirement:

- There are large car parking areas independent of the premises along the foreshore, Hardy Street and Pascoe Street.
- The premise is part of a large shopping centre complex with significant dedicated parking. All tenants of the shopping centre hold equal and common right to all related centre car parking.
- The existing car spaces associated with this commercial area on the corner of Hardy and Pascoe Streets include multiple uses and broad variations due to the trading hours of existing shops. Day time trading dominates the existing car spaces and little or no car spaces are utilized during evening trading hours.
- There are 22 on-street car parking spaces in Hardy Street between Pascoe Street and the Great Ocean Road. An empirical study undertaken by the applicant indicates that car parking availability doubles at night (after 5:00pm) as many businesses are closed outside normal business hours.

The planning permit, issued in 1999, allowed the commercial development for retail activities of the larger site based on the provision of a total of 67 car spaces, with 47 of those car spaces being provided on site and 20 car spaces on street. The assessment for car parking at that time was based on a provision of 4 car spaces/100m<sup>2</sup>.

Objectors have raised concerns with the lack of parking in the area. The site is not located on the Great Ocean Road, where at times demand for parking can exceed supply, particularly in peak tourist periods. The site is located in a side street where there is ample on-street car parking available, particularly in Hardy and Pascoe Streets. The site was originally approved for a shop use and clustered with other like uses. The site has been used as a shop and has previously been used as a take away food premise. Based on previous approvals the premise could continue to be used for retail including a take away food premise without further planning approval. It is the restaurant use that generates the need for a waiving of car parking.

Given that the parking rates for a restaurant in the Advisory Committee report would not necessarily require further parking to be provided, and there is sufficient car parking within the vicinity of the proposed restaurant, it is considered reasonable to waive the 11.2 car space requirement in this instance. This approach would be consistent with that taken with other applications for change of use to a restaurant where parking has previously been provided for a shop.

**Clause 52.27 – Licensed Premises**

A planning permit is required to use land to sell or consume liquor where a licence is required under the Liquor Control Reform Act 1998 under Clause 52.27.

The Decision Guidelines of this Clause require Council to consider, as appropriate:

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- The impact of the sale or consumption of liquor permitted by the liquor licence on the amenity of the surrounding area.
- The impact of the hours of operation on the amenity of the surrounding area.
- The impact of the number of patrons on the amenity of surrounding area.
- The cumulative impact of any existing and the proposed liquor licence, the hours of operation and number of patrons, on the amenity of the area.

The applicant has applied for a 'General Liquor License' which authorizes the supply of liquor for consumption on and off the licensed premises. Ordinary trading hours for a General License are:

- 7am to 11 pm Monday to Saturday
- 10am to 11pm Sunday, and
- 12 noon to 11pm Anzac Day and Good Friday

Objectors have raised concerns regarding the establishment of another licensed venue in Apollo Bay and outdoor areas available for the consumption of liquor.

The applicant proposed to have seating provision for 12 patrons in the outdoor area of the verandah and part of the road reservation.

The area available for indoor and outdoor dining for the restaurant is quite small. General liquor licenses are generally associated with venues like hotels and taverns. Anti-social behavior can be a by-product of these types of uses unless they are well managed.

The applicant proposes to mix and sell bottled liquor from the premises as well as serve liquor to patrons in the restaurant. Given the size of the venue, it will only be able to cater for small numbers of patrons in the restaurant on the site, although under the general liquor license, packaged liquor can be served to patrons without having to consume the liquor or food on the premise.

Planning approval is required for a liquor licence and it is considered appropriate to support licensing of this venue only on the basis that its use is linked to the restaurant use. While a general liquor license allows liquor to be served between the hours of 7am-11pm Monday to Saturday and 10am-11pm Sunday, it is considered appropriate that the hours that liquor can be served and sold be limited by permit conditions to between 11.00am-10.00pm, seven days a week.

By limiting the hours that liquor can be served and sold will assist in addressing the concerns raised by objectors and ensure minimal impact on the amenity of the area.

The mixing of alcohol component of this proposal will be considered by the Liquor Licensing Commission under the Liquor Control Reform Act 1998, and does not form part of this planning assessment.

**Financial and Other Resource Implications**

This proposal raises no financial or resourcing implications for Council.

**Risk Management & Compliance Issues**

The proposal will need to comply with building and liquor licensing legislation.

**Environmental and Climate Change Considerations**

There are no environmental or climate change implications arising from this proposal.

**Communication Strategy / Consultation**

Public notice of the application was required. All parties will be advised of the decision. All parties have the opportunity to seek a review of Council's decision at the Victorian Civil and Administrative Tribunal.

**Implementation**

A decision will be issued to the applicant and objectors in accordance with the Council resolution.

**Conclusion**

Planning approval is not required for the use of the site for a restaurant. Planning approval is only required for buildings and works, the waiving of car parking, advertising signage and liquor license. The premise has approval for and has been used for a variety of shop activities in the past.

Support for the proposal will increase commercial activity in this area and is considered to be consistent with the planning policy framework including the zone and overlay.

Modified plans will be required to reduce the extent of the works so that they are contained within the boundaries of the title and permit conditions will limit the hours that liquor can be sold and consumed.

The extent of works, the proposed signage and liquor licensing are appropriate to the operation of a restaurant within a business zone. The objector's concerns relating to the impact of the liquor licence on the amenity of the area will be addressed through permit conditions. There is sufficient on street parking that supports the waiving of car parking requirements in this instance.

It is therefore recommended that a Notice of Decision to Grant a planning permit be issued subject to conditions.

**Attachments**

Nil

**Recommendation(s)**

***That Council's Planning Committee resolve to issue a Notice of Decision to Grant a Planning Permit for buildings and works, advertising signage, a general liquor licence and waiving of car parking associated with a restaurant at 4A Hardy Street, Apollo Bay, 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 dated 19 August 2009, submitted with the application but modified to show:***
  - a) ***The deck and verandah wholly contained within the property boundaries.***
  - b) ***The area between the property boundary and the existing footpath in a concrete surface or other hard surface approved by the responsible authority.***
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. ***The various activities forming parts of the use as shown on the endorsed plan must not be altered without the written consent of the Responsible Authority.***
4. ***Liquor can only be consumed and sold on the premises between the hours of 11.00am and 10.00 pm.***
5. ***The licensing of this premise is only permitted in conjunction with the use of the premise for a restaurant. Alcohol is not permitted to be served should the restaurant use cease.***
6. ***Before the use starts, a noise and amenity plan/patron management plan to the satisfaction of the responsible authority must be submitted to and approved by the authority. When approved, the plan will be endorsed and will then form part of the permit. All activities forming part of the use must comply with the endorsed plan. The plan must include:***
  - a) ***staffing and other measures which are designed to ensure the orderly arrival and departure of patrons***
  - b) ***signage to be used to encourage responsible off-site patron behaviour***
  - c) ***the training of staff in the management of patron behaviour***
  - d) ***staff communication arrangements***
  - e) ***measures to control noise emissions from the premises.***
7. ***The use may only operate between the hours of 7.30 am – 11.00 pm.***
8. ***No more than 16 seats may be made available inside and 12 seats on the outdoor area may be available at any one time to patrons on the premises, without the written consent of the responsible authority.***
9. ***A permit must be obtained to enable part of the road reservation to be used for seating of patrons in accordance with Council's Local Law prior to the commencement of the use of the land for a restaurant.***

10. *All run off from stormwater must be taken to a legal point of discharge to the satisfaction of the Responsible Authority.*
11. *All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.*
12. *The location and details of the signs and its structure as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.*
13. *All signs must be constructed and maintained to the satisfaction of the Responsible Authority.*
14. *The signs must not contain any flashing light except with the written consent of the Responsible Authority.*
15. *External sign lighting must be designed baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land or adjacent roads / streets.*
16. *The signs may only be illuminated between the hours of 11:00am and 10:00pm.*
17. *This permit expires fifteen years after the date it is issued for the signage.*
18. *Outdoor lighting must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining properties.*
19. *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.*
20. *This permit will expire if one of the following circumstances applies;*
  - *The development is not commenced within two 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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INSTALLATION OF A COMMUNICATION MAST FOR BROADCASTING

| | | | |
|-------------|------------------------------------|-----------|------------|
| AUTHOR: | Ros Snaauw | ENDORSED: | Jack Green |
| DEPARTMENT: | Sustainable Planning & Development | FILE REF: | PP264/2009 |

Location: 152 Corangamite Lake Road, Colac West (Lot 1, TP33361Q)

Zoning: Farming Zone

Overlay controls: Environmental Significance Overlay – Schedule 1

Proposed Amendments: N/A

Abuts: Farming Zone

Restrictive covenants: Nil

Purpose

This application is seeking approval for the installation of a 12 metre high communication mast for broadcasting. The application is before Council as the height of the pole exceeds 8 metres.

It is recommended that a planning permit be issued subject to conditions.

Declaration of Interests

The officer has no pecuniary interest in this application.

Background

Although the site contains building and works associated with the use of the land for telecommunications, there is no record of previous planning approval being issued for the land.

Application has been made for a Building Permit, however, this cannot be issued until such time as planning approval has been granted.

Council Plan / Other Strategies / Policy

The Colac Structure Plan supports the provision of community infrastructure and services to meet the existing and future needs of the population.

Issues / Options

Council has the options of:

- Supporting the application through the issue of a planning permit subject to conditions;
- Supporting the application with changes;
- Refusing to grant a permit.

The key issues relating to this proposal is:

- Community benefit of the project;
- Impact of the works;
- Potential amenity issues arising from the operation of the communications mast.

Proposal

An application has been submitted to install a communications mast comprising of a 12 metre high concrete Rocla LT-A12 communications pole with a Polar Electronics Industries GK12-08 Grid parabolic antenna mounted 500mm from the top of the pole.

The pole will be sited 2.4 metres behind an existing transmitter building and approximately 4 metres from the southern boundary. The pole will be 12 metres in height with a 1200mm aluminium grid style antenna to receive signal from the transmission site on Warrion Hill.

The purpose of the communications mast is to allow the continuation of the operation of Radio Station 3CS as Telstra are withdrawing their program delivery lines in November 2009. The materials are currently onsite so that works can commence as soon as Planning and Building approval is granted.

Site and surrounds

The site has a total area of 8.9 hectares, with a narrow frontage of 20 metres to Corangamite Lake Road. The land is situated on the outskirts of Colac, west of Lake Colac. The western boundary of the site abuts a number of smaller residential allotments, some of which contain dwellings. A poultry farm is situated to the north of the site on Corangamite Lake Road and Kennys Lane.

The site currently contains a number of buildings, including an old TX building, a transmitter building and generator shed and two tall telecommunication masts located towards the middle of the site, east from Corangamite Lake Road. The broadcast transmission facility with buildings and telecommunications masts are located close to the road frontage.

Land surrounding the site, with the exception of the residential dwellings, is used for agricultural activities, generally flat with a gentle slope from west to east.

Referrals

The application was referred under Section 55 to Barwon Water and Telstra, and referred internally to Councils Building Department. No objections were received.

Public Notice

Notice of the application was given in accordance with Section 52 of the Planning and Environment Act to all adjoining and opposite owners and occupiers. A sign was also placed on site.

At the conclusion of the notification period, one objection was received. The matters raised in the objections may be summarised as follows:

- The pole and mast will be visible from the adjoining property;
- Potential risk of health issues;
- Interference with television reception and telephone.

A meeting was arranged by Councils Planning Officer with the applicant and objector to discuss the concerns raised in the objection. The applicant advised the objector that no radiation would be transmitted from the pole and that there should not be any television or telephone interference. The applicant explained that the location for the pole was chosen as clearance from the trees situated to the north of the site is required to enable the relay from Warrion Hill tower.

On this basis, the objector advised Council in writing that they are withdrawing their objection to the proposal.

Consideration of the Proposal

The land is included in the Farming 1 Zone and is subject to the Environmental Significance Overlay – Schedule 1 Warrion Groundwater Area. A planning permit is required for works under Clause 35.07-4 of the zone and Clause 42.01 of the overlay.

a) State and Local Planning Policy Framework

The State and Local Planning Policies relevant to this proposal are:

Clause 15.01 protection of catchments, waterways and groundwater
Clause 17.05 Agriculture
Clause 21.04-2 Water

Only a small portion of the site is occupied and used for the broadcast transmission purpose. The balance of the land is vacant and used for agricultural purposes. The additional communications mast will have no impact on the agricultural use of the land or the water catchment area.

b) Zoning

The purpose of the Farming Zone is generally to provide for the use of the land for agriculture and ensure that non-agricultural uses, particularly dwellings, do not adversely affect the use of the land for agriculture.

Planning approval is required to construct or carry out works in a Farming Zone under Clause 35.07-4.

c) Overlay provisions

The site is subject to the Environmental Significance Overlay – Schedule 1 Warrion Groundwater Area. The purpose and objectives of this overlay are to protect and maintain the quality and quantity of groundwater recharge in the Warrion aquifer area.

The site has operated as a telecommunications facility for considerable time without any negative impact on the surrounding land uses or on the Warrion aquifer. The additional communications mast is considered to be minor works in the context of existing buildings and infrastructure. The communications mast is required to enable the local Radio 3CS to continue to broadcast which provides a community service for the local population of Colac and surrounding district.

The balance of the land remains available for agricultural activities as the majority of the existing buildings and works are clustered close to the road frontage.

Financial and Other Resource Implications

This proposal raises no financial or resourcing implications for Council.

Risk Management & Compliance Issues

The proposal will need to comply with telecommunication legislation.

Environmental and Climate Change Considerations

There are no environmental or climate change implications arising from this proposal.

Communication Strategy / Consultation

Public notice of the application was required and the objection was withdrawn after a mediation meeting was held between all parties.

Implementation

A decision will be issued to the applicant in accordance with the Council resolution.

Conclusion

This proposal is minor in context of the existing development on the site. While the pole is 12 metres in height it will be clustered with the other buildings and works on the site and, therefore, less obtrusive on the landscape.

Radio 3CS performs an important community service that will be impacted upon if they do not have a facility to broadcast from.

It is recommended that a planning permit be granted subject to conditions.

Attachments

Nil

Recommendation(s)

That Council's Planning Committee resolve to issue a Planning Permit for the installation of a communications mast for broadcasting at 152 Corangamite Lake Road, Colac West (Lot 1, TP333615, Parrish of Nalangil), subject to the following conditions:

- 1. The layout of the site and works proposed as shown on the endorsed plans must not be altered or modified without the written consent of the Responsible Authority.***
- 2. The amenity of the area must not be detrimentally affected by the use of the site for a communications mast.***
- 3. This permit will expire if one of the following circumstances applies;***
 - The development is not commenced within two 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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