



**Colac Otway
SHIRE**

AGENDA

PLANNING COMMITTEE MEETING

OF THE

COLAC-OTWAY SHIRE

COUNCIL

11 NOVEMBER 2009

at 1:00 PM

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

11 NOVEMBER 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 11 November 2009 at 1:00 pm.

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 descendents 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 14/10/09.

Recommendation

That Council confirm the above minutes.

OFFICERS' REPORTS

Sustainable Planning and Development

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Rob Small
Chief Executive Officer

PC091111-1

PLANNING & BUILDING STATISTICAL REPORT

AUTHOR:	Janole Cass	ENDORSED:	Jack Green
DEPARTMENT:	Sustainable Planning & Development	FILE REF:	00450

Summary

This report provides statistics relating to the month of October 2009.

Planning Statistics

20 Planning Permit applications were received for the period 1 October to 31 October 2009.
 34 Planning Permit applications were determined for the period 1 October to 31 October 2009.

Building Statistics

Please note that the Building Commission Website has only been updated to August 2009 and consequently the statistics provided relate to the end of that month.

Attachments

1. PC Stats Report October 2009

Recommendation(s)

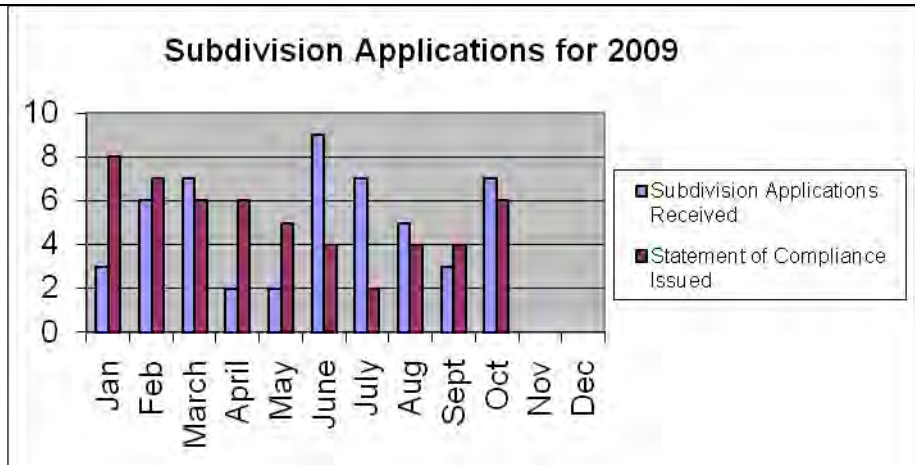
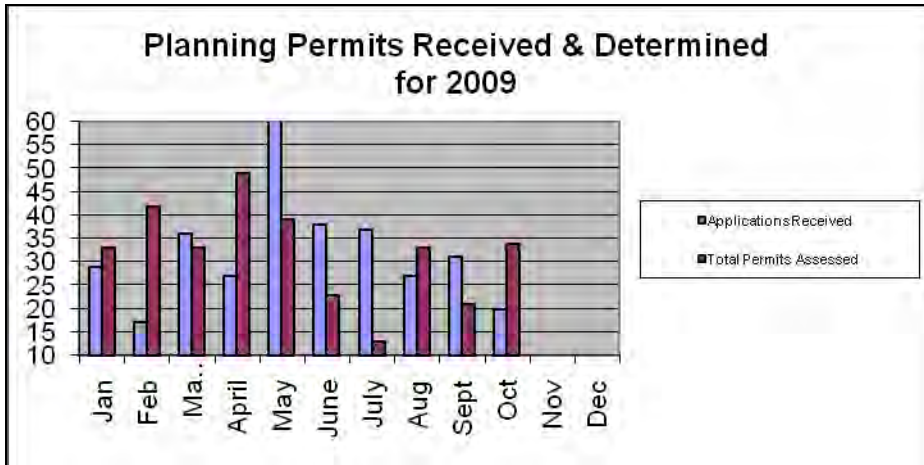
That Council's Planning Committee note the statistical report.

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## Planning Statistical Report October 2009

| APPLIC NO | DATE RECEIVED | LOCATION                               | Proposal                                                                                                                                                                    | DATE ISSUED | ACTUAL TIME | Authority        | Decision         |
|-----------|---------------|----------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|-------------|------------------|------------------|
| 327/05-2  | 8-Jul-08      | 1-19 Costin St Apollo Bay              | To subdivide land (in stages) into twenty six (26) lots (including the balance lot), creation of a new road & reserve and works associated with partial filling of the land | 7-Oct-08    | 75          | Under Delegation | Permit Issued    |
| 118/07-2  | 6-Aug-09      | 1 Ricstan Court, Elliminyt             | Construction of a dwelling - Amendment to delete condition 3                                                                                                                | 21-Oct-09   | 76          | Under Delegation | Permit Issued    |
| 209/08-1  | 13-Jun-08     | 9 Oak Avenue, Apollo Bay               | Relocation of the third storage shed (retrospective approval)                                                                                                               | 27-Oct-09   | 112         | Under Delegation | Permit Issued    |
| 281/08-1  | 12-Aug-08     | 3025 Colac Forrest Road, Forrest       | Alter temporary dwelling to become permanent dwelling                                                                                                                       | 29-Oct-09   | 57          | Under Delegation | Permit Issued    |
| 375/08-1  | 30-Oct-08     | 11 Harrington Street, Separation Creek | Demolition of existing house and construction of new two storey dwelling                                                                                                    | 14-Oct-09   | 55          | Under Delegation | Permit Issued    |
| 22/09/01  | 27-Jan-09     | 4830 Princes Highway, Birregurra       | Boundary re-alignment & use of a dwelling                                                                                                                                   | 20-Oct-09   | 141         | Under Delegation | Refusal to Grant |
| 72/09-1   | 26-Mar-09     | 17 Old Coach Road, Skenes Creek        | Removal of existing dwelling & construction of a new dwelling & removal of vegetation                                                                                       | 27-Oct-09   | 148         | Under Delegation | Permit Issued    |
| 81/09-1   | 2-Apr-09      | 32 Southorn Street, Beech Forest       | Addition to existing dwelling                                                                                                                                               | 14-Oct-09   | 145         | Under Delegation | Permit Issued    |
| 98/09-1   | 16-Apr-09     | 55 Hugh Murray Drive, Colac East       | Business identification signage                                                                                                                                             | 28-Oct-09   | 28          | Under Delegation | Permit Issued    |
| 100/09-1  | 4-Aug-09      | 74-84 Bromfield Street, Colac          | Erection & display of signage including internally illuminated signs                                                                                                        | 27-Oct-09   | 21          | Under Delegation | Refusal to Grant |
| 104/09-1  | 27-Apr-09     | 40 Ryans Road, Pirron Yallock          | Use & development of a dwelling                                                                                                                                             | 5-Oct-09    | 89          | Under Delegation | Refusal to Grant |
| 127/09-1  | 20-May-09     | 189-243 Pound Road, Colac              | Construction of an administrative centre                                                                                                                                    | 8-Oct-09    | 63          | Under Delegation | Permit Issued    |
| 128/09-1  | 20-May-09     | 1139 Corangamite Lake Road, Alvie      | Construction of a dwelling                                                                                                                                                  | 5-Oct-09    | 111         | Under Delegation | Permit Issued    |
| 134/09-1  | 28-May-09     | 11 Hugh Murray Drive, Colac East       | Use & development of a warehouse, showroom & signage                                                                                                                        | 9-Oct-09    | 85          | Under Delegation | Permit Issued    |
| 190/09-1  | 12-Jun-09     | 1 Fyans Street, Colac                  | Removal & maintenance of vegetation                                                                                                                                         | 15-Oct-09   | 84          | Under Delegation | Permit Issued    |
| 193/09-1  | 16-Jun-09     | 95 Aerodrome Road, Cressy              | Construction of a machinery shed                                                                                                                                            | 21-Oct-09   | 50          | Under Delegation | Permit Issued    |
| 197/09-1  | 22-Jun-09     | 63 Old Coach Road Skenes Creek         | Construction of a garage                                                                                                                                                    | 9-Oct-09    | 80          | Under Delegation | Permit Issued    |
| 202/09-1  | 26-Jun-09     | 2A Douglas Street, Colac               | Construction of a storage shed                                                                                                                                              | 21-Oct-09   | 65          | Under Delegation | Permit Issued    |

| APPLIC NO | DATE RECEIVED | LOCATION                               | Proposal                                                                                                                                       | DATE ISSUED | ACTUAL TIME | Authority          | Decision                  |
|-----------|---------------|----------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------|-------------|-------------|--------------------|---------------------------|
| 205/09-1  | 29-Jun-09     | 1/90-94 Murray Street, Colac           | Internal alterations to existing buildings                                                                                                     | 7-Oct-09    | 43          | Under Delegation   | Permit Issued             |
| 217/09-1  | 16-Jul-09     | 53 Campbell Street, Colac              | Two (2) lot subdivision                                                                                                                        | 21-Oct-09   | 70          | Under Delegation   | Permit Issued             |
| 218/09-1  | 22-Jul-09     | 26 Harrison Street, Marengo            | Construction of a two storey dwelling                                                                                                          | 21-Oct-09   | 62          | Under Delegation   | Permit Issued             |
| 229/09-1  | 29-Jul-09     | 4655 Colac Lavers Hill Road, Wyalangta | Development of land for a dwelling & shed                                                                                                      | 14-Oct-09   | 54          | Under Delegation   | Permit Issued             |
| 238/09-1  | 3-Aug-09      | 105 Broughtons Access, Skenes Creek    | Extensions to an existing dwelling                                                                                                             | 21-Oct-09   | 56          | Under Delegation   | Permit Issued             |
| 239/09-1  | 4-Aug-09      | 160 Lidgerwoods Lane, Birregurra       | Construction of a dwelling                                                                                                                     | 14-Oct-09   | 33          | Under Delegation   | Permit Issued             |
| 246/09-1  | 13-Aug-09     | 885 Tomahawk Creek Road, Irrewillipe   | Use the existing pool for commercial purposes, carparking & advertising                                                                        | 21-Oct-09   | 45          | Under Delegation   | Permit Issued             |
| 256/09-1  | 25-Aug-09     | 35-39 Main Street, Birregurra          | Removal of trees                                                                                                                               | 14-Oct-09   | 50          | Under Delegation   | Permit Issued             |
| 257/09-1  | 27-Aug-09     | 1490 Princes Highway, Pirron Yallock   | Development of temporary dwelling                                                                                                              | 9-Oct-09    | 42          | Under Delegation   | Refusal to Grant          |
| 264/09-1  | 1-Sep-09      | 152 Corangamite Lake Road, Colac West  | Installation of a communication mast for broadcasting                                                                                          | 14-Oct-09   | 21          | Planning Committee | Permit Issued             |
| 268/09-1  | 8-Sep-09      | 5 Fulford Crescent, Elliminyt          | Construction of a dwelling                                                                                                                     | 8-Oct-09    | 29          | Under Delegation   | Permit Issued             |
| 272/09-1  | 9-Sep-09      | 405 Forest Street South, Barongarook   | Construction of a farm storage shed                                                                                                            | 21-Oct-09   | 40          | Under Delegation   | Permit Issued             |
| 285/09-1  | 28-Sep-09     | 71-75 Main Street, Birregurra          | Construction of a bandstand, wash down area & shed                                                                                             | 21-Oct-09   | 23          | Under Delegation   | Permit Issued             |
| 286/09-1  | 1-Oct-09      | 180 Busty Road, Apollo Bay             | Tree removal                                                                                                                                   | 9-Oct-09    | 8           | Under Delegation   | Permit Issued             |
| 118/019-1 | 11-May-09     | 5 Belverdere Drive, Elliminyt          | Five (5) lot subdivision                                                                                                                       | 6-Oct-09    | 118         | Under Delegation   | Notice of Decision Issued |
| 125/09-1  | 18-May-09     | 4A Hardy Street, Apollo Bay            | Buildings and works, advertising signage, a liquor licence and waiving of car parking in association with the use of the land for a restaurant | 14-Oct-09   | 44          | Planning Committee | Notice of Decision Issued |
|           |               |                                        |                                                                                                                                                |             |             |                    |                           |
|           |               |                                        | <b>Average Days to Process Planning Applications</b>                                                                                           |             | <b>65</b>   |                    |                           |



[Pulse Building Statistics](#)

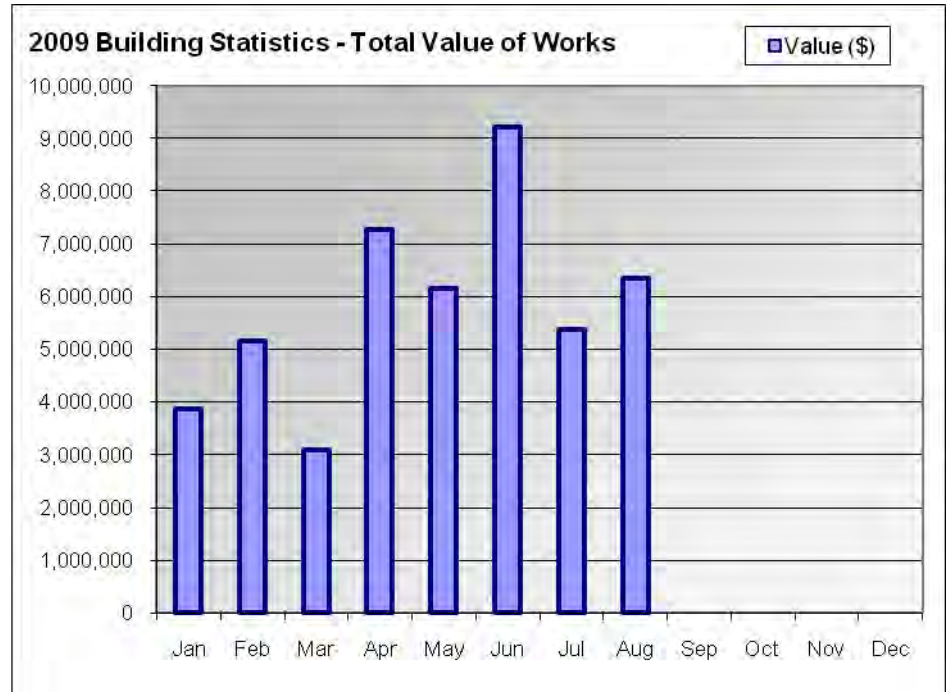
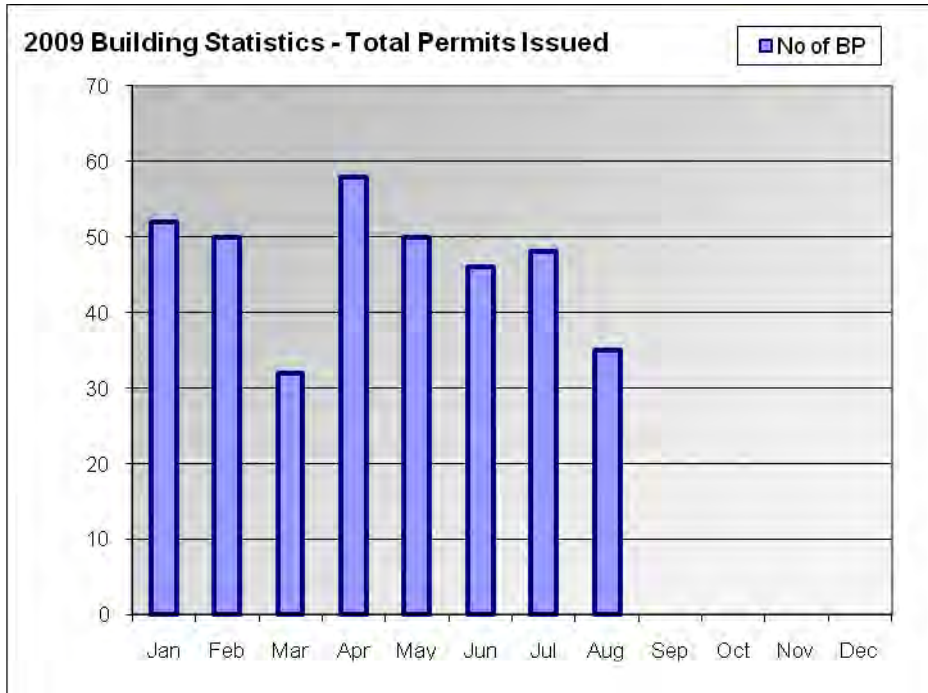
[Financial Yr Stats](#)

[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           | 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                   | 28138         | 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           | 24         | 1,727,755         | 1            | 100,000        | 3          | 64,376           | 2        | 53,200         | 2          | 341,900        | 0                   | 0             | 3                | 4,055,888         | 35               | 6,343,119         |
| Sep           |            |                   |              |                |            |                  |          |                |            |                |                     |               |                  |                   |                  |                   |
| Oct           |            |                   |              |                |            |                  |          |                |            |                |                     |               |                  |                   |                  |                   |
| Nov           |            |                   |              |                |            |                  |          |                |            |                |                     |               |                  |                   |                  |                   |
| Dec           |            |                   |              |                |            |                  |          |                |            |                |                     |               |                  |                   |                  |                   |
| <b>Totals</b> | <b>297</b> | <b>33,130,855</b> | <b>5</b>     | <b>481,675</b> | <b>37</b>  | <b>1,438,295</b> | <b>9</b> | <b>480,650</b> | <b>5</b>   | <b>746,900</b> | <b>1</b>            | <b>28,138</b> | <b>17</b>        | <b>10,151,418</b> | <b>371</b>       | <b>46,457,931</b> |

\*Multi-Development







**PC091111-2                      DEVELOPMENT OF A TELECOMMUNICATIONS TOWER  
AND ASSOCIATED EQUIPMENT SHELTER AT 6 BLUNDY  
STREET, FORREST**

|             |                                       |           |            |
|-------------|---------------------------------------|-----------|------------|
| AUTHOR:     | Helen Evans                           | ENDORSED: | Jack Green |
| DEPARTMENT: | Sustainable Planning<br>& Development | FILE REF: | PP250/2009 |

**Location:**                                      **6 Blundy Street, Forrest, (Crown Allotment 4 Section A  
Parish of Yaugher)**

**Zoning:**                                              **Township Zone**

**Overlay controls:**                              **Erosion Management Overlay Schedule 1 (EMO1)  
Wildfire Management Overlay (WMO)**

**Proposed Amendments:**      **Nil**

**Purpose:**

This application is seeking approval for buildings and works associated with the construction of a telecommunication facility which consists of a 45 metre high lattice tower and associated equipment shelter.

Consideration of this application by the Planning Committee is required as the proposed structure is in excess of eight (8) metres in height.

**Summary**

The proposal generally complies with the planning scheme provisions and achieves an appropriate outcome in a Township Zone. It is considered the structure will not be visually intrusive and it is recommended that a Planning permit be issued.

**Background**

The land is owned by Colac Otway Shire and was formerly used as the Forrest Works Depot. Council currently owns the existing 20m high monopole and uses this pole to provide two way radio communications. It is proposed to replace the existing monopole with a 45m high tower and use it for Optus telecommunications and connect Council's 2 way radio facility to the tower.

**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 issue relating to this application is the potential adverse visual amenity impacts due to the height of the tower.

**Proposal**

Planning approval is sought for buildings and works associated with the use of the land for a telecommunications facility. Proposed works include the removal of the existing 20 metre high monopole located in the southwest corner of the site and the erection of a 45 metre high lattice tower with an associated equipment shelter which measures 7.5m<sup>2</sup> in area in the south east corner of the site. This facility would be housed within a fenced security compound measuring 8.5m x 13.5m. This part of the site is currently vacant.

The lattice tower and compound fence will be constructed of grey galvanised steel, the antenna will be constructed of grey plastic whilst the shelter shed will be constructed of paperbark colorbond steel.

The facility will achieve Optus coverage objectives for the Forrest area by improving phone and internet coverage and also providing for two way radio communications of the Colac Otway Shire that are currently located on the monopole.

Vehicular access to the site will be via the existing access off Blundy Street.

**Site and Surrounds**

The site is situated in the Forrest township on the southern side of Blundy Street. The site backs onto a laneway located between Blundy Street and Frizon Street. The site is the former Colac Otway Shire Forrest Depot and contains a storage shed and gravelled area. To the rear of the storage shed is an existing monopole approximately 20 metres in height that provides for two way radio communications for the Colac Otway Shire. The property is rectangular in shape with the width being approximately 27 metres and the depth is approximately 71 metres, having an area of approximately 1917m<sup>2</sup>.

Land surrounding the site is zoned Township Zone. Land to the west and north is developed with single storey dwellings, whilst land to the east is vacant and the land to the south is the Department of Sustainability and Environment Depot.

**Public Notice**

Notice of the application was given in October 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 Colac Herald.

At the conclusion of the notification period, no objections were received.

**Referrals**

The application was referred internally to the Building Department which has no objection to the proposal.

**Planning Controls**

The land is included in the Township Zone and is subject to the Erosion Management Overlay Schedule 1 and Wildfire Management Overlay. A planning permit is required for buildings and works associated with a telecommunications facility if the requirements of Clause 52.19 are not met.

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 - Introduction, Goals and Principles
- Clause 18.13 – Telecommunications
- Clause 21.03-8 - Smaller Townships
- Clause 21.04-5 - Erosion

The proposal is considered to accord with the principles of the State and Local Planning Policy Framework. The applicant has investigated all other current communications sites with a similar distance and orientation to the Forrest area and found that no such facilities were available in the area and as a result is pursuing a greenfield site.

The applicant has provided an appropriate and reasonable justification for locating the facility at the subject site. It is considered there will be no negative impact to the environment by way of this proposed telecommunications facility. With regard to the potential visual impact, the applicant acknowledged that the tower is likely to be partly visible when entering the Forrest township particularly from the north however it is expected to be generally screened when entering Forrest from the south. The provision of a telecommunications facility such as this will provide for improved phone and data communications in the Forrest area.

b. Zoning

The purpose of the Township Zone is:

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

Planning approval is required to use the land for a telecommunications facility and associated buildings and works as the exemptions listed in Clause 52.19 have not been met, however as a monopole is already established on the site, no permit is required for the 'use of a telecommunications facility', only for the building of the actual structure.

The proposed telecommunication facility is considered to be consistent with the purpose of the zone as it provides for improved telecommunications which will be beneficial to both the residential and commercial Forrest community. The proposed tower facility is located so as to provide the level of service coverage required, and is sited so as to provide the least impact on the surrounding residential uses, utilising the existing landscaping in the town to assist in screening. The grey colouring to be used in the tower construction will assist in blending the structure in with the cloudy sky backdrop and the footprint required to develop the facility is minimal. The tower has been located in an area where there is a mix of industrial and residential uses on larger lots immediately surrounding the site.

c. Overlay Provisions

This site is subject to the Erosion Management Overlay Schedule 1 (EMO1). The purpose of this overlay is to protect areas prone to erosion, landslide or other land degradation processes, by minimising land disturbance and inappropriate development.

A permit is required for buildings and works under Clause 44.04-1. A geotechnical report was provided with the application prepared by Civiltest Pty Ltd, dated 14 October 2009. The report concludes that this site is of Low Risk of Landslide.

This site is subject to the Wildfire Management Overlay (WMO). The purpose of this overlay is:

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

In accordance with the requirements of Clause 44.06-1, a permit is not required for buildings and works associated with a Telecommunications Facility.

d. Relevant Particular Provisions

**Clause 52.19 Telecommunications Facility**

The purpose of this provision is:

- To ensure that telecommunications infrastructure and services are provided in an efficient and cost effective manner to meet community needs;
- To ensure the application of consistent provisions for telecommunications facilities;
- To encourage an effective statewide telecommunications network in a manner consistent with the economic, environmental and social objectives of planning in Victoria as set out in Section 4 of the Planning and Environment Act 1987; and
- To encourage the provision of telecommunications facilities with minimal impact on the amenity of the area.

A permit is required to construct a building or construct or carry out works for a Telecommunications Facility.

The Decision guidelines of Clause 52.19 state that before deciding on an application, consideration be given to:

- The principles for the design, siting, construction and operation of a Telecommunications Facility set out in A Code of Practice for Telecommunications Facilities in Victoria;
- The effect of the proposal on the adjacent land;
- Decision guidelines of relevant overlays.

The principles in the Code of Practice are:

- A telecommunications facility should be sited to minimize visual impact
- Telecommunications facilities should be co-located wherever practical
- Health Standards for exposure to radio emissions will be met
- Disturbance and risk relating to siting and construction should be minimized. Construction activity and site location should comply with State environmental protection policies and best practice environmental management guidelines.

The applicant's assessment of how the proposal meets those stated principles is shown in the attachments to this report. In summary however the following points are made:

- The tower is proposed in the southeast corner of the lot to minimize the visual impact when entering the town from the north and existing vegetation within the town will assist in reducing the visual impact when entering from the south. The applicant acknowledged that the tower is likely to be visible however it would be significantly screened by established vegetation.
- Existing communication sites were investigated and it was found that no such facilities were available in the Forrest area apart from Council's monopole.
- The maximum cumulative radio frequency electromagnetic energy (EME) levels at 1.5m above ground level, is estimated to be 0.044% of the ARPANSA public exposure limit.
- Disturbance to the site is expected to be minimal and construction will be undertaken in accordance with the relevant OH&S guidelines.

It is considered that the proposed facility has satisfactorily addressed the principles for design, siting, construction and operation of the Telecommunications facility as set out in the Code of the Practice.

### **Consideration of the Proposal**

The application included a photo montage of the visual impact of the tower on the surrounding area particularly when travelling south along the Birregurra-Forrest Road towards the site. It is considered that the facility would be designed, sited and constructed in a manner which will minimise visual impact, and will assist in improving the phone and internet service in the Forrest area.

It is considered the proposal reflects a reasonable balance between the provision of services and the need to protect the environment and it is therefore recommended the application be supported.

### **Corporate Plan / Other Strategies / Policy**

Any relevant policy issues have already been addressed earlier in this report.

### **Financial & Other Resource Implications**

This proposal raises no financial or resourcing implications for Council for the consideration of the planning application.

As the land is owned by the Colac Otway Shire, financial benefits would accrue to Council from leasing of the land. Should the planning permit be issued, Council will enter into a lease and appropriate rental will be paid.

### **Risk Management & Compliance Issues**

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

As the land is owned by the Colac Otway Shire, any risk management and compliance issues will be addressed through any lease agreement.

### **Environmental Consideration / Climate Change**

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

### **Communication Strategy / Consultation Period**

Public notice of the application was required as noted earlier in the report.

**Conclusion**

Planning approval is not required for the use of the land for a telecommunications facility as the use is already established. Planning approval is only required for the buildings and works associated with the telecommunications facility.

Support for the proposal will improve the Optus phone and broadband internet service coverage in the Forrest area. The proposal is generally consistent with the State and Local Planning Policy Framework, zoning requirements, current local policies and overlay requirements.

Having given due regard to the matters discussed above, it is considered that the application should be approved, subject to conditions.

**Attachments**

Nil

**Recommendation(s)**

***That Council's Planning Committee resolve to grant Planning Permit PP250/2009 for the buildings and works associated with the Construction of a Telecommunications Facility (45 metre high lattice tower) and associated shelter at Crown Allotment 4 Section A Parish of Yaugher, 6 Blundy Street, Forrest, subject to the following conditions:***

- 1. The layout of the site and the size of the proposed buildings and works as shown on the endorsed plans must not be altered or modified without the written consent of the Responsible Authority.***
- 2. No additional antennas, aerials, satellite dishes or the like are permitted to be installed on the tower without further planning approval from the responsible authority***
- 3. The nature and colour of building materials employed in the construction of the buildings and works hereby permitted must be harmonious and blend into the surrounding environment to the satisfaction of the Responsible Authority.***
- 4. Stormwater discharged from the buildings and works hereby permitted must only be disturbed across the property by sheet flow (.e. along a contour) or to a legal point of discharge as approved by the responsible authority. No sheet flow discharge point must be permitted within five (5) metres of the lowest property boundaries and any discharge point must not be located so as to surcharge any septic effluent disposal system to the satisfaction of the responsible authority.***
- 5. All excavation works upon the subject land must be kept to the absolute practicable minimum and to the satisfaction of the Responsible Authority.***
- 6. No additional vehicular access is permitted to be created/constructed to the satisfaction of the responsible authority.***
- 7. If the telecommunications facility is no longer in use, the installation must be decommissioned and removed to the satisfaction of the responsible authority.***



- 8. ***The use must not detrimentally affect the amenity of the neighbourhood, to the satisfaction of the responsible authority including through the:***
  - (a) Transportation of any material, goods or commodity to or from the land.***
  - (b) Appearance of any stored goods and material.***
  - (c) Emission of noise, artificial light, vibration, odour, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste product, grit and oil.***
  
- 9. ***The telecommunications facility must be designed and installed so that the maximum human exposure levels to radio frequency emissions comply with Radiation Protection Standard – Maximum Exposure Levels to Radiofrequency Fields – 3kHz to 300 GHz, ARPANSA, May 2002 to the satisfaction of the responsible authority.***
  
- 10. ***This permit will expire if one of the following circumstances applies:***
  - a) The development is not started within two years of the date of this permit.***
  - b) The development is not completed within four years of the date of this permit.***

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

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**PC091111-3 CONSTRUCTION OF A TWO (2) STOREY DWELLING AT 2
CAWOOD STREET, APOLLO BAY**

| | | | |
|-------------|---------------------------------------|-----------|------------|
| AUTHOR: | Carl Menze | ENDORSED: | Jack Green |
| DEPARTMENT: | Sustainable Planning
& Development | FILE REF: | PP210/2009 |

| | |
|-------------------------------|--|
| Location: | 2 Cawood Street, Apollo Bay |
| Zoning: | Residential 1 Zone |
| Overlays: | Design and Development Overlay Schedule 7 |
| Amendment: | N/A |
| Abuts: | Residential 1 Zone |
| Restrictive Covenants: | Nil |

Purpose

This application seeks support for the construction of a two (2) storey dwelling.

This application is before Council for consideration as the proposed dwelling exceeds 8m in height.

Declaration of Interests

The author has no pecuniary interest in this application.

Background

There are no previous planning permit applications on record for the subject site.

Council Plan / Other Strategies / Policy

The Apollo Bay Structure Plan's objective for building heights in residential areas is:

"In the residential areas outside the town centre of Apollo Bay, limit building heights and ensure upper levels are well articulated to respect the character of the area."

The proposed dwelling is considered to meet the objective above, which is discussed in greater detail later in this report.

Issues / Options

Council has the options of:

- a) Supporting the application through the issue of a Notice of Decision to Grant a Planning Permit subject to conditions.
- b) Supporting the application with changes.
- c) Refusing to grant a permit.

The key issue is whether the height of the proposed dwelling (9.0m) is suitable to the subject site and surrounds. The height of the dwelling is considered to be site responsive and appropriate in this instance.

Proposal

The proposal comprises the construction of a two (2) storey dwelling at 2 Cawood Street, Apollo Bay.

The proposed dwelling is setback 7.4m from the street frontage. The ground floor porch and upper level verandah are setback 5.5m from the street frontage. The dwelling incorporates minimum boundary setbacks of 1.51m from the west boundary, 5.04m from the east boundary and 9.5m from the rear property boundary.

The dwelling has a maximum height of 9.0m to the top of the roof pitch at the northern end (rear) of the subject site. The dwelling is to be constructed of a mixture of building materials including rendered masonry, weatherboards and colourbond cladding.

The dwelling is to contain three (3) bedrooms, lounge, living, kitchen, bathroom, rumpus, ensuite and a single garage.

Vehicular access is proposed via a 3.5m wide crossover to the east of the site's frontage leading to a single space garage with a hardstanding space in front.

Subject Site and Locality

The subject site is located on the north side of Cawood Street, Apollo Bay. The site is rectangular in shape with a width of 12.20m and a length of 39.63m. The site is void of native vegetation and has a total area of 760.3m². The site slopes away from the street frontage before flattening out to a relatively level site.

The site contains a shed structure within its north west boundaries. The structure is constructed of timber.

The surrounding area is characterised by a mixture of residential development including single dwellings and multi unit development of up to three (3) storeys. Properties generally incorporate well manicured gardens with a mix of native and exotic vegetation.

The adjacent property to the west (4 Cawood Street) is developed with a single storey dwelling with an undercroft garage. The dwelling is setback approximately 23.5m from the street frontage.

The adjacent property to the east (1-4/205 Great Ocean Road) is developed with four (4) single storey dwellings, all fronting Cawood Street. The dwellings are setback 7.0m from the street frontage with verandahs and carports protruding into the front setback.

The adjacent properties to the north (209 Great Ocean Road & 2 Casino Avenue) are developed with single dwellings. The subject land abuts the rear boundaries of each property.

Two recent developments opposite the subject site (3 & 5 Cawood Street) are developed with three (3) storey units, in excess of 9m in height.

Referrals

The application was referred to Council's Building and Infrastructure Departments. Neither objects to the proposal however the Infrastructure Department requires conditions to be placed on any permit issued.

Public Notice

The application under went public notification by means of mail to nearby residents and by placing one (1) sign on-site. The applicant has provided a Statutory Declaration stating that the advertising has been carried out in accordance with Council's requirements.

It is noted that the location of the sign was less than ideal in that it was placed on the site's eastern boundary fence. Whilst within one (1) metre of the street frontage, the sign was not orientated to face Cawood Street directly. Nevertheless, notices were sent by post to all adjoining landowners, therefore officers are satisfied that sufficient public notification has been undertaken.

At the conclusion of the notification period, a total of one (1) objection was received. The issue raised in the objection related to the height of the dwelling being 9m on one side.

This concern is addressed in detail below.

Consideration of the Proposal

- a. State Planning Policy Framework (SPPF) and Local Planning Policy Framework (LPPF) including Municipal Strategic Statement (MSS)

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

- Clause 15.08 – Coastal Areas
- Clause 16.01 – Residential Development for Single Dwellings
- Clause 19.03 – Design and Built Form
- Clause 21.03.3 – Apollo Bay and Marengo
- Clause 21.04-8 – Landscape Character

The proposal is considered to be in keeping with the objectives of the above policies. The dwelling's built form and style is considered be in keeping with the preferred character of the area. The dwelling will not dominate the landscape and sufficient areas are set aside for landscaping.

- b. Zone provisions

The objectives of the Residential 1 Zone are outlined below;

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To provide for residential development at a range of densities with a variety of dwellings to meet the housing needs of all households.*
- *To encourage residential development that respects the neighbourhood character.*
- *In appropriate locations, to allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs.*

A permit is not required to construct a single dwelling pursuant to Clause 32.01 of the Colac Otway Planning Scheme.

c. Overlay Provisions

The design objectives of the Design and Development Overlay 7 (DDO7) – Low Density Residential Areas are;

- *To limit building heights and ensure that upper levels are well articulated to respect the character of the area.*
- *To identify a lower density area facilitating a more spacious form of residential development.*
- *To ensure that development density is consistent with the coastal town character.*
- *To ensure that permeable space is available between dwellings to sustain vegetation.*
- *To ensure that new development maintains space between buildings so that views to the surrounding landscape are retained.*

A permit is required to construct or extend a dwelling if it exceeds 8m in height pursuant to Schedule 7 of Clause 43.02 of the Colac Otway Planning Scheme.

Furthermore DDO7 states:

“Buildings and works must not exceed a height of 9 metres.

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:

- *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, incorporating setbacks to upper levels to reduce building bulk and overshadowing.*
- *Articulated roof forms on new developments to provide visual interest to the street.*
- *Buildings greater than 8 metres in height have a front setback at the upper level of 3 metres.*
- *Applications for more than one dwelling on a lot should be at a density that would enable future subdivision in accordance with the subdivision requirements of this clause.”*

Discussion

The proposed dwelling only requires planning approval as part of the dwelling exceeds 8m in height. The proposed dwelling has a maximum height of 9m in accordance with the maximum allowable height under the DDO7.

Whilst the height exceeds 8m, it is considered to be an acceptable design response in this instance. The area exceeding 8m is a small portion of the roof form to the rear of the proposed dwelling. The proposed dwelling is less than 8m in height at the street frontage.

The additional height is a design response intended to provide for a more aesthetically pleasing roof form as opposed to a flat roof. A key design standard of DDO7 is;

“Articulated roof forms on new developments to provide visual interest to the street.”

The additional height will allow for a roof form which tapers upward away from the street frontage. The proposed roof form will present as a slightly pitched form, providing the dwelling with a more interesting appearance which is encouraged by the DDO7.

The applicant has demonstrated that the entire dwelling could be kept to less than 8m in height through the provision of a flat roof. Such a design response would not require planning approval, however, the end result would be a dwelling which presents in a more ‘boxy’ built form which is not consistent with the preferred character of the DDO7 or existing character nearby.

The proposed dwelling incorporates an upper level which is well articulated from the ground floor level. Together with the use of different building materials and a varied colour palate, the dwelling form is well articulated ensuring it will not dominate the streetscape.

Financial and Other Resource Implications

Not applicable to this application.

Risk Management & Compliance Issues

Not applicable to this application.

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

Overall the proposal is considered to be a positive outcome and will not result in any detriment to the amenity of the surrounding area or any persons. The area of building which requires a permit is very small, and the additional height of the dwelling above 8m has minimal impact on the amenity of the area.

It is recommended that a Notice of Decision be issued.

Attachments

Nil

Recommendation(s)

That the Planning Committee resolve to issue a Notice of Decision to Grant a Permit for a Two Storey Dwelling at 2 Cawood Street, Apollo Bay, subject to the following conditions:

- 1. The layout of the site and the size of the proposed buildings and works as shown on the endorsed plans must not be altered or modified without the written consent of the Responsible Authority.***
- 2. The nature and colour of building materials employed in the construction of the buildings and works hereby permitted must be of 'muted earthy tones' to the satisfaction of the Responsible Authority.***
- 3. Access onto and within the property must be constructed to the satisfaction of the Responsible Authority.***
- 4. An application to construct a vehicle crossing must be lodged and approved by the Responsible Authority prior to the commencement of works.***
- 5. The driveway must enter the roadway perpendicular to the roads centre line and be in a safe location for users, pedestrians, cyclists and motorists by consideration of both vertical and horizontal sight distance to the satisfaction of the Responsible Authority.***
- 6. The driveway must be constructed to an all weather surface to the satisfaction of the Responsible Authority.***
- 7. 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.***
- 8. This permit will expire if one of the following circumstances applies;***
 - The development is not commenced within two (2) years of the date of this permit;***
 - The development is not completed within four (4) 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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**PC091111-4 TWO LOT SUBDIVISION OF LAND AT 34 CAWOOD STREET, APOLLO BAY**

|             |                                    |           |            |
|-------------|------------------------------------|-----------|------------|
| AUTHOR:     | Anne Sorensen                      | ENDORSED: | Jack Green |
| DEPARTMENT: | Sustainable Planning & Development | FILE REF: | PP 32/09   |

**Location**                                **34 Cawood Street, Apollo Bay (Lot 2, LP216706U, Parish of Krambruk)**

**Zoning:**                                    **Residential 1 Zone**

**Overlay Controls:**                    **Design and Development Overlay – Schedule 7 (DDO7)**

**Amendment:**                            **N/A**

**Abuts:**                                     **Residential 1 Zone**

**Restrictive Covenants:**            **Nil**

#### **Purpose**

This application is seeking approval for a two lot subdivision of land at 34 Cawood Street, Apollo Bay and is before Council's Planning Committee as four objections have been received.

The proposal is considered to be inconsistent with the neighbourhood character of the area, and the provisions of the Design and Development Overlay – Schedule 7 (DDO7 – Apollo Bay and Marengo – Lower Density Residential Areas). It is therefore recommended that a Refusal to Grant a Permit be issued.

#### **Declaration of Interests**

The officer has no pecuniary interest in this application.

#### **Background**

This application follows two previous applications for subdivision of the site. PP02/027 was refused by Council at its meeting of 22 May 2002 on the following grounds:

1. The proposal is out of character with the neighbourhood, particularly the character in Banksia Court.
2. To allow two dwellings on the site, currently known as 34 Cawood Street Apollo Bay, would be an overdevelopment of the site.

PP304/04 was lodged on 29 July 2004 and proposed a similar two lot subdivision. No objections were received in response to this application and it was approved on 14 January 2005. At that time, the Apollo Bay and Marengo Neighbourhood Character Study remained a draft document only. This permit expired on 14 January 2007 as the plan of subdivision was not certified within two years of the issue of the planning permit.

**Council Plan / Other Strategies / Policy**

The Apollo Bay Structure Plan's objectives for residential development are:

- a) *Define and maintain a hard edge to the urban area of each of the three settlements, particularly when viewed from the Great Ocean Road;*
- b) *Ensure that urban development results in the efficient utilization of existing infrastructure and minimizes the requirements for new infrastructure;*
- c) *In the residential area outside the town centre of Apollo Bay, limit building heights and ensure upper levels are well articulated to respect the character of the area;*
- d) *Require new development and streetscape works in the Apollo Bay town centre to build on and reinforce the fishing village coastal character of the township, and contribute to the creation of a vibrant public realm.*

The Apollo Bay Structure Plan incorporates the recommendations of the Apollo Bay and Marengo Character Study 2003. A number of Design and Development Overlays were introduced into the Colac Otway Planning Scheme via Planning Scheme Amendment C55 across the residential precincts of Apollo Bay. Clause 21.03-3 of the Planning Scheme provides strategic direction for Apollo Bay as well as the Design and Development Overlay – Schedule 7 (DDO7 – Apollo Bay and Marengo – Lower Density Residential Areas).

**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 issue relating to this application is whether the proposed subdivision is consistent with the State and Local Policy Framework. This is discussed further in the report below.

**Proposal**

Approval is sought for a two lot subdivision of the site. Lot 1 will be located on the corner of Cawood Street and Banksia Court and will have an area of 333m<sup>2</sup>. Lot 2 will have an area of approximately 348m<sup>2</sup>, with a 19.25m frontage to Banksia Court. A 10m x 15m building envelope, car parking and open space areas have been identified for each lot.

**Site & Surrounds**

The site is located on the northwest corner of Cawood Street and Banksia Court, within 700m of the Apollo Bay town centre. It has a rectangular shape, with dimensions of 19.26m by 35.40m with a total area of approximately 681m<sup>2</sup>. The site has a north-south orientation with Banksia Court forming the eastern frontage. It is vacant with no buildings or vegetation, and has a slight fall from the southern to the northern boundary. There is a 3.0m wide drainage and sewerage easement running along the northern boundary.

The land adjoining to the north of the site is vacant, while the adjacent western allotment contains a two (2) storey timber dwelling which is setback approximately 9m from the Cawood Street boundary.

Existing houses fronting Banksia Court are setback approximately 4.5m from the front boundary. The existing buildings on the south side of Cawood Street consist of single and two storey construction. Their setbacks from Cawood Street vary between 5m and 9m.

Banksia Court is a court-bowl street servicing approximately 20 residential allotments, ranging in size from 560sqm to over 1,000sqm. Two dwellings and a two lot subdivision have been developed at 10 Banksia Court (PPA398/00, issued 19 December 2000). Three lots remain undeveloped while all other lots contain a single dwelling only.

Both Cawood Street and Banksia Court are fully constructed with kerb and channel. There are existing drainage pits in Banksia Court to service the development.

### **Referrals**

It was not necessary to externally refer this application for a two lot subdivision. Should the application be approved the standard conditions of Clause 66.01-1 will apply.

The application was referred internally to Council's Infrastructure, Environment and Health Departments, all of which raised no objection.

### **Public Notice**

Notice of the application was given in June 2009 in accordance with Section 52 of the Planning and Environment Act via a sign on-site, and notices to all adjoining and opposite owners and occupiers.

Four objections were received. The wording of three of the objections was the same. The grounds of objection all relate to neighbourhood character concerns and are summarised as follows:

- The subdivision would be the only one in the vicinity and would not be in keeping with surrounding properties.
- The subdivision would be out of character with the local area. Cawood and Banksia Streets are low density housing areas.
- It would change the character of the streetscape.
- The size of the land once subdivided would be insufficient to build a suitable house which would blend in with the area.

The concerns raised by objectors are discussed in detail in the next sections of this report below.

### **Consideration of the Proposal**

a) State Planning Policy Framework (SPPF) and Local Planning Policy Framework (LPPF) including Municipal Strategic Statement (MSS)

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 15.08 – Coastal Areas
- Clause 15.12 – Energy Efficiency
- Clause 16.02– Medium Density Housing
- Clause 21.03-3 – Apollo Bay and Marengo

The proposal is a two lot subdivision and has the potential to implement urban consolidation principles at the State level, however, it is considered that it is not consistent with State or Council's local policies in regard to neighbourhood character considerations, which include to;

- ensure development is sensitively sited and designed and respects the character of coastal settlements (Clause 15.08)
- encourage the development of well designed medium density housing which respects the neighbourhood character (Clause 16.02).
- retain Apollo Bay, Marengo and Skenes Creek as distinct coastal settlements with their own character (Clause 21.03-3).
- preserve the seaside village character of Apollo Bay (Clause 21.03-3).
- aim to limit building heights in the residential areas outside the town centre of Apollo Bay and ensure upper levels are well articulated to respect the character of the area, and provide for a more traditional dwelling density to contribute to a diversity of housing choice (Clause 21.03-3).

Strategies to achieve the objectives of Clause 21.03-3 specifically require Council 'to ensure that the development of Apollo Bay and Marengo occurs generally in accordance with the strategic directions outlined in the Apollo Bay Framework Plan'. This Plan encourages infill development at appropriate densities in existing residential areas, but discourages smaller lot subdivision in the outer parts of Apollo Bay. The density of the lots proposed is not consistent with the existing neighbourhood character of the area and is contrary to the objectives of the Design and Development Overlay Schedule 7 (DDO7).

b) Zoning Provisions

The site is located within a Residential 1 Zone under the Colac Otway Planning Scheme. The purpose of the zone is as follows:

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To provide for residential development at a range of densities with a variety of dwellings to meet the housing needs of all households.
- To encourage residential development that respects the neighbourhood character.
- In appropriate locations, to allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs.

A permit is required to subdivide land under Clause 32.01-2. The proposal must meet the requirements of Clause 56 (ResCode), and must meet all of the objectives and should meet all of the standards of Clauses 56.03-5, 56.04-2, 56.04-3, 56.04-5, 56.06-8 to 56.09-2.

Whilst the development would add to the variety of lots available in the area, it does not contribute to the preferred neighbourhood character of the area, as identified through the DDO7 overlay. This overlay applies to lower density residential areas and seeks to facilitate a more spacious form of residential development, consistent with the coastal town character (see discussion below). As such, the development is not consistent with the purpose of the zone, which seeks 'to encourage residential development that respects the neighbourhood character.

c) Overlay provisions

The land is within the Design and Development Overlay Schedule 7 (DDO7) - Apollo Bay and Marengo – Lower Density Residential Areas.

Design Objectives of the DD07 include:

- To limit building heights and ensure that upper levels are well articulated to respect the character of the area.
- To identify a lower density area facilitating a more spacious form of residential development.
- To ensure that development density is consistent with the coastal town character.
- To ensure that permeable space is available between dwellings to sustain vegetation.
- To ensure that new development maintains space between buildings so that views to the surrounding landscape are retained.

A permit is required to subdivide land under Clause 43.02-3. The site is located in Precinct 2 under which the minimum lot size is 450sqm (site area per dwelling inclusive of any common property).

A higher density than specified may be permitted where all of the following apply:

- The land contains little or no native vegetation, or the proposal will not result in a significant loss of native vegetation; and
- The proposal includes a landscape plan that will increase vegetation cover in a manner that is consistent with the landscape character of the townships; and
- The land is not, and any proposed development will not be, visually prominent when viewed from the Great Ocean Road or any other public key viewing location; and
- The gradient is flat or gentle, with no portion of the site exceeding a 10% slope; and
- The configuration and characteristics of the existing lot(s) will accommodate new lots that are versatile and energy efficient.

Before deciding on an application the responsible authority must consider, in addition to the decision guidelines in Clauses 65 and 43.02-05, the following:

- The appropriateness of any subdivision, building or works having regard to land capability, including land form, slope, drainage and the presence of remnant vegetation.
- The extent to which the proposed subdivision or development meets the objectives and design responses for the precinct within which it is located as specified in the Apollo Bay and Marengo Neighbourhood Character Study 2003.

This overlay was introduced into the Colac Planning Scheme as part of Amendment C55 which was gazetted on 18 June 2009, and seeks to facilitate a more spacious form of residential development outside the Apollo Bay town centre, consistent with the coastal town character.

DDO7 does allow consideration of a higher density and the application addressed these exemptions as follows:

- The land is vacant and does not contain any native vegetation.
- The proposal includes a landscape plan that will increase vegetation cover along the street frontages.
- The site is some 400m from the Great Ocean Road and development of the lots will not be visible from it or any other public key viewing location.
- The land is relatively flat with a slight fall to the north. The slope is much less than 10%.
- The proposed lots are nearly square in configuration which will allow a dwelling to be sited on each with appropriate north aspect.

The DDO7 also provides that in precincts where a development density of 450sqm applies, the development density may be reduced to 300sqm provided the gross floor area of all buildings (including outbuildings and externally roofed area) does not exceed a plot ratio of 0.5:1. Whilst the application seeks approval for subdivision only, the applicant was requested to consider plot ratio in reviewing the building envelopes as part of a further information request. This matter was not addressed in the applicant's response, however the proposed building envelopes appear to have a plot ratio of 0.44:1. Should the application be approved Council could not prevent development of two storey dwellings on these lots, which would exceed the maximum plot ratio prescribed by this overlay.

Despite satisfactorily addressing some of the relevant exemptions contained in the DDO7, it is considered that the proposed subdivision is not an appropriate outcome in this lower density residential area. The density proposed is significantly higher than the recommended density, and is inconsistent with spacious character sought by this overlay.

All surrounding land is also within the DDO7 area. Lots in Banksia Court and Cawood Street in the vicinity of the site are developed by single dwellings only (apart from 10 Banksia Court), and no approvals for units or subdivisions have been issued since Amendment C55 became a seriously entertained document. The proposed lots of 333sqm and 347sqm will be out of character with development in this court and with lots along Cawood Street in the vicinity of this site.

Concerns relating to neighbourhood character were raised by objectors, and these concerns are considered to be valid planning considerations. The density proposed is not consistent with the existing character of the area, and the proposal will not be in keeping with surrounding properties. It will also change the streetscape of Banksia Court which is characterised by single dwellings on large lots. The proposal will not contribute to a more spacious form of residential development consistent with the coastal town character.

Approval of this proposal is likely to result in an undesirable precedent and to create pressure for approval of similar subdivisions and developments at densities higher than recommended by the DDO7.

As such, it is considered that the proposal does not present an appropriate outcome against the requirements of this overlay.

d) Particular Provisions

The application was assessed against relevant Clause 56 (Residential Subdivision) objectives and varies from the following objectives:

- *Clause 56.03-5, Neighbourhood Character Objective* - It is considered that the proposed subdivision does not respond to the existing and preferred lower density character of the area.
- *Clause 56.04-2, Lot Area and Building Envelopes Objective* - Each lot has an area between 300sqm and 500sqm, and has been provided with a 10m by 15m building envelope, consistent with this objective. A 3.0m northern setback is provided to Lot 1, however solar access to Lot 1's private open space area is likely to be restricted by development on Lot 2.
- *Clause 56.04-3, Solar Orientation of Lots Objective* - The solar orientation and access to Lot 2 is appropriate, however as discussed above Lot 1's solar access will be limited by development on Lot 2.

### **Financial and Other Resource Implications**

There are no known financial or other resource implications arising from this proposal.

### **Risk Management & Compliance Issues**

There are no known risk management or compliance issues arising from this proposal.

### **Environmental and Climate Change Considerations**

The site is located at the 13.5m contour and is over 500m from the coast. It is unlikely to be affected by climate change and environmental considerations.

### **Communication Strategy / Consultation**

Public notice of the application was required and all parties will be advised of the decision and provided an opportunity to appeal the decision at VCAT.

### **Implementation**

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

### **Conclusion**

The application is inappropriate as it proposes subdivision to accommodate medium density development in an area identified as a lower density residential area. The lot sizes are not consistent with the objectives and recommended density of DDO7. The proposal is also contrary to relevant State and Local Planning Policy Frameworks, the purpose of the Residential 1 Zone and Clause 56 (ResCode) provisions, as they relate to neighbourhood character. Objectors' concerns relating to density and neighbourhood character are warranted, and if approved, the proposal will set an undesirable precedent for similar medium density development.

It is therefore recommended that a Refusal to Grant a planning permit be issued.

### **Attachments**

Nil

### **Recommendation(s)**

***That Council's Planning Committee resolve to issue a Refusal to Grant a Planning Permit for a two lot subdivision at 34 Cawood Street, Apollo Bay, on the following grounds:***

1. ***The proposal is inconsistent with the objectives of the Design and Development Overlay – Schedule 7 (Lower Density Residential Areas), which encourage lower density development consistent with the coastal town character.***
2. ***The proposed subdivision is out of character with the existing and preferred neighbourhood character of the area and existing settlement pattern.***
3. ***The proposal is inconsistent with the provisions of the State and Local Planning Policy Framework, the provisions of the Residential 1 Zone and the requirements of Clause 56 (ResCode) as they relate to neighbourhood character.***

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The proposed development is consistent with the vision and objectives of the Colac Structure Plan in that the proposed development will help to maintain the economic viability of the existing industry and will not detract from the built form and landscape of the area.

Council in January 2009 engaged AECOM Australia Pty Ltd (formerly Maunsell) to undertake a car parking study for Colac and Apollo Bay. This study is unlikely to give consideration to parking rates for industrial uses.

Issues / Options

Council has the options of:

- a) Supporting the application through the issue of a permit subject to conditions
- b) Supporting the application with changes
- c) Refusing to grant a permit

The key issues are:

- the height of the proposed shed being 9 metres
- waiving of car spaces
- landscaping

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

Proposal

Planning approval is sought for construction of a shed for manufacturing concrete products and for the waiving of 17 car spaces.

The proposed shed will be 16.16 metres x 45.66 metres with a total floor area of 737sqm and a height of 9 metres. The shed will be located to the rear of the site on the north property boundary, behind an existing shed. The proposed shed will be set back in excess of 20 metres from the road frontage with the plot ratio not exceeding 0.8. The proposed shed will be sited along the complete north (rear) boundary which borders a car wreckers yard. Landscaping is being provided to the south of the site which fronts the Princes Highway with the planting consisting of trees ranging in height from 1 metres to 5 metres. Further landscaping will be required along the east boundary.

The height of the shed is required to be 9 metres in order to accommodate an overhead crane and to give the correct working height clearances for the production of pre cast concrete panels.

Existing access to the site will be utilised. The applicant proposes 4 car spaces be made available on-site as only four (4) employees are required for the proposed manufacturing of the concrete tilt panels. The purpose of the shed is for a production facility with no requirement for retail or showroom facilities. The waiving of car spaces is sought to enable a turning area for delivery trucks, concrete trucks, semi trucks and the like.

Materials required for production including ready mixed concrete will be delivered via other companies, unloaded and stored in the facility which will eliminate on site wash out.

The hours of operation will be 8.00am to 4.30pm Monday to Friday.

Subject Site and Locality

The subject site is located at the western entrance of Colac with frontage to the Princes Highway which is a Road Zone Category 1. The site is rectangular in shape and has a total area of 4268sqm and has a flat topography.

Presently on site is an existing shed setback from the front boundary of 12 metres with an approximate area of 1,026sqm and overall height of 9 metres. The existing shed is located along the west boundary of the subject site and is used for storage. No landscaping exists on the subject site.

Car parking is available to the south of the site facing Princes Highway but is unsealed and not marked.

Access is available from the Princes Highway near the eastern boundary of the site and will be utilised for the proposed shed.

Land to the east and north is used for car wrecking.

Referrals

The application was referred internally to the Infrastructure Department and Building Department neither of which objected to the proposal subject to conditions.

The application was referred externally to Vic Roads, Department of Sustainability and Environment and Barwon Water.

VicRoads and Department of Sustainability and Environment had no objection to the granting of the permit and did not request conditions be placed on a permit.

Barwon Water required further information from the applicant in regards to:

- Peak hourly, daily and yearly rates of water usage;
- Whether the applicant intends to have water storage on site.

The applicant provided the following response:

- The premises will not be mixing concrete onsite, all concrete will be delivered to the site, minimal use of water is proposed for general cleaning of implements only, and no excessive use of water is proposed.
- The client is installing an onsite water tank for their general use.

The response was forwarded to Barwon Water which responded that it has no objection to the granting of the permit subject to a condition being placed on a permit.

Public Notice

Public notice under Section 52 of the Planning and Environment Act was given to adjoining and opposite property owners and a sign was placed on the site for a period of 14 days. No objections were received.

Consideration of the Proposal

The land is included in the Business 4 Zone and is subject to the Design and Development Overlay – Schedule 3 – Colac Highway Business and the Environmental Significance Overlay Schedule 1 – Warrion Ground Water. A planning permit is required under the zone and overlay provisions for buildings and works and waiving of car spaces. Under the zone provisions the use of the shed for industry (manufacturing concrete products) is a Section 1 use and does not require planning approval.

a. State Planning Policy Framework (SPPF) and Local Planning Policy Framework (LPPF) including Municipal Strategic Statement (MSS)

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

- Clause 15.01 Protection of catchments, waterways and groundwater
- Clause 17.03 Industry
- Clause 19.03 Design and Built Form
- Clause 21.03-2 Colac
- Clause 21.05-3 Manufacturing

The above policies, including the Colac Structure Plan, encourage the development of industries compatible with surrounding development. They also encourage the provision of an appropriate number of car spaces, having regard to the activities on the land and the nature of the locality.

The proposal is considered to accord with the principles of the State and Local Planning Policy Framework, and will assist in encouraging the development of a mix of manufacturing industry and their associated services. The site is appropriately located within the Business 4 Zone and the requirement of landscaping will enhance the appearance of the gateway to Colac from the West entrance. The issue of car parking is discussed further in more detail later in the report.

b. Zone provisions

The purpose of the Business 4 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 development of a mix of bulky goods retailing and manufacturing industry and their associated business services

Planning approval is not required to use the land for 'industry' under the Business 4 Zone. A permit is required under Clause 34.04-4 for Building and works in the Colac Otway Planning Scheme. 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.

The key issues arising from the business zone provisions (purpose of the zone and decision guidelines) relate to the provision of car parking and the streetscape and storm water discharge.

The application accords with the purpose to encourage a mix of manufacturing industry and their associated business services, however should the application be supported, permit conditions will require amended plans showing more landscaping and rearrangement of carparking facilities to increase onsite parking provision. 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 (DDO3) – Colac Highway Business. The objective of this overlay is to ensure the western entrance to Colac is developed so that the quality of buildings and works enhance the landscape character of this entrance to the town.

The DDO3 requires that all buildings and works comply with the following standards unless it can be demonstrated that an alternative approach achieves the design objective of this control (as relevant to this proposal).

- All buildings and works are to be set back 20 metres from the road frontage
- All staff parking and loading bays are to be located to the side or rear of any building
- Buildings should not exceed a height of 8 metres above natural ground level
- Landscaping is to be provided in accordance with a landscaping plan

The shed will be located behind the existing shed and to the rear of the site. At present the subject site has no landscaping and the proposed development should be required to provide landscaping along the Princes Highway frontage and the east boundary.

A building currently exists on site that is 9 metres in height. The proposed shed will be over 20 metres from the front boundary and will be of a similar height and therefore will not be visually prominent from the street frontage and will not be out of context. Whilst greater than the 8 metres specified in the DDO3, it is considered the additional height would not compromise the objective of the overlay and is supported in this instance.

Unsealed parking currently exists to the front of the site. As part of the proposed planning conditions the applicant would be required to move the parking 1.5 metres from the front boundary to allow for landscaping along the frontage of the site and the eastern property boundary.

The site is also subject to an Environmental Significance Overlay Schedule 1. This site is within the Warrion Groundwater Area with the statement of environmental significance being for the protection and retention of groundwater quality.

The application has been referred to Barwon Water which has no objections to the proposal. The proposed shed will be used as a production facility only. Materials required for the production will be delivered via other companies, unloaded and stored in the facility, eliminating on-site wash out which will protect the groundwater from contamination.

d. Particular Provisions

Clause 52.06 Car Parking requires 2.9 car spaces to each 100sqm of net floor area for an Industry. There is scope under this provision to seek a reduction or a waiving of car spaces.

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
- 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
- An empirical assessment of car parking demand
- Any other relevant consideration.

Based on the size of the shed being 737sqm, 21 additional car spaces are required for this proposal. The applicant is providing 4 additional car spaces on-site, requiring the waiving of 17 car spaces. The site currently makes provision for 9 car spaces which is adequate for the use of the existing building for storage.

The applicant has stated that only four (4) employees are required for the production of the manufacturing use of the proposed shed, and therefore demand for car parking is limited.

With the provision of the additional 4 car spaces, the total car spaces provided on site will be 13 car spaces. Whilst this level of parking may suit the current number of employees, it does not allow for any future increase in staff or use of the site to change. It is considered appropriate that the parking layout be modified to increase parking for the proposed use from 4 spaces to 10 along the east boundary, 1.5 metres from the fence line (to allow for landscaping). This will provide the site with nineteen (19) car spaces, reducing the requested waiving of spaces from 17 to 11, and result in a practicable outcome which provides flexibility to cater for future changes in circumstances.

Financial and Other Resource Implications

This proposal raises no financial or resourcing implications for Council.

Risk Management & Compliance Issues

This proposal raises no risk management or compliance issues.

Environmental and Climate Change Considerations

The application is within an Environmental Significance Overlay Schedule 1 which is the Warrion Groundwater Area. The protection and retention of groundwater is of major significance to the community.

The application was referred to Barwon Water under Section 55 of the Act. As previously stated a condition is required to be placed on any permit issued which requires that no water shall be used from Barwon Water's pipelines fronting the land to mix and manufacture concrete products other than minimal use for cleaning of implements.

The applicant has stated that ready mix concrete will be delivered by other companies to the site which will eliminate on site wash out. The covered work area will eliminate ground water runoff and all catchment water from the roof will enter the storm water system in a clean condition.

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 in accordance with the Council resolution.

Conclusion

Overall it is considered that the proposal will not result in any detriment to the amenity of the surrounding area or any persons. Whilst the height exceeds 8 metres, the building is well set back from the Princes Highway behind a building of similar height, and therefore will have minimal visual impact.

The waiving of 17 car spaces is considered excessive and it is recommended that the applicant provide further car spaces along the east boundary. The use of the land for this activity is unlikely to generate any significant demand for car parking facilities given the nature of the activity, and whilst some waiving would still be necessary, ten spaces should be adequate for the proposed use.

Attachments

Nil

Recommendation(s)

That Council approve the issue of a Planning Permit 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) Removal of car spaces 1 & 2 and placed along east boundary with parking spaces 10-13;***
 - b) Change parking 10 – 13 to angle parking and increase to a total of 10 car spaces, setback 1.5 metres from fence line;***
 - c) Carspaces 3 -9 set back from south boundary 1.5 metres;***
 - d) Carspaces 3-6 to be used for staff parking only and to display signage of this, and***
 - e) Landscaping to be shown along the entire length of the Princes Highway (refer Condition 3)***

- 2. The layout of the site and the size of the proposed building and works for a production facility only, for the manufacturing of pre cast concrete tilt panels as shown on the endorsed plans must not be altered or modified without the written consent of the Responsible Authority.**
- 3. Before the development starts, a landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The landscaping plan must be generally in accordance with the landscaping concept plan and prepared by a suitably qualified consultant. The plan must show:
 - a) landscaping along the entire length of the Princes Highway frontage and the eastern boundary (not covered by a building).**
 - b) a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.****
- 4. Landscaping is to be completed within 6 months of the development or works being constructed.**
- 5. The landscaping shown on the endorsed plan must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.**
- 6. Prior to commencement of the use, areas set aside for parked vehicles 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) surfaced with an all-weather seal-coat or surfaced with crushed rock or gravel to the satisfaction of the Responsible Authority**
 - d) line-marked to indicate each car space to the satisfaction of the Responsible Authority**

Parking areas must be kept available for this purpose at all times.**
- 7. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.**
- 8. 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.**

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

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.

Condition Required by Barwon Water

- 10. Water shall not be used from Barwon Water's pipelines fronting the land to mix and manufacture concrete products other than minimal use for cleaning of implements. That is, premixed ready to use concrete delivered to the site will be used for all manufacture of concrete products as advised by Toronga Design and Drafting's advice provided to Colac Otway Shire, dated 17 July 2009.**

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