



Colac Otway
SHIRE

AGENDA

PLANNING COMMITTEE MEETING
OF THE
COLAC-OTWAY SHIRE
COUNCIL

8 SEPTEMBER 2010

at 10:30 AM

COPACC

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

8 SEPTEMBER 2010

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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 on 8 September 2010 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 descendents here today.

Colac Otway Shire encourages active community input and participation in Council decisions. Council meetings provide one of these opportunities as members of the community may ask questions to Council either verbally at the meeting or in writing.

Please note that some questions may not be able to be answered at the meeting, these questions will be taken on notice. Council 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.

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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 11/08/10.**

Recommendation

That Council confirm the above minutes.

OFFICERS' REPORTS

Sustainable Planning and Development

PC100809-1	PLANNING & BUILDING STATISTICAL REPORT
PC100809-2	USE AND DEVELOPMENT OF A DWELLING AND ASSOCIATED WORKS AT 788 WILD DOG ROAD, APOLLO BAY
PC100809-3	USE AND DEVELOPMENT OF A TELECOMMUNICATIONS FACILITY (50 METRE HIGH LATTICE TOWER) AND ASSOCIATED WORKS AT 65 CASPERS ACCESS, FORREST.
PC100809-4	BUILDINGS & WORKS FOR THE PURPOSE OF CONSTRUCTING TWO (2) STORAGE SHEDS AND THE WAIVER OF 20 CAR PARKING SPACES AT 445 BIRREGURRA ROAD, BIRREGURRA.

Rob Small
Chief Executive Officer

PC100809-1**PLANNING & BUILDING STATISTICAL REPORT**

AUTHOR:	Janole Cass	ENDORSED:	Jack Green
DEPARTMENT:	Sustainable Planning & Development	FILE REF:	GEN000450

Summary

This report contains revised statistics relating to the month of July 2010. The amended report includes seven additional planning applications that were determined in that month that were inadvertently not reported originally due to a change in internal processes.

The statistical report for the month of August could not be included in this agenda due to the lack of time available between the end of the month and the finalisation of the agenda.

Planning Statistics

29 Planning permit applications were received for the period of 1 July 2010 to 31 July 2010.

32 Planning permit applications were considered for the period of 1 July 2010 to 31 July 2010.

Building Statistics

Please note that the Building Commission Website has been updated to June 2010.

Attachments

1. Planning Statistical Report July 2010

Recommendation(s)

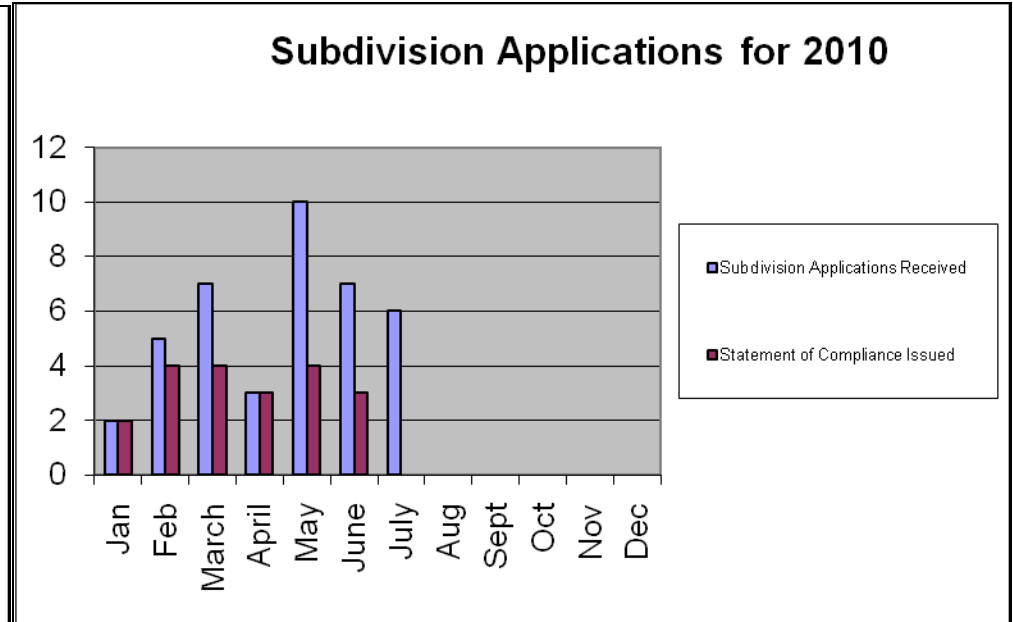
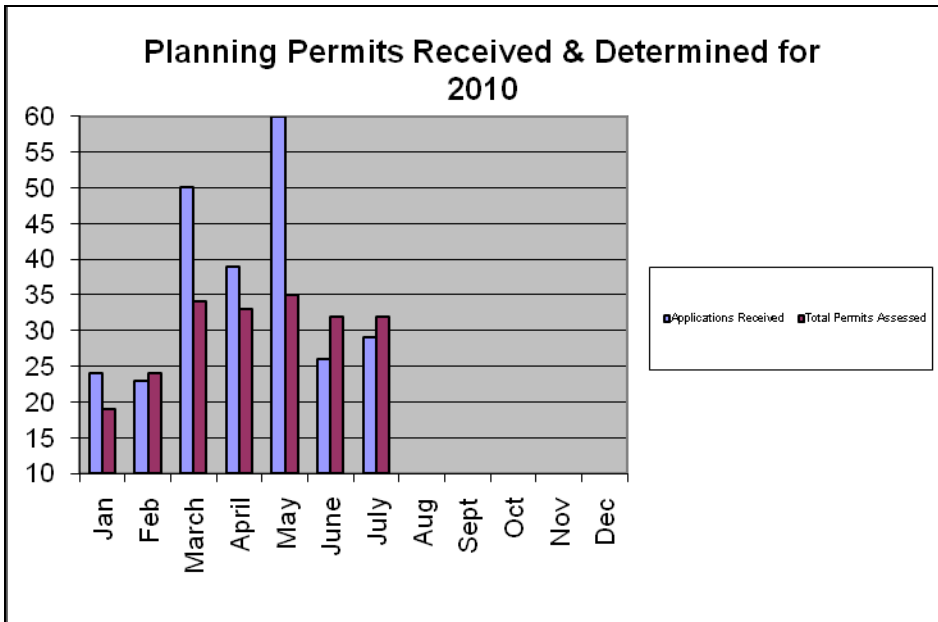
That Council's Planning Committee note the statistical report.

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## Planning Statistical Report July 2010

| APPLIC NO  | DATE RECEIVED | LOCATION                               | PROPOSAL                                                                                                   | DATE ISSUED | ACTUAL TIME | AUTHORITY          | DECISION           |
|------------|---------------|----------------------------------------|------------------------------------------------------------------------------------------------------------|-------------|-------------|--------------------|--------------------|
| 133/2004-2 | 17 JUN 2010   | 3 ILUKA AVENUE, WYE RIVER              | ALTERATIONS TO EXISTING DWELLING - AMENDMENT                                                               | 28 JUL 2010 | 41          | UNDER DELEGATION   | APPLICATION LAPSED |
| 316/2005-3 | 19 APR 2010   | 395 BLUE JOHANNA ROAD, JOHANNA         | DEVELOPMENT & USE OF THE LAND FOR A SINGLE DWELLING, ACCESS & ASSOCIATED WORKS – AMENDMENT                 | 14 JUL 2010 | 11          | PLANNING COMMITTEE | REFUSAL TO GRANT   |
| 302/2007-2 | 28 APR 2010   | 2643 COLAC FORREST ROAD, FORREST       | USE & DEVELOPMENT OF A DWELLING & SHED – AMENDMENT                                                         | 19 JUL 2010 | 42          | UNDER DELEGATION   | PERMIT ISSUED      |
| 137/2008-2 | 14 JUL 2010   | 28 PASCOE STREET, APOLLO BAY           | EXTENSION TO EXISTING FIRE STATION – AMEMDMENT                                                             | 27 JUL 2010 | 13          | UNDER DELEGATION   | PERMIT ISSUED      |
| 375/2008-2 | 25 JUN 2010   | 11 HARRINGTON STREET, SEPARATION CREEK | CONSTRUCTION OF A DWELLING – AMENDMENT                                                                     | 16 JUL 2010 | 14          | UNDER DELEGATION   | PERMIT ISSUED      |
| 415/2008-2 | 24 JUN 2010   | 130-138 BROMFIELD STREET, COLAC        | DEVELOPMENT OF A TRADE SUPPLY, WAIVERING OF CARPARKING & SIGNAGE – AMENDMENT                               | 15 JUL 2010 | 21          | UNDER DELEGATION   | PERMIT ISSUED      |
| 307/2009-2 | 12 JUL 2010   | 224-236 MURRAY STREET, COLAC           | SIGNAGE – AMEMDMENT                                                                                        | 28 JUL 2010 | 16          | UNDER DELEGATION   | PERMIT ISSUED      |
| 309/2009-1 | 4 NOV 2009    | 110 ROWLANDS ROAD, BARWON DOWNS        | THREE (3) LOT SUBDIVISION                                                                                  | 1 JUL 2010  | 120         | UNDER DELEGATION   | PERMIT ISSUED      |
| 358/2009-1 | 22 DEC 2009   | 42 MURRAY STREET, COLAC EAST           | CONSTRUCTION OF FIVE (5) DWELLINGS                                                                         | 21 JUL 2010 | 107         | UNDER DELEGATION   | NOTICE OF DECISION |
| 52/2009-2  | 28 JUN 2010   | 40 ALICE COURT, APOLLO BAY             | USE & DEVELOPMENT OF THE LAND FOR A DWELLING & ASSOCIATED WORKS – AMENDMENT                                | 19 JUL 2010 | 21          | UNDER DELEGATION   | PERMIT ISSUED      |
| 10/2010-1  | 15 JAN 2010   | 23 HARRINGTON STREET, SEPARATION CREEK | RENOVATION & EXTENSION OF EXISTING DWELLING, INCLUDING ADDITIONAL FLOOR LEVEL                              | 16 JUL 2010 | 10          | UNDER DELEGATION   | PERMIT ISSUED      |
| 42/2010-1  | 2 MAR 2010    | 570 DUNLOPS ROAD, BIRREGURRA           | RE-SUBDIVISION OF FIVE (5) LOTS TO CREATE FOUR (4) LOTS                                                    | 1 JUL 2010  | 75          | UNDER DELEGATION   | PERMIT ISSUED      |
| 55/2010-1  | 9 MAR 2010    | 19 TALBOT STREET, COLAC                | TWO (2) LOT SUBDIVISION                                                                                    | 16 JUL 2010 | 44          | UNDER DELEGATION   | PERMIT ISSUED      |
| 58/2010-1  | 11 MAR 2010   | 4 LANGDONS LANE, COROROOKE             | CONSTRUCTION OF A SHED (OUTBUILDING)                                                                       | 1 JUL 2010  | 44          | UNDER DELEGATION   | PERMIT ISSUED      |
| 64/2010-1  | 16 MAR 2010   | 70 MURRAY STREET, COLAC                | ALTERATIONS & ADDITIONS TO SHOP, SIGNAGE, EXTERNAL PAINTING AND WAIVER OF 4 CAR SPACES                     | 14 JUL 2010 | 76          | PLANNING COMMITTEE | PERMIT ISSUED      |
| 67/2010-1  | 17 MAR 2010   | 2 SEYMOUR CRESCENT, APOLLO BAY         | TWO (2) LOT SUBDIVISION & CONSTRUCTION OF A TWO (2) STOREY DWELLING                                        | 16 JUL 2010 | 18          | UNDER DELEGATION   | PERMIT ISSUED      |
| 69/2010-1  | 19 MAR 2010   | 6 KARINGAL DRIVE, WYE RIVER            | CONSTRUCTION OF AN OUTBUILDING                                                                             | 16 JUL 2010 | 18          | UNDER DELEGATION   | PERMIT ISSUED      |
| 73/2010-1  | 25 MAR 2010   | 1745 COLAC FORREST ROAD, GERANGAMETE   | USE & DEVELOPMENT OF THE LAND FOR HOUSEBOAT ACCOMMODATION & ASSOCIATED WITH AN OUTDOOR RECREATION FACILITY | 1 JUL 2010  | 31          | UNDER DELEGATION   | PERMIT ISSUED      |

| APPLIC NO  | DATE RECEIVED | LOCATION                              | PROPOSAL                                                                                                                                                                     | DATE ISSUED | ACTUAL TIME | AUTHORITY          | DECISION            |
|------------|---------------|---------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|-------------|--------------------|---------------------|
| 87/2010-1  | 8 APR 2010    | 125 BIRREGURRA YEODENE ROAD, YEODENE  | USE AND DEVELOPMENT OF THE LAND FOR THE PURPOSE OF CONSTRUCTING A FIRE STATION, ASSOCIATED BUILDINGS AND WORKS, REMOVAL OF NATIVE VEGETATION AND THE INSTALLATION OF SIGNAGE | 1 JUL 2010  | 43          | UNDER DELEGATION   | PERMIT ISSUED       |
| 99/2010-1  | 4 MAY 2010    | 374 QUEEN STREET, ELLIMINYT           | CONSTRUCTION OF A DWELLING & GARAGE                                                                                                                                          | 15 JUL 2010 | 39          | UNDER DELEGATION   | PERMIT ISSUED       |
| 102/2010-1 | 23 APR 2010   | 1429 PRINCES HIGHWAY, PIRRON YALLOCK  | REPLACING PARISH ROOF                                                                                                                                                        | 12 JUL 2010 | 45          | UNDER DELEGATION   | WITHDRAWN           |
| 104/2010-1 | 27 APR 2010   | 360 PHILLIPS TRACK, WEEAPROINAH       | INSTALLTION OF A CANOPY TOUR & SIMULATOR & ALTERATIONS TO EXISTING VISITOR CENTRE BUILDING                                                                                   | 14 JUL 2010 | 55          | PLANNING COMMITTEE | PERMIT ISSUED       |
| 113/2010-1 | 3 MAY 2010    | 77 MAIN STREET, BEEAC                 | USE OF PREMISES AS A SHOP, ADVERTISING AND WAIVER OF TEN (10) CAR SPACES                                                                                                     | 14 JUL 2010 | 37          | PLANNING COMMITTEE | PERMIT ISSUED       |
| 117/2010-1 | 5 MAY 2010    | 2480 TIMBOON COLAC ROAD, IRREWILLIPE  | CONSTRUCTION OF A NETBALL/SHELTER SHED                                                                                                                                       | 16 JUL 2010 | 49          | UNDER DELEGATION   | PERMIT ISSUED       |
| 121/2010-1 | 6 MAY 2010    | 2 LEAH STREET, COLAC                  | TWO (2) LOT SUBDIVISION                                                                                                                                                      | 1 JUL 2010  | 19          | UNDER DELEGATION   | PERMIT ISSUED       |
| 135/2010-1 | 11 MAY 10     | 550 SOUTH CUNDARE ROAD, CUNDARE NORTH | ALTERATIONS & ADDITIONS TO EXISTING DWELLING                                                                                                                                 | 15 JUL 2010 | 37          | UNDER DELEGATION   | PERMIT ISSUED       |
| 139/2010-1 | 18 MAY 2010   | 17 FORREST STREET, COLAC              | BUILDINGS & WORKS FOR THE PURPOSE OF CONSTRUCTING A NEW DECK, PERGOLA, DAM AND CARPARK AREA                                                                                  | 16 JUL 2010 | 62          | UNDER DELEGATION   | PERMIT ISSUED       |
| 140/2010-1 | 19 MAY 2010   | 122 MAIN STREET, BEEAC                | TWO (2) LOT SUBDIVISION                                                                                                                                                      | 15 JUL 2010 | 31          | UNDER DELEGATION   | PERMIT ISSUED       |
| 141/2010-1 | 21 MAY 2010   | 107 MAIN STREET, BEEAC                | CONSTRUCTION OF A GARAGE (RETROSPECTIVE)                                                                                                                                     | 1 JUL 2010  | 10          | UNDER DELEGATION   | PERMIT ISSUED       |
| 164/2010-1 | 16 JUN 2010   | 13 MURRAY STREET, COLAC               | REPLACE EXISTING SIGNAGE & WINDOW GRAPHICS                                                                                                                                   | 1 JUL 2010  | 1           | UNDER DELEGATION   | PERMIT ISSUED       |
| 175/2010-1 | 28 JUN 2010   | 205 WARROWIE ROAD, IRREWARRA          | EXTENSION TO EXISTING SHED                                                                                                                                                   | 8 JUL 2010  | 10          | UNDER DELEGATION   | PERMIT ISSUED       |
| 181/2010-1 | 7 JUL 2010    | 10 BREAKWATER ROAD, APOLLO BAY        | INSTALLATION OF A FISH CLEANING TABLE                                                                                                                                        | 23 JUL 2010 | 16          | UNDER DELEGATION   | PERMIT NOT REQUIRED |
|            |               |                                       | <b>AVERAGE DAYS TO PROCESS PLANNING APPLICATIONS</b>                                                                                                                         |             | <b>37</b>   |                    |                     |



[Pulse Building Statistics](#)

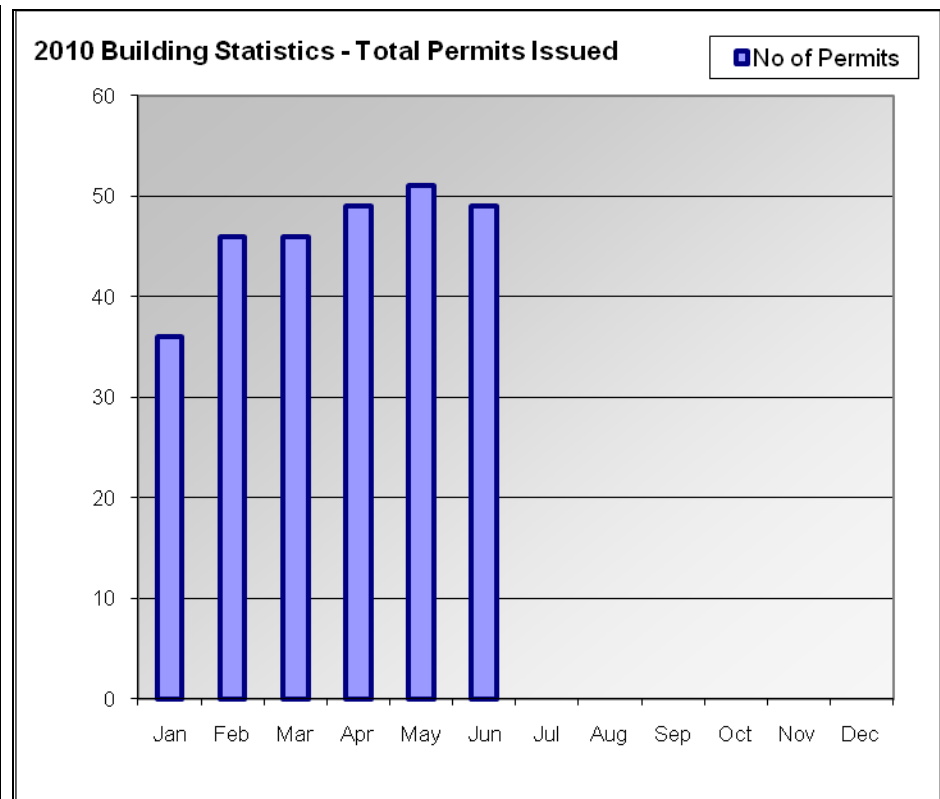
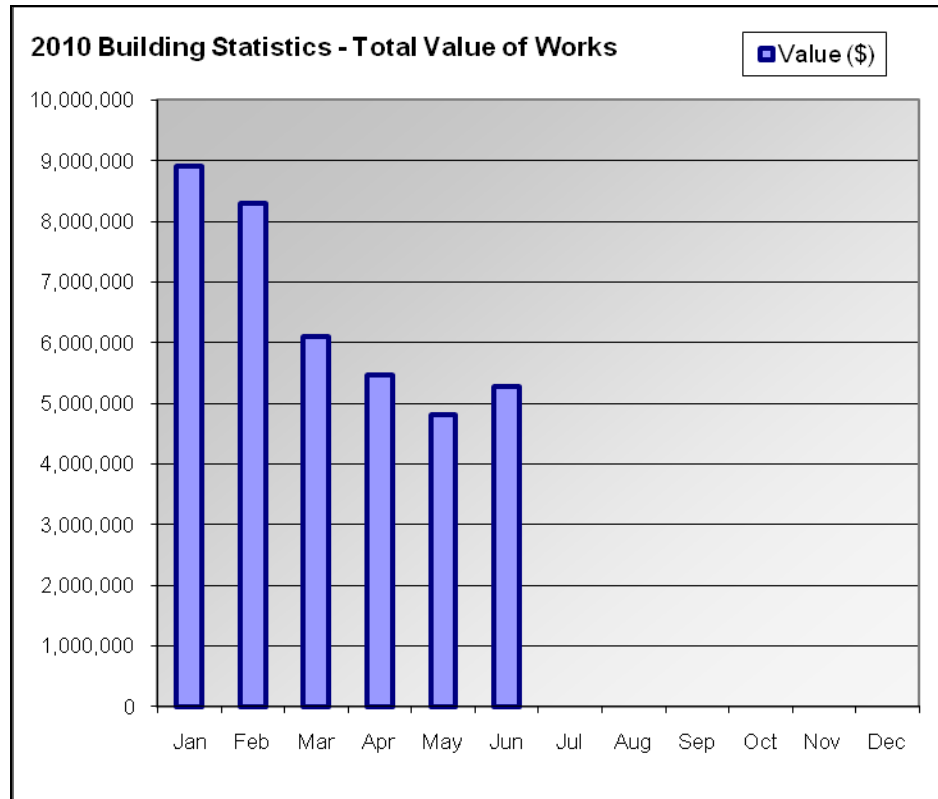
[Financial Yr Stats](#)

[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           | 28         | 4,006,262         | 0            | 0              | 3          | 2,156,102        | 0        | 0              | 1          | 700,000          | 0                   | 0          | 4                | 2,044,000        | 36               | 8,906,364         |
| Feb           | 35         | 4,714,164         | 0            | 0              | 5          | 1,116,245        | 2        | 202,000        | 1          | 200,000          | 0                   | 0          | 3                | 2,063,065        | 46               | 8,295,474         |
| Mar           | 30         | 3,682,282         | 1            | 10,000         | 6          | 246,720          | 2        | 239,000        | 0          | 0                | 0                   | 0          | 7                | 1,931,805        | 46               | 6,109,807         |
| Apr           | 43         | 5,063,194         | 0            | 0              | 3          | 124,230          | 0        | 0              | 0          | 0                | 0                   | 0          | 3                | 275,640          | 49               | 5,463,064         |
| May           | 41         | 3,516,484         | 0            | 0              | 5          | 155,750          | 0        | 0              | 1          | 250,000          | 0                   | 0          | 4                | 885,425          | 51               | 4,807,659         |
| Jun           | 39         | 3,673,155         | 2            | 837,632        | 5          | 290,855          | 1        | 50,000         | 0          | 0                | 0                   | 0          | 2                | 432,437          | 49               | 5,284,079         |
| Jul           |            |                   |              |                |            |                  |          |                |            |                  |                     |            |                  |                  |                  |                   |
| Aug           |            |                   |              |                |            |                  |          |                |            |                  |                     |            |                  |                  |                  |                   |
| Sep           |            |                   |              |                |            |                  |          |                |            |                  |                     |            |                  |                  |                  |                   |
| Oct           |            |                   |              |                |            |                  |          |                |            |                  |                     |            |                  |                  |                  |                   |
| Nov           |            |                   |              |                |            |                  |          |                |            |                  |                     |            |                  |                  |                  |                   |
| Dec           |            |                   |              |                |            |                  |          |                |            |                  |                     |            |                  |                  |                  |                   |
| <b>Totals</b> | <b>216</b> | <b>24,655,541</b> | <b>3</b>     | <b>847,632</b> | <b>27</b>  | <b>4,089,902</b> | <b>5</b> | <b>491,000</b> | <b>3</b>   | <b>1,150,000</b> | <b>0</b>            | <b>0</b>   | <b>23</b>        | <b>7,632,372</b> | <b>277</b>       | <b>38,866,447</b> |

\*Multi-Development





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**PC100809-2                    USE AND DEVELOPMENT OF A DWELLING AND  
ASSOCIATED WORKS AT 788 WILD DOG ROAD, APOLLO  
BAY**

|                    |                                       |                  |            |
|--------------------|---------------------------------------|------------------|------------|
| <b>AUTHOR:</b>     | Helen Evans                           | <b>ENDORSED:</b> | Jack Green |
| <b>DEPARTMENT:</b> | Sustainable Planning<br>& Development | <b>FILE REF:</b> | PP18/2010  |

**Location:**                                788 Wild Dog Road, Apollo Bay  
(C/A 2033 and C/A 24B Section 3 Parish of Krambruk)

**Zoning:**                                    Rural Conservation Zone

**Overlay controls:**                    Erosion Management Overlay Schedule 1, Wildfire  
Management Overlay and Significant Landscape Overlay  
Schedule 3-Apollo Bay Coastal Valley and Hills Precinct

**Proposed Amendments:**    Nil

**Purpose:**

The application is seeking approval to construct a building to be used as a dwelling and associated works including effluent disposal and vehicular access.

The application is before the Planning Committee as five objections have been received to the application.

It is recommended that a Refusal to Grant a Planning Permit be issued.

**Declaration of Interests**

No officer declared an interest under the *Local Government Act 1989* in the preparation of this report.

**Summary**

- The application seeks approval for the use and development of the land for a dwelling that is sited on the top of a ridge, and associated works including effluent disposal and vehicular access.
- The site is situated within Rural Conservation Zone land located on the eastern side of Wild Dog Road, Apollo Bay.
- Council has previously refused a planning application for a similar proposal in October 2008.
- Five objections have been received that raised issues relating to the environmental management of the land, impact of the development on the landscape, vehicular access, potential landslip risk and inconsistency with planning policy.
- Vehicle access is to be gained from the north of the proposed dwelling off Wild Dog Road, via part of the accessway leading to the adjoining dwelling at 790 Wild Dog Road, which forms part of the Wild Dog Road reserve.

- The development is not consistent with the planning scheme provisions and it is considered that the development will have a negative impact on the visual amenity of the area.
- It is recommended that a Refusal to Grant a Permit be issued.

### **Background**

The property is a combination of two titles – Crown Allotment 24B Section 3, Parish of Krambruk and part of a former government road (described as Crown Allotment 2033 Parish of Krambruk). The two titles together have a total area of 1.849ha. This land formerly formed part of a larger holding of approximately 50ha until sold separately in 2002.

The Planning Committee at its October 2008 meeting resolved to refuse an application on this land. Planning application PP181/2007 was for a similarly designed dwelling that was to be sited on the southern side of the ridge.

### **Issues / Options**

Council has the options of:

- Supporting the application through the issue of a Notice of Decision to Grant a Permit;
- Supporting the application with changes:
- Refusing to grant a permit.

Key issues relate to the policy justification for the use of the land and the visual impact of the development.

### **Proposal**

The application seeks approval for the development and use of a dwelling and associated works including effluent disposal and vehicular access. The applicant has indicated that it is proposed to consolidate the two titles should a planning permit be issued.

The proposed building is to be sited on the western slope of C/A 24B approximately 39 metres from the western boundary and 25 metres from the southern boundary. The vehicular access is proposed to be gained from the north of the proposed dwelling off Wild Dog Road, via part of the accessway leading to the adjoining dwelling at 790 Wild Dog Road, which forms part of the Wild Dog Road reserve. A continuation of the gravel accessway is proposed, in a south westerly direction, to provide a driveway across the proponent's land to the house site which sits around the 141m contour mark.

The proposed dwelling is situated on top of the ridge being orientated to capture views towards the southwest and the northwest, and has the following notable features:

- The split level dwelling has a floor area of 184.70m<sup>2</sup>, a deck with a floor area of 135m<sup>2</sup>, and an overall height of 5.4 metres;
- Projecting skillion roofs orientated towards the southwest;
- Feature water tanks leading to the entry;
- Open-plan kitchen/dining-room/living room leading out to a raised deck; 3 bedrooms with ensuite facilities, a feature spa bath and laundry.
- Car parking area sited to the east of the dwelling.

### **Site & Surrounds**

The site has a total area of 1.85ha made up of two titles, one being a former government road (area 1 ha) and the other a crown allotment (area of 8473m<sup>2</sup>).

The site is extremely steep, being located on the top of a ridgeline. From the top of the ridge the site falls steeply in all directions, with a 1 in 5 slope. There is no vegetation on the land. The dwelling site sits about 40m high above Wild Dog Road to the west and falling about 100 metres to the creek 300 metres to the east.

The site is located in a rural area that is steep to undulating. There is a mixture of cleared and heavily vegetated areas with a number of dwellings scattered throughout the area. This area forms part of the hilly landscape that provides a backdrop to Apollo Bay. Views can be obtained from the site to Apollo Bay and vice versa.

Properties surrounding the site generally contain a dwelling but all exceed 30ha in area. The smallest land holding with a dwelling onsite nearby is 6ha on Busty Road.

Wild Dog Road along with Skenes Creek Road, Forrest-Apollo Bay Road, Busty Road, and Tuxion Road are all identified as 'scenic routes' in the Colac Otway Planning Scheme.

### **Public Notice**

Public notice of the application was given in accordance with Section 52 of the *Planning and Environment Act* by sending a copy of the notice to adjoining property owners and occupiers and a sign was placed on the Wild Dog Road frontage on the site for a period of 14 days.

At the conclusion of the notification period, five objections were received. Issues raised in the objections have been summarised as follows:

- The subject site is infested with ragwort and blackberry and the owner has made no effort in the last 8 years to control weeds.
- Weed eradication is required by law and should not be contingent upon receiving a permit.
- The property has been for sale for some years and arguably the purpose of the application is to maximise the sale price of the property and has nothing to do with 'ongoing stewardship'.
- Application appears to have inaccurate, absent or potentially misleading information.
- Proposed dwelling will protrude approximately 2-4 metres above the ridgeline and the driveway will be on the apex of the ridge.
- Effluent disposal plan relates to the previous planning application.
- Landslip risk.
- Proposal not consistent with the purposes of the Rural Conservation Zone.

The issues raised in the objections will be addressed in the Planning Controls section of this report.

### **Referrals**

In accordance with Section 55 of the Planning and Environment Act, the application was referred to the County Fire Authority (CFA). The application was also referred internally to the Council's Environment, Health and Infrastructure Departments. No objections were received subject to conditions being imposed should a permit be issued.

### **Planning Controls**

The land is included in the Rural Conservation Zone (RCZ) and is subject to the Wildfire Management Overlay (WMO), Significant Landscape Overlay Schedule 3 - Apollo Bay Coastal Valley and Hills Precinct (SLO3) and the Erosion Management Overlay (EMO1). A planning permit is required for the use, buildings and works in the Rural Conservation Zone; and for buildings and works in accordance with Clause 42.03-2 (SLO), Clause 44.01-1 (EMO), and Clause 44.06-1 (WMO).

### State and Local Planning Policy

The State and Local Policy framework provides the strategic direction for the consideration of land use and development proposals. The following policies are relevant to the consideration of this application:

- Clause 11 – Introduction, Goal and Principles
- Clause 15.07 – Protection from wildfire
- Clause 15.08 – Coastal Areas
- Clause 16.03 – Rural living and rural residential development
- Clause 17.04 – Tourism
- Clause 17.05 – Agriculture
- Clause 21.02-2 – Land Use Vision
- Clause 21.03 – Settlement
- Clause 21.03-9 – Rural living
- Clause 21.04-5 – Erosion
- Clause 21.04-8 - Landscape character

The State Planning Policy Framework (SPPF) and the Local Planning Policy Framework (LPPF) seek to protect and enhance the natural landscapes of the coastal environment by ensuring development responds to the identified landscape character of the area. The LPPF identifies the importance of views of the landscape from road corridors and the need to control and manage development that is highly visible from main road corridors and principle tourist routes, whilst retaining the dominance of the landscape from key viewing locations. The LPPF further states that finishes and colours of buildings should complement those found naturally in the landscape with large buildings screened to minimise their visibility from main roads and key viewing locations. The Great Ocean Road Regional Landscape Assessment Study (GORRLAS) identified the area as being a Landscape of Regional Significance.

The proposal is not considered to be consistent with the broader principles of the State and Local Planning Policy Framework as the proposed development is considered to have an unreasonable visual impact on the scenic landscape when viewed from the surrounding roads. The proposal is not considered to preserve or enhance the significant coastal landscape.

### Zoning

The site is included in the Rural Conservation Zone (RCZ). The key objectives in relation to this proposal are:

- To conserve the values specified in the schedule - Prevent land degradation including soil erosion, salinity and vegetation removal because of agriculture and other activities.

- To protect and enhance the natural environment and natural processes for their historic, archaeological and scientific interest, landscape, faunal habitat and cultural values.
- To protect and enhance natural resources and the biodiversity of the area.
- To encourage development and use of land which is consistent with sustainable land management and land capability practices, and which takes into account the conservation values and environmental sensitivity of the locality.
- To provide for agricultural use consistent with the conservation of environmental and landscape values of the area.
- To conserve and enhance the cultural significance and character of open rural and scenic non urban landscapes.

In accordance with the Rural Conservation Zone, a permit is required for both the use and the buildings and works associated with a dwelling. Access to a dwelling must be provided via an all-weather road with dimensions adequate to accommodate emergency vehicles. Wastewater must be treated and retained on site in accordance with State Policy, and potable water must be adequately stored for domestic and fire fighting purposes. The dwelling must be connected to an electricity supply.

It is considered that all these components could be satisfied however the plans submitted as part of this application only show a water supply of 13,700 litres. This water supply is to provide 3,700 litres for potable purposes as well as 10,000 litres for firefighting purposes. Statistics show that the minimum amount of water the average Victorian uses per day is 145 litres. This equates to 8 days water for 3 people.

The land capability assessment submitted with the application recommends that the effluent disposal field be located in the northern section of the two lots and shall be positioned on the 5 degree slope in order to minimize landslip risk.

The dwelling is proposed to be connected to the reticulated electricity supply.

In relation to the buildings and works, setbacks of the proposed dwelling are considered to be generally in accordance with the 'preferred' setbacks highlighted at Clause 35.06-5 of this zone.

The only difference between this application and the application refused in 2008 is the repositioning of the dwelling to the southern side of the ridge and minor changes to the roofline of the dwelling. These changes do not fundamentally change the impact of the dwelling on the landscape and therefore the decision of the original proposal is still relevant.

The subject site was formerly part of a larger holding that was used for grazing and sold in 2002. The site is not fenced off from the adjoining property and the land is still currently being grazed. This is confirmed as part of the applicant's submission (visual impact assessment).

In consideration of the history of the lot, in particular having 2 separate narrow and irregular shaped lots, it appears that they have been created due to a realignment in the road and not for the purposes of a dwelling.

The site has a total area of 1.85 hectares and it is not considered that when a dwelling is constructed on the site, together with the driveway access, effluent disposal, that much land would be left to provide for adequate environmental benefit to offset the proposed dwelling.

To the contrary, the proposal would transform the use of the site to that of a residential nature and take the land out of agricultural production.

In addition, the applicant is required to satisfy the wildfire management requirements of the CFA by leaving an extensive area around the dwelling free of vegetation, therefore providing little opportunity to adequately screen the dwelling from view. Allowing a dwelling on a site of this size would effectively change the use of the land to rural residential. No land management plan has been submitted as part of the application and the revegetation/landscape plan submitted as part of the application is based upon trying to screen the development from surrounding land rather than having consideration for environmental improvement.

The applicant also relies on the VCAT decision *Valentine vs Colac Otway SC, 7 August 2009*, for a property at 20 Biddles Road, Apollo Bay, as justification for using the land for a dwelling. There are significant differences between the characteristics of this site and that referred to in the above VCAT determination. This site is smaller and more prominent than the site in the VCAT determination. The VCAT decision also acknowledged the potential for a dwelling to affect rural character and the landscape values of the land.

It is considered that the dwelling would not provide sufficient benefit to the land to warrant support for the proposal in accordance with the Rural Conservation Zone.

#### Overlays

The site is subject to the Erosion Management Overlay Schedule 1 (EMO1). The purpose of this overlay is to protect areas prone to erosion, landslip and other land degradation processes, by minimising land disturbance and inappropriate development. Under Clause 44.01 to this overlay, a permit is required to construct a building or carry out works and to remove, destroy or lop any vegetation.

A geotechnical assessment was undertaken by P Yttrup & Associates in May 2008 based on the 2008 permit application. A letter from P Yttrup dated 13 January 2010 states that the May 2008 report is still relevant to the new site being considered and that moving further away from the long east slope is an improvement relative to the original proposal.

The report describes existing landslips within proximity of the site. The report states that *"for residential construction a risk of 'moderate' is considered acceptable, then the residence shall be located away from the steep slopes. For the effluent field the high risk associated with the steep slopes should also be avoided. For the access track a shallow failure in residual soil on steep slopes (>20 degrees) is probably difficult to avoid but reconstruction is possible and not relatively expensive. Alternatively the access track could be engineered to reduce the likelihood of failure; for example anchoring to the underlying rock."*

The report further states in the recommendations that *'to have acceptable risk to property and life, the residence shall be located 3 metres back from the transition to steep slopes'*. Other recommendations in the report include trees and shrubs to be planted across the knoll consistent with bushfire requirements and that the effluent field be heavily vegetated together with landscaping along the access track to improve stability. The requirement for vegetation conflicts with the CFA wildfire management requirements to keep the area clear of vegetation. The CFA requirements are discussed later in this report.



The Geotechnical Engineer has previously confirmed in a phone conversation that the proposed siting of the dwelling should meet these requirements and any change would be minimal (i.e. 1-2 metres) if necessary. The change required by the Geotechnical Report would be to move the dwelling closer to the crest of the hill. The geotechnical report states that the proposed development is considered acceptable from a landslide point of view, providing the limitations in the report are adopted.

The report suggests that the least risk to life and property of landslip is to position both the effluent field and the dwelling on the crest of the hill and that the access track will have failures although only minor ones. Any movement closer to the crest of the hill will increase the exposure of the built form and resultant impact on the landscape.

The site is also 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.

A permit is required for buildings and works associated with accommodation.

A Wildfire Management Statement by Terramatrix dated 9 April 2010 was submitted as part of the application. This statement was referred to the Country Fire Authority (CFA) in accordance with Section 55 of the *Planning and Environment Act*. The CFA raised no objection to the application subject to a condition that water supply, access and vegetation management requirements are in accordance with the Terramatrix report.

The Terramatrix report describes management actions required to achieve the objectives of the WMO, namely water supply, access, buildings and works and vegetation. The report describes that the Bushfire Attack Level (BAL) equates to 40 which is the second highest level likely to be affected by a bushfire event. It is recommended that:

- vegetation in the inner and outer north-western and eastern zones is to be maintained, dry shrubs must be isolated in small clumps more than 10 metres from the dwelling, and there must be no elevated fuel on at least 50% of the area and grass must be no more than 100mm in height;
- for the inner north-western and eastern zones it is further required that trees do not overhang the dwelling;
- vegetation management zones should be maintained during the Fire Danger Period; and
- re-planting should be restricted to area outside of the vegetation inner and outer north-western and eastern zones.

The proposed landscaping concept plan submitted proposes to plant shrubs within the inner and outer north-western and eastern zones. The shrubs proposed will range in height from 1 metre to 12 metres. The revegetation proposed is seeking to screen the development from adjoining properties and scenic routes. Further to this, the geotechnical assessment also recommends that further planting be undertaken to improve slope stability. The landscaping also seeks to achieve the desired environmental benefit however this is all competing against the objectives of the Wildfire Management Overlay due to the size of the subject site and prominent topography of the land.

The site is also subject to the Significant Landscape Overlay Schedule 3 (SLO3). The purpose of the overlay is to conserve and enhance the character of significant landscapes. A permit is required to construct a building or carry out works.

Schedule 3 of this overlay relates to the Apollo Bay Coastal Valley and Hills Precinct. The landscape character objectives relative to this application are;

- To achieve the retention of the dramatic intersection of landscape 'edges' within the precinct, which could be further emphasized by increasing indigenous planting for subtle emphasis. Ribbon development and inappropriate development on hill faces should be limited, and township edges have the potential to be further defined.
- To increase the use of indigenous vegetation to highlight natural features within the precinct.
- To consider the contrasts between landscape elements within the precinct.
- To ensure that development that occurs on hill faces or in other prominent locations is not highly visible and sensitively designed.
- To consider the dominance of an indigenous natural landscape in coastal areas, between townships, particularly from the Great Ocean Road and avoid ribbon development.

The applicant submitted a proposed landscaping plan to screen the development from the surrounding properties and scenic roads. The plan demonstrates how the proposed landscaping could be set strategically around the boundary of the subject site and eventually provide a natural screening of the proposed dwelling. Concerns relate to the proposed landscaping to locate screen planting in close proximity to the proposed effluent disposal area; the multiple recorded landslips on and adjacent to the site; and the time it will take for the plants to reach a height that will actually provide a visual screen.

The intent of this overlay is to ensure that any development is sited so that it will not have an impact on the surrounding landscape. This property is so small and the land is on the top of a knoll, therefore there is no way to site a building without having an impact on the landscape, particularly in the short term.

### **Consideration of the Proposal**

A planning permit is required for a dwelling in the Rural Conservation Zone regardless of the size of the land and assessment of a dwelling must take into account whether the purpose of the zone has been satisfied. In this instance, it is considered that sufficient justification for a dwelling has not been provided. The area the property is only 1.85ha and when taking into account the land required for the driveway, effluent disposal and the dwelling and wildfire management requirements, little area is left to provide an overall environmental benefit that warrants approval of this proposal. Further to this, history suggests that the lots have been created from road realignments and were never intended to be developed for a dwelling.

The landslip risk assessment suggests that the best siting for the dwelling would be as close as possible to the crest of the hill and that the effluent disposal field be limited to slopes less than 10 degrees and that there is risk associated with potential failures with the proposed driveway.

The landscaping plan submitted provides opportunity for the development to be screened in the future based upon the growth and maintenance of the landscaping proposed, however in the short term the proposal would have an impact on the surrounding area, and would be inconsistent with landscape protection objectives expressed in the planning scheme.

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

There are no other corporate plans, strategies or policies relevant in the determination of this application.

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

The proposal raises no financial or resourcing implications for Council.

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

There are no risk management or compliance implications for the Council.

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

Any relevant environmental considerations have been addressed within this report.

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

Public notice of the application was required in accordance with Section 52 of the *Planning and Environment Act* as discussed earlier in the report.

#### **Conclusion**

The application seeks approval for both the use and development of a dwelling and associated works. A planning permit is required for a dwelling in the Rural Conservation Zone regardless of the size of the land and assessment of a dwelling must take into account whether the purpose of the zone has been satisfied. In this instance, it is considered that sufficient justification for a dwelling has not been provided.

It is further considered that the proposal does not meet the collective requirements of the Rural Conservation Zone and the various overlays applicable to the land and would have an adverse visual impact on the broader landscape. As such it is recommended that the application be refused.

#### **Attachments**

Nil

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

***That Council's Planning Committee resolve to Refuse to Grant a Planning Permit for the use and development of a dwelling and associated works at 788 Wild Dog Road, Apollo Bay (CA 24B and CA 2033, Parish of Krambruk) on the following grounds:***

- 1. The proposal is contrary to the purpose of the Rural Conservation Zone.***
- 2. The proposed development is situated on top of a ridgeline and will have a detrimental impact on the landscape, being contrary to the Local Planning Policy Framework and objectives of the Significant Landscape Overlay and Great Ocean Road Region Landscape Assessment Study.***

- 3. *The proposal will not result in any environmental benefit to the land given the competing objectives and requirements of the Wildfire Management Overlay, the Erosion Management Overlay and the Significant Landscape Overlay.***

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PC100809-3 USE AND DEVELOPMENT OF A TELECOMMUNICATIONS FACILITY (50 METRE HIGH LATTICE TOWER) AND ASSOCIATED WORKS AT 65 CASPERS ACCESS, FORREST.

| | | | |
|-------------|------------------------------------|-----------|------------|
| AUTHOR: | Helen Evans | ENDORSED: | Jack Green |
| DEPARTMENT: | Sustainable Planning & Development | FILE REF: | PP52/2010 |

Location: 65 Caspers Access, Forrest (C/A 6L, Parish of Yaughner)

Zoning: Farming Zone

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

Proposed Amendments: Nil

Purpose:

This application is seeking approval for the use of the land for a telecommunication facility and associated buildings and works which include the erection of a 50 metre tall lattice tower and associated antennas, equipment shelter, fencing, upgraded access track and associated earthworks.

This application is before the Planning Committee as the proposed structure is in excess of eight (8) metres in height and seven (7) objections have been received to the application.

It is recommended that a Notice of Decision to Grant a Permit be issued.

Declaration of Interests

No officer declared an interest under the *Local Government Act 1989* in the preparation of this report.

Summary

- The application seeks approval for the use and development of a 50 metre high telecommunications tower and associated works.
- The site is located within Farming Zone land and located on the southern side of Caspers Access northwest of the Forrest township.
- Seven objections have been received which raised issues relating to co-location of telecommunications facilities, visual impact of infrastructure and risk to health.
- The facility will achieve Telstra coverage objectives by improving phone and data services for Forrest and Barwon Downs. It has been identified that there is a gap in the availability of telecommunications in the Forrest area and given the high fire risk for this area it is important that effective telecommunications is available.
- The proposal generally complies with the planning scheme provisions and achieves an appropriate outcome in a Farming Zone.

- Whilst the tower would be visible above the ridge line from objector's properties, it is considered that the overall community benefit of providing improved telecommunication service coverage in this area is greater than the visual amenity impact.
- It is recommended that a Notice of Decision to Grant a Permit be issued.

Background

Council has been advocating strongly in recent years for improved telecommunications coverage in the Otways. There are many areas such as Forrest which do not have effective mobile coverage, which limits the capacity for these communities to communicate effectively in emergency situations such as on high fire risk days. Given Forrest's high fire risk, and its nomination as one of the 52 highest fire risk towns in the State, it has been a high order priority of Council and the other agencies involved in fire management to facilitate improved telecommunications in this area. The lack of mobile coverage in Forrest also limits the potential benefits of high speed broadband to the community by reducing the capacity for people to live and work within the Otways using that technology.

Councillors will be well aware of the recent controversy surrounding the proposal by Optus to construct a telecommunications tower at 6 Blundy Street on land owned by Council in the centre of Forrest township. Optus had received a planning permit for the facility in 2009 before commencing works to construct the tower in June of this year. Works on the site ceased after significant community opposition to the tower based on the broader visual impact of the tower from different parts of the town and health concerns regarding the proximity of the tower to residential properties. Whilst Optus had a valid planning permit for the facility that had gone through a proper planning process, it agreed to abandon its plans for that site following discussions with Forrest residents, and agreed to investigate other options within the area to locate their facility.

Optus has not yet been in a position to advise Council or the community about the outcome of these investigations, but there have been discussions occurring between Optus and Telstra about the potential for Optus to co-locate their facility on the Telstra tower if approved by this application. Co-location of the two telecommunications facilities on one tower (if this outcome could be facilitated) would be the best outcome for the Forrest community, avoiding a proliferation of towers that have a more adverse impact on the visual amenity of the area, although it is acknowledged that this is not yet a formal consideration as Optus is still undertaking an assessment of all of its options. The site of the Telstra proposal has a significant advantage over the former Optus site in Blundy Street in that it is well away from the town and nearby houses, and would have less visual impact in the immediate landscape of the town.

Issues / Options

Council has the options of:

- Supporting the application through the issue of a Notice of Decision to Grant a Permit;
- Supporting the application with changes:
- Refusing to grant a permit.

Key issues relate to the visual impact of the development and the need for such a facility in Forrest. As noted above, there is a critical need for improved mobile telecommunications in the Forrest area from a fire and emergency management point of view, and the proposed Telstra tower would be of significant benefit to the local community from a net community benefit point of view.

Proposal

Planning approval is sought for use of the land for a telecommunications facility including buildings and works associated with the use.

Proposed works include the erection of a 50 metre high lattice tower, headframe, associated antennas, equipment shelter, fencing, upgraded access track and associated earthworks.

This facility will be housed within a fenced security compound measuring 13.5m x 9m. The associated equipment shelter which measures 7.5m² in area will be located in the southwest corner of the compound.

The development is proposed to be located approximately 3.5 metres from the northern boundary and 80 metres from the eastern boundary of C/A 6L Section A. The tower is proposed at the crest of the hill. No vegetation is required to be removed to facilitate the erection of the tower and associated shelter.

The monopole and fence will be constructed of grey galvanised steel, whilst the shelter shed will be constructed of 'pale eucalypt' colorbond steel. Power to the facility will be underground. The existing access track will need to be upgraded for construction purposes. The telecommunications cable will also be located underground.

The facility will achieve Telstra coverage objectives by improving phone and data services for the Forrest and Barwon Downs area including sufficient coverage along major roads such as Colac Forrest Road, Birregurra Forrest Road and Forrest Apollo Bay Road.

Vehicular access to the site will be directly off Caspers Access via an existing driveway.

Site & Surrounds

The site is situated on the south side of Caspers Access, Forrest. The area of the lot is 6.60ha and the proposed tower is to be located in the northeast corner of the lot.

The land is undulating to steep and it is proposed to site the tower approximately 355 metres east of the dwelling amongst large mature eucalypt trees. The trees will provide some screening of the base of the monopole and the equipment shelter.

Land surrounding the site to the east and south is included in the Farming Zone and the land on the west and north boundary of the lot is part of the Otway Forest Park and zoned Public Conservation and Resource Zone. Land to the west and north is native vegetation and the land to the south and east is a mix of clustered native vegetation and cleared grazing land. The nearest dwelling not in the same ownership is approximately 630 metres to the east.

Public Notice

Public notice of the application was given in accordance with Section 52 of the *Planning and Environment Act* by sending a copy of the notice to adjoining property owners and occupiers and a sign was placed on the Caspers Access road frontage on the site for a period of 14 days. A public notice was placed in the Colac Herald.

At the conclusion of the notification period, seven objections were received. Issues raised in the objections have been summarised as follows:

- There is already an Optus Tower being built, so why can't Telstra co-locate?
- Long term asset that will be an eyesore high above the tree-line of an unspoilt forest
- Health ramifications of living near towers is unknown
- Visual impact

- Visual glare from the steel structure on sun rise
- No consideration of the visual impact assessment from Aroona Court

Further consultation was undertaken on 31 August 2010 whereby a mediation meeting was held with the objectors, Council Officers and the applicant including Telstra representatives to discuss the issues raised in the objections. The key issue raised by the objectors who attended the meeting related to the visual impact of the proposed tower on the landscape as viewed from objectors' properties. Objectors' properties are either situated on the ridge to the south-west (Aroona Court approximately 2.3 km from the subject site) or the valley to the west (approximately 1.2 km from the subject site).

The applicant advised at the meeting that the subject site is the optimum site for telecommunications coverage in the area and is expected to cover approximately 36 square kilometres. The applicant explained that the selection of the site was based on the following criteria:

- Elevated land;
- Good line of sight;
- Lease with the landholder;
- Power supply; and
- Partial screening of the facility by existing vegetation.

Given the panoramic views obtained by a number of objector properties of the ridgeline, the applicant advised that if the site location was altered, any new site in the general area would be likely to still be visible on the skyline on this ridge, particularly when viewed from Aroona Court given the similar elevation of both locations.

At the meeting a number of alternative site locations were suggested by the objectors including the West Barwon Dam and the Fire Tower, however, the applicant advised that these sites were not optimum as they failed to meet all the site criteria outlined above and would reduce the extent of coverage, particularly to the two roads leading into Forrest from the north.

Notwithstanding the above, at the mediation meeting, the Telstra representative agreed to discuss the potential for alternate sites with the Engineers at Telstra and provide feedback, however, the Telstra representative indicated that it was unlikely a commercially viable site that meets the above criteria could be found as detailed analysis had already been undertaken in regard to this.

While the meeting provided the opportunity to discuss the concerns of the objectors, the applicant considered that it would be difficult to address these concerns by modifying the proposal. There was no resolution from the meeting.

A drop-in session was also held on the same day between 11.00 am and 1.00 pm at the Forrest Hall to provide an opportunity for local residents to make further enquiries regarding the proposal. The drop-in session was well attended by members of the Forrest community. Many of the residents who attended the session indicated that the proposed Telstra site was preferred over the Optus tower site in Blundy Street.

Many community members also raised the issue of co-location of the two telecommunication carriers to the Casper Access site and were advised that representatives of Optus had made contact with Telstra representatives to discuss this option, however, no agreement has been reached at this stage. The applicant has indicated that there is the potential to co-locate however Optus would need to determine if this site would satisfy their respective coverage requirements.

The issues raised in the objections will be addressed in the Planning Controls section of this report.

Referrals

In accordance with Section 52 of the Planning and Environment Act, the application was referred to the Country Fire Authority (CFA) and the Department of Sustainability and Environment (DSE). The application was also referred internally to the Council's Building and Infrastructure Departments. No objections were received subject to conditions being imposed should a permit be issued.

Initially, the Department of Sustainability and Environment (DSE) advised Council that it supported the application but sought amended plans moving the location of the tower to provide separation from the native vegetation within the Forest Park, and advice as to how the underground cable route would not impact on the root system of the remnant native trees. The applicant confirmed that there would be no requirement for any vegetation removal from crown land or the subject site and on this basis DSE revised its initial response by retracting these requirements.

CFA, in its response, recommended that the tower be moved further south, that an emergency management plan be prepared, and that adequate water and access be provided to the site. The applicant questioned the need for a water supply or access suitable to fire vehicles to be provided and that it did not have the consent of the land owner to provide these additional requirements. It is not a common requirement for a water supply and adequate access to be provided to a telecommunications facility. As there will be no human habitation at the proposed tower, it is considered that there is no risk to life and therefore these conditions appear to have little justification. The CFA has been advised of the officer position on this issue.

Planning Controls

The land is included in the Farming Zone (FZ) and is subject to the Wildfire Management Overlay (WMO) and the Erosion Management Overlay (EMO1). A planning permit is required for the use, buildings and works in the Farming Zone; and for buildings and works in accordance with Clause 44.01-1 (EMO1); and to construct a building or construct or carry out works for a Telecommunications Facility in accordance with Clause 52.19-2.

State and Local Planning Policy

The State and Local Planning 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

Clause 18.13 states that *'planning decisions should reflect a reasonable balance between the provision of important telecommunications services and the need to protect the environment from adverse impacts arising from telecommunications infrastructure.'*

The proposal is considered to accord with the principles of the State and Local Planning Policy Framework. The applicant has investigated other current communications sites with a similar distance and orientation to the Forrest area and found that no such facilities were able to provide the service required to the area and as a result pursued 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, it is acknowledged that the tower is likely to be partly visible from nearby properties, partly visible from Aroona Court, and when travelling northeast along the Birregurra Forrest Road for approximately 1 kilometre. Views of the tower however would be distant and 300 metres at the closest part when travelling along Caspers Road with the Otway Forest Park in between. The next closest view would be from a dwelling 640 metres to the east.

Zoning

The land is zoned Farming Zone (FZ). The purpose to the zone is:

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To provide for the use of land for agriculture
- To encourage the retention of productive agricultural land.
- To ensure that non-agricultural uses, particularly dwellings, do not adversely affect the use of land for agriculture
- To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision
- To protect and enhance natural resources and the biodiversity of the area

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. 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 the Forrest and Barwon Downs community and surrounds. 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 area, utilising the existing vegetation in the area to assist in screening. The grey colouring to be used in the tower construction will assist in blending the structure in with the natural background and the footprint required to develop the facility is minimal. It is considered that the proposed telecommunication facility will not unduly impact on any surrounding properties and will not detract from the use of the land for agricultural purposes.

Overlays

This site is included in the Wildfire Management Overlay (WMO). Under the WMO, no permit is triggered for buildings and works associated with a Telecommunications Facility.

At the request of Department of Sustainability and Environment, notice of the application was given to the Country Fire Authority (CFA) for comment in accordance with Section 52 of the *Planning and Environment Act* to address the concerns raised by the Department of Sustainability and Environment regarding the potential risk to the tower should a bushfire go through the adjacent Otway Forest Park.

DSE is the land manager for the land immediately to the north of the proposed tower site and raised concerns that Telstra may require, particularly in the future, that native vegetation be removed from the Otway Forest Park to provide an appropriate buffer to protect the tower from fire risk. Given these concerns DSE requested that the tower be moved further away from the north boundary. CFA also requested that the tower be moved further south due to the high fire risk.

The concern from DSE is:

- that the tower infrastructure be protected as much as possible from fire risk;
- to ensure that telecommunications remain available before, during and after any bushfire; and
- to protect native vegetation from being removed unnecessarily.

The concern from CFA is twofold, in that the tower infrastructure be protected as much as possible from fire risk, and to ensure that telecommunications remain available before, during and after any bushfire in this area.

The applicant advised that Telstra will not seek any commitment from DSE to remove any vegetation in the Otway Forest Park and that Telstra is prepared to accept the commercial risk of wildfire threats to the proposed telecommunications infrastructure.

This site is subject to the Erosion Management Overlay Schedule 1 (EMO1). The purpose of this overlay is to protect areas prone to erosion, landslip 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 Saunders Consulting Group, dated 11 May 2010. The report concludes that this site is of Low Risk of Landslide.

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 state wide 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 should 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, the following points are made:

- The use of a lattice tower diminishes the visual impact due to the light weight nature of the lattice work.
- The site is well separated from residential zoned land with the nearest residential zoned land a distance greater than 1 kilometre.
- The tower is proposed approximately 870 metres from Birregurra Forrest Road and over 1 kilometre to Colac Forrest Road. The large trees in close proximity can be used to screen the lower section of the proposed facility.
- Existing communication sites were investigated and it was found that no such facilities were available in the Forrest area that would provide adequate service.
- The maximum cumulative radio frequency electromagnetic energy (EME) levels at 1.5m above ground level, is estimated to be 0.17% 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.

The applicant has investigated other current communications sites with a similar distance and orientation to the Forrest area and found that no such facilities were able to provide the service required to the area and as a result is pursuing a greenfield site.

The proposed Optus tower to be located at 6 Blundy Street was investigated and it was determined that Telstra could only erect antennas at a height no greater than 35 metres. The applicant also advised that to provide the same level of service area as proposed at 65 Caspers Access, the Blundy Street tower would have required a minimum height of 80 metres. Since the lodgement of this application, Optus has advised Council that it does not intend to proceed with the Blundy Street tower and therefore co-location at this site is not possible.

A site just off Boundary Road within the Yaugher Trail Head mountain bike car park was assessed as a potential candidate site for a freestanding tower. This site would have required an 800m electricity connection from Birregurra Forrest Road and would be cost prohibitive.

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 Practice.

Consideration of the Proposal

As discussed in the 'Referrals' section of this report, both DSE and CFA requested that the proposed tower be sited further south of the chosen site. In the event of a bushfire, both DSE and CFA are wanting to ensure that the tower has the best chance of survival from bushfire and therefore providing essential telecommunication services during any emergency such as a bushfire event. It is considered that moving the tower siting away from the native vegetation would provide for this. A relevant consideration however is that currently no telecommunications tower is provided in this area and therefore there currently is no service and if permit conditions require re-siting of the tower, the land owner does not consent to Telstra to use their land.

Moving the siting raises other issues with the proposal:

- Telstra does not have an agreement with the landowner to use any other siting within the lot;
- The application would need to be re-advertised with amended plans to ensure no additional material detriment;
- Visual amenity from the surrounding area may be reduced as the lower section of the tower would not be partially screened behind existing mature vegetation;
- The height of the tower would need to be increased to 60 metres to achieve the same coverage;
- The development would be located on the side of the hill and extensive cut and fill would be required to provide a level surface therefore potentially raising erosion and landslip risk;
- There would be additional ground disturbance to provide vehicular access to the site; and
- Further assessment from both Telstra and Council would be required to assess any impact.

As noted earlier, the applicant advised that Telstra would not seek any commitment from DSE to remove any vegetation in the Otway Forest Park and that Telstra is prepared to accept the commercial risk of wildfire threats to the proposed telecommunications infrastructure.

The applicant also provided advice as to their response to an emergency situation as follows:

“Telstra are aware of the risk attached to bush fires and have commercial and practical response mechanisms in place for such scenarios in order to provide replacement coverage. The site has been designed so that both power and transmission connections are underground. Evidence in recent bush fires showed that the majority of sites were impacted due to loss of overground electrical poles. Contingency plans are also provided in that a battery back-up is to be installed within the shelter allowing the site to remain operational for approximately 8 hours following mains power loss. Telstra also dictate that formal access tracks are installed as part of their works and that they have the ability to access the site 24 hours a day 7 days a week. This allows them to get to the site in the event of emergency to undertake any remedial works or install back up diesel generators if required. Added to this, Telstra own a large number of temporary towers that can be deployed in such situations. These towers are commonly used at major sporting events though during bush fire season are placed on standby to be deployed to any areas where they are required. If required they are towed in on the back of trailers and winched up and be connected to a generator as soon as the local CFA advise the area is safe.

Further to this we have raised the issue of Telstra further altering the design of the installation and Telstra are able to do a few things to slightly mitigate the risk of fire damage. They have however advised that these design changes are unlikely to fully protect the installation should a fire go through. Recent bush fires in Murrindindi indicated that many "fire rated" shelters acted like ovens and cooked their internal equipment regardless of whether the shelter set on fire. It was also apparent after the fires that it was easier and quicker to just replace equipment and feeders. Essentially any design changes are unlikely to actually fully protect the site so the net result to Telstra would be the same. If DSE accept that they are not liable for clearing the trees then it poses the questions over whether design changes would offer any real benefit.

We would also like to highlight that Telstra are conscious that the service their installations provide often become essential in emergency situations. This is partly the reason why Telstra decided to locate the tower at the proposed location (as opposed to lower elevations closer to Forrest) as it will both provide coverage not just to Forrest but also to a larger area of 'at risk' locations. It is noted that in a ideal situation a location could be found for the tower that wouldn't be affected in a bush fire situation, though unfortunately in this instance there isn't one physically available that would meet this criteria.”

As previously stated, DSE and CFA both recommend to move the tower away from the vegetation to reduce any potential damage to the tower during a bushfire however the land owner does not consent to the re-siting of the tower. Telstra has provided its response in dealing with the situation. If a permit was issued requiring the re-siting of the tower, the proposal would not proceed or alternatively, if a permit was issued for the proposal in the current location, the risk to the tower would be increased in the case of a bushfire. Telstra is prepared to accept this risk. It is also important to remember that currently there is no tower and therefore no effective mobile phone service in this area.

A tower of this height will be seen from a distance regardless of its location. The applicant has advised that it is necessary for the upper portion of the tower to rise above the tree line in order for the facility to function correctly and provide maximum coverage to the area.

The principle of the Victorian Code of Practice is that ‘a *telecommunications facility should be sited to minimise visual impact*’. The steel construction material will blend in with the skyline particularly when viewed from a distance and the lower half of the tower will be screened by existing surrounding mature vegetation and the topography. The application included a photo montage of the visual impact of the tower from the closest section of Birregurra Forrest Road, and upon Council Officers request, a photo montage of the visual impact from Aroona Court. The montages clearly demonstrate the likely visual impact of the proposed tower from these two areas.

A number of objections have been received to this proposal raising concern with the visual impact of the proposal particularly from Aroona Court. As previously discussed in this report, a meeting was held between Council Officers, the objectors and the applicant to discuss the issues raised in their objections. The site of the proposed tower is approximately 2.3 kilometres away from highest elevation at Aroona Court. The applicant submitted that the photo simulation demonstrates that the top portions of the tower may be seen above the tree-line from some vantage points along Aroona Court but will be at such a distance that the impact will be significantly diminished. The applicant also stated that it was difficult to provide an accurate simulation primarily because the impact will vary across the differing sky conditions and the real benefit of the simulation provided is to locate and provide a reasonable depiction of the size of the facility from Aroona Court.

The applicant has advised that it is necessary to site the proposed tower on the northern side of Forrest at a high elevation in order to achieve a continuous coverage from the existing serviced areas. The Telstra representative advised the objectors that if the proposed tower was moved further south then Barwon Downs would not be serviced because of sightlines; no service would be provided to the emergency assembly area; there would be reduced service to the lead-in roads in Forrest from Barwon Downs and Colac, the quality of wireless service would be affected by being further from the tower and that there is not as significant population to the immediate south.

Having consideration of the visual aspect of landowners in Aroona Court, a proposed tower sited anywhere north of the Forrest Township would be visible as the landowners have extensive views right across the landscape.

Whilst it is acknowledged that the tower will be partly visible from Aroona Court and other areas, it is considered overall that the principle of the Code of Practice has been satisfied as the visual impact will be minimal due to distance and being partially hidden by existing vegetation.

It is considered that this facility would be designed, sited and constructed in a manner which will minimise visual impact and the provision of a telecommunications facility such as this will provide for improved phone and data communications in the Forrest/Barwon Downs area.

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

The Council Plan contains a strategy to: “*Facilitate the development of infrastructure for business investment, growth and liveability.*” Within this strategy there is an action to: “*Lobby for improved telecommunications in the Colac Otway Shire for broadband and mobile coverage*”. There is also a strategy to: “*Meet our statutory obligations for community safety, security and responses to emergency situations*”. As noted in this report, the proposal would assist in achieving these outcomes for the community.

Financial & Other Resource Implications

The proposal raises no financial or resourcing implications for Council.

Risk Management & Compliance Issues

If the proposal was to proceed, it would contribute significantly to enhancing the capacity of the local community and fire agencies to communicate in emergency situations which is particularly important for this area given its high wildfire risk.

Environmental Consideration / Climate Change

Any relevant environmental considerations have been addressed within this report.

Communication Strategy / Consultation Period

Public notice of the application was required in accordance with Section 52 of the *Planning and Environment Act* as discussed earlier in the report.

Conclusion

Planning approval is required for the use and development of the land for a telecommunications facility.

Support for the proposal will improve the Telstra phone and broadband internet service coverage in the Forrest/Barwon Downs 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 issue a Notice of Decision to Grant a Permit for the use and development of a Telecommunications Facility (50 metre high lattice tower) and associated works at 65 Caspers Access, Forrest (C/A 6L Section A, Parish of Yaugher) subject to the following conditions:

- 1. Prior to the commencement of works, an amended plan shall be submitted for approval by the responsible authority demonstrating how the detailed underground cable route ensures that remnant native vegetation can be protected consistent with "Defining an acceptable distance for tree retention during construction works" Department of Sustainability & Environment, dated 4 May 2010.***
- 2. The underground cable route must avoid root systems of existing remnant native vegetation to the satisfaction of the Responsible Authority.***
- 3. The works hereby permitted must not result in the loss of native vegetation.***
- 4. 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.***
- 5. 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.***

6. ***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.***
7. ***Stormwater discharged from the buildings and works hereby permitted must only be distributed across the property by sheet flow (i.e. along a contour) or to a legal point of discharge as approved by the Responsible Authority. No sheet flow discharge point must be permitted within five (5) metres of the lowest property boundaries and any discharge point must not be located so as to surcharge any septic effluent disposal system to the satisfaction of the Responsible Authority.***
8. ***All excavation works upon the subject land must be kept to the absolute practicable minimum and to the satisfaction of the Responsible Authority.***
9. ***Access onto and within the property must be constructed to the satisfaction of the Responsible Authority.***
10. ***The driveway must be constructed to an all weather surface to the satisfaction of the Responsible Authority.***
11. ***If the telecommunications facility ceases to be operational, the installation must be decommissioned and removed to the satisfaction of the Responsible Authority.***
12. ***The use must not detrimentally affect the amenity of the neighbourhood, to the satisfaction of the Responsible Authority including through the:***
 - ***Transportation of any material, goods or commodity to or from the land.***
 - ***Appearance of any stored goods and material.***
 - ***Emission of noise, artificial light, vibration, odour, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste product, grit and oil.***
13. ***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.***

Conditions required by Country Fire Authority

14. ***Prior to the commencement of the use of the telecommunications facility, the applicant must undertake a Wildfire Risk assessment of the site and develop an Emergency Management Plan to the satisfaction of the Country Fire Authority.***

Expiry

15. ***This permit will expire if one of the following circumstances applies:***
 - ***The development is not started 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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PC100809-4

**BUILDINGS & WORKS FOR THE PURPOSE OF  
CONSTRUCTING TWO (2) STORAGE SHEDS AND THE  
WAIVER OF 20 CAR PARKING SPACES AT 445  
BIRREGURRA ROAD, BIRREGURRA.**

|             |                                       |           |            |
|-------------|---------------------------------------|-----------|------------|
| AUTHOR:     | Carl Menze                            | ENDORSED: | Jack Green |
| DEPARTMENT: | Sustainable Planning<br>& Development | FILE REF: | PP215/2010 |

**Location:** 445 Birregurra Road, Birregurra

**Zoning:** Industrial 1 Zone (IN1Z)

**Overlay controls:** Nil

**Proposed Amendments:** Nil

**Abuts:** Farming Zone (FZ) & Road Zone 1 (RDZ1)

**Restrictive Covenants:** Nil

**Purpose:**

An application has been submitted for the construction of two (2) sheds for timber storage and a waiver of 20 car parking spaces.

This application is before Council for consideration as the proposed development seeks a waiver of car parking.

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

**Declaration of Interests**

No officer declared an interest under the *Local Government Act 1989* in the preparation of this report.

**Summary**

- The application is proposing two additional storage sheds on land that is currently used for timber processing.
- The proposed scale, height and overall size of the sheds are considered to be in keeping with the existing use and development of the site and surrounds.
- The land currently provides adequate on-site car parking to meet the needs generated by the timber processing activity.
- It is considered that the waiver of 20 car parks is considered to be justified given that the purpose of the shed is to store timber that is currently stored in the open. Therefore, the proposed sheds will not generate any additional demand for car parking.
- It is recommended that a planning permit be issued subject to conditions.

## **Background**

The planning history of the site is as follows;

- PP83/2010 was issued on 23 April 2010 for the construction of a Kiln.

## **Issues / Options**

Council has the options of:

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

The key issue is whether a waiver of 20 car parking spaces is justified.

## **Proposal**

The proposal comprises the construction two (2) sheds for timber storage and a waiver of 20 car parking spaces as follows:

- Shed B2 - 23.75m x 30.0m x 6.99m in height (715.5sqm in area) setback 46.5m from the North property boundary and 22.1m from the East property boundary.
- Shed E – 20.0m x 30.45m x 7.15m in height (609sqm in area) setback 3.0m from the North and East property boundaries.

Both sheds are to be constructed of colourbond cladding of an unspecified colour with zincalume roof cladding.

The two (2) new sheds are to be utilised for the storage of processed timber products. Currently, the processed timber is stored in the open outdoor area. There are no other proposed changes to the site.

The additional floor area generates a car parking requirement of 20 spaces in accordance with the provisions of the planning scheme. However, as no real demand will be created by the proposed development, a waiver of the car parking is sought as part of this application.

## **Site & Surrounds**

The subject site is located on the east side of Birregurra Road, Birregurra. The allotment is rectangular in shape with an area of 9789sqm. The allotment forms part of a greater site comprising of three (3) separate allotments with a total land area of 3.5 ha. The site has been used as a timber processing facility for many years. The site is developed with several large warehouse buildings, 4 kilns and several smaller shed structures. The site is accessed via two (2) crossovers off Birregurra Road.

The surrounding area is predominantly made up of large allotments used for agricultural purposes. The Warrnambool-Geelong Railway Line abuts the southern property boundary of the subject site. The Birregurra Town Centre is located approximately 1km to the south of the subject land.

## **Public Notice**

The proposed building and works component of the proposal is exempt from public notification in accordance with the zone provisions pursuant to Clause 33.01 of the Colac Otway Planning Scheme.

Public notice pursuant to Section 52 of the Planning and Environment Act 1987 of the waiver of car parking was not required as it was considered that the waiver of car parking spaces would be unlikely to cause material detriment to any persons on the following grounds;

- The site is provided with sufficient on-site parking;
- The proposed sheds formalise current storage practices;
- The proposal will not result in an increase in staff numbers.

### **Referrals**

The application was referred to Council's Infrastructure Department which required conditions to be placed on any permit issued.

### **Planning Controls**

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

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 17.03 – Industry
- Clause 19.03 – Design and Built Form
- Clause 21.03-4 – Birregurra
- Clause 21.05-3 - Manufacturing

The proposal is considered to be in keeping with the objectives of the above policies. The proposal does not alter the use of the site, although the provision of additional storage facilities will increase the economic viability of the existing use. The shed's built form and style is consistent with existing infrastructure on-site.

#### **b. Zone provisions**

The site is zoned Industrial 1 Zone (IN1Z). The objectives of the Industrial 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 manufacturing industry, the storage and distribution of goods and associated uses in a manner that does not affect the safety and amenity of local communities.

A permit is required to undertake buildings and works pursuant to Clause 33.01-4 of the Colac Otway Planning Scheme.

#### **c. Overlay Provisions**

The site is not covered by any Overlay controls.

d. Car parking

Pursuant to Clause 52.06 of the Colac Otway Planning Scheme, a Warehouse use attracts a car parking rate of 1.5 spaces per 100sqm of net floor area. The additional 1324sqm of net floor area generates a car parking requirement of 20 spaces. Discretion is available in accordance with Clause 52.06 to waive car parking requirements. This issue is discussed in more detail later in the report.

## **Consideration of the Proposal**

### Buildings and Works

The proposed sheds are of a form and style consistent with existing infrastructure on-site. The sheds will be visually obscured when viewed from Birregurra Road due to the siting of existing buildings and the setback of the proposed new sheds. The sheds are to be clad in colourbond of an unspecified colour. Such cladding is consistent with existing buildings on the site. A condition can be placed on any approval issued requiring the colour to be in keeping with the surrounding rural landscape.

### Car Parking

As noted earlier, the proposal is seeking a waiver of 20 car spaces.

Whilst the net floor area of buildings on the site is increased, it is noted that the proposal does not actually intensify the site's usage. The sheds are required for the storage of processed timber products which are currently stored uncovered in the same location as the proposed buildings.

The subject site is currently provided with 32 onsite parking spaces in two (2) separate areas which adequately cater for the 32 staff employed on-site. No additional demand will be generated by the development of the proposed sheds as no additional staff are to be employed. In addition, if the circumstances were to change, the subject site is provided with numerous opportunities for additional on-site parking should such parking be warranted in the future. A site inspection confirmed that existing parking spaces are not being fully utilised. For these reasons a waiving of the parking requirement is supported in this instance.

It is acknowledged that the future use of the site could change for one reason or another. If the proposed warehouse were at some stage proposed to be used for 'Industry' such a use could not commence unless sufficient additional on-site parking were provided or if a planning permit was granted to waive the parking requirements.

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

Council has engaged CPG Consultants to prepare a draft Structure Plan for Birregurra which will provide future direction for the town in terms of residential growth and employment opportunities. The preliminary findings of the community consultation undertaken to date identifies the importance of the town timber operations in terms of employment and as a reminder of its history.

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

There are no financial implications arising from this report.

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

There are no risk management or compliance implications arising from this report.

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

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

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

The applicant will be advised of the decision, and have the opportunity to seek a review of Council's decision at the Victorian Civil and Administrative Tribunal.

### **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 proposal will allow for the existing use to continue in an economically viable manner. The sheds will also assist in improving the visual appearance of the current operation by allowing the timber products to be stored out of sight. The waiver of car parking is acceptable given the level of existing car parking on-site, the number of current employees and the use of the site.

It is recommended that a planning permit be granted.

### **Attachments**

Nil

### **Recommendation(s)**

***That Council the Planning Committee resolve to grant a Permit for buildings and works for the purpose of constructing of two (2) storage sheds and a waiver of 20 car parking spaces at 445 Birregurra Road, Birregurra 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. 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.***
- 3. The 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.***
- 4. 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.***

### **Note:**

***The legal point of discharge is the existing on-site drainage system.***

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