



**Colac Otway  
SHIRE**

**AGENDA**

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

**13 APRIL 2011**

**at 10:30 AM**

**COPACC Meeting Rooms**

An audio recording of this meeting is being made for the purpose of verifying the accuracy of the minutes of the meeting. In some circumstances the recording may be disclosed, such as where Council is compelled to do so by court order, warrant, subpoena or by any other law, such as the Freedom of Information Act 1982.

**COLAC-OTWAY SHIRE PLANNING COMMITTEE MEETING**

**13 APRIL 2011**

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NOTICE is hereby given that the next *PLANNING COMMITTEE MEETING OF THE COLAC-OTWAY SHIRE COUNCIL* will be held in COPACC Meeting Rooms on 13 April 2011 at 10:30 am.

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## **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.

I ask that we all show respect to each other and respect for the office of an elected representative.

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.'

### **5. DECLARATION OF INTEREST**

### **6. VERBAL SUBMISSIONS FROM APPLICANTS/OBJECTORS**

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

## 7. CONFIRMATION OF MINUTES

- Planning Committee held on the 09/03/11.

### Recommendation

*That Council confirm the above minutes.*

## OFFICERS' REPORTS

### Sustainable Planning and Development

|            |   |
|------------|---|
| PC111304-1 | PLANNING & BUILDING STATISTICAL REPORT  |
| PC111304-2 | REDEVELOPMENT OF THE LAND FOR FOUR GROUND FLOOR SHOPS, SIX RESIDENTIAL APARTMENTS AT UPPER LEVELS AND A TEN LOT SUBDIVISION AT 103-107 GREAT OCEAN ROAD, APOLLO BAY |
| PC111304-3 | REDUCTION IN THE CAR PARKING REQUIREMENT AND THE ADDITION OF A DECK TO THE EAST ELEVATION - 71 DENNIS STREET, COLAC   |

**Rob Small**  
Chief Executive Officer

PC111304-1

**PLANNING & BUILDING STATISTICAL REPORT**

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

**Summary**

This report provides statistics relating to the month of March 2011.

**Planning Statistics – March 2011**

37 Planning Permit Applications were received for the period 1 March 2011 – 31 March 2011.

42 Planning Permit Applications were considered for the period 1 March 2011 – 31 March 2011.

**Building Statistics**

Please note that the Building Commission website has been updated to 31 January 2011

**Attachments**

1. Planning and Statistical Report March 2011

**Recommendation(s)**

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

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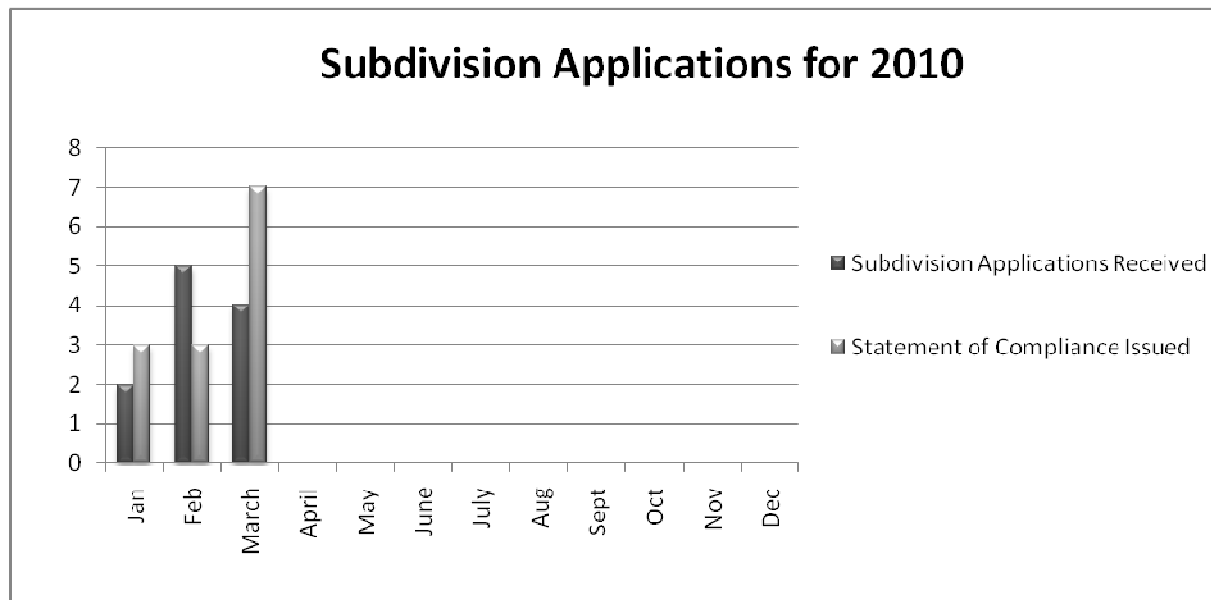
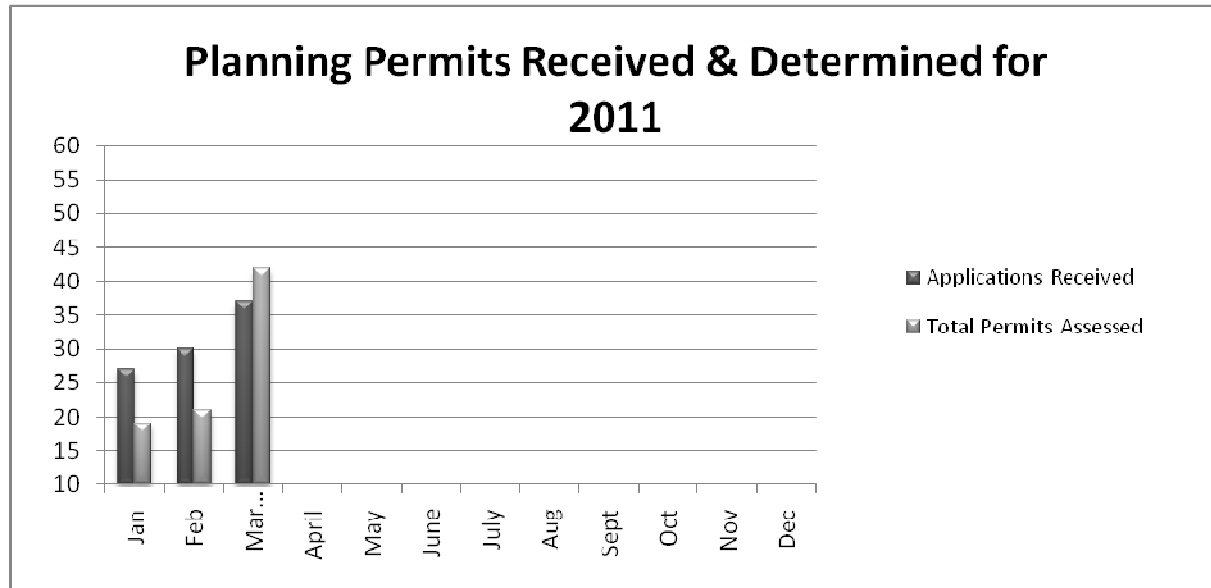
## Planning Statistical Report March 2011

| APPLIC NO  | DATE RECEIVED | LOCATION                                             | PROPOSAL                                                                                        | DATE ISSUED | ACTUAL TIME | AUTHORITY          | DECISION         |
|------------|---------------|------------------------------------------------------|-------------------------------------------------------------------------------------------------|-------------|-------------|--------------------|------------------|
| 461/2003-3 | 3 NOV 2010    | 62 PASCOE ST, APOLLO BAY                             | CONSTRUCTION OF SEVEN (7) UNITS & EIGHT (8) LOT SUBDIVISION                                     | 17 MAR 2011 | 100         | UNDER DELEGATION   | PERMIT ISSUED    |
| 353/2006-2 | 20 JAN 2011   | 125 ACKERLEYS RD, WEST BARONGAROOK                   | USE & DEVELOPMENT OF THE LAND FOR A DWELLING – AMENDMENT                                        | 7 MAR 2011  | 46          | UNDER DELEGATION   | PERMIT ISSUED    |
| 96/2008-1  | 14 MAR 2008   | 630 CARLISLE RD, IRREWILLIPE EAST                    | CONSTRUCTION OF DWELLING & GARAGE                                                               | 11 MAR 2011 | 129         | UNDER DELEGATION   | REFUSAL TO GRANT |
| 178/2008-3 | 10 MAR 2011   | 50 HARRIS RD, ELLIMINYT (18 FULFORD CRES, ELLIMINYT) | TWENTY FIVE (25) LOT SUBDIVISION AMENDMENT – ALTERATION TO CONDITION 18                         | 10 MAR 2011 | 1           | UNDER DELEGATION   | PERMIT ISSUED    |
| 66/2009-2  | 3 FEB 2011    | 7 GREAT OCEAN RD, WYE RIVER                          | DEVELOPMENT & EXTENSION OF ONE DWELLING ON A LOT- AMENDMENT                                     | 10 MAR 2011 | 16          | UNDER DELEGATION   | PERMIT ISSUED    |
| 99/2009-2  | 1 DEC 10      | 40 KARINGAL DRIVE, WYE RIVER                         | CONSTRUCTION OF A DOUBLE STOREY DWELLING – AMENDMENT                                            | 10 MAR 2011 | 24          | UNDER DELEGATION   | PERMIT ISSUED    |
| 32/2010-3  | 4 FEB 2011    | 230 KILLALA RD APOLLO BAY                            | EXTENSION TO THE EXISTING SHED                                                                  | 1 MAR 2011  | 25          | UNDER DELEGATION   | PERMIT ISSUED    |
| 81/2010-2  | 28 FEB 2011   | 6 SARSFIELD ST, SEPARATION CREEK                     | CONSTRUCTION OF A TWO (2) STOREY DWELLING & VEGETATION REMOVAL - AMENDMENT                      | 11 MAR 2011 | 11          | UNDER DELEGATION   | PERMIT ISSUED    |
| 159/2010-1 | 31 MAR 2010   | 420 BUSTY RD, APOLLO BAY                             | EXTENSION TO AN EXISTING DWELLING                                                               | 17 MAR 2011 | 198         | UNDER DELEGATION   | PERMIT ISSUED    |
| 208/2010-1 | 4 AUG 2010    | 29 KARINGAL DVE, WYE RIVER                           | USE & CONSTRUCTION OF A DWELLING                                                                | 3 MAR 2011  | 116         | UNDER DELEGATION   | PERMIT ISSUED    |
| 267/2010-1 | 13 SEP 2010   | 13 ARTHUR COURT APOLLO BAY                           | CONSTRUCTION OF 3 STORAGE SHEDS                                                                 | 3 MAR 2011  | 72          | UNDER DELEGATION   | PERMIT ISSUED    |
| 286/2010-1 | 30 SEP 2010   | 31 ROADKNIGHT ST BIRREGURRA                          | SUBDIVISION OF LAND INTO 11 LOTS                                                                | 9 MAR 2011  | 127         | UNDER DELEGATION   | PERMIT ISSUED    |
| 298/2010-1 | 13 OCT 2010   | 21-23 NELSON ST, APOLLO BAY                          | CONSTRUCTION OF A SHED (STORAGE) RELOCATION OF EXISTING TOILETS & WAIVER OF NINE (9) CAR SPACES | 15 MAR 2011 | 116         | PLANNING COMMITTEE | PERMIT ISSUED    |
| 313/2010-1 | 29 OCT 2010   | 223-225 MURRAY ST COLAC                              | TO CONVERT A BANK INTO A RESTAURANT                                                             | 11 MAR 2011 | 41          | UNDER DELEGATION   | PERMIT ISSUED    |
| 317/2010-1 | 3 NOV 2010    | 530 COLAC BALLARAT RD IRREWARRA                      | CONSTRUCTION OF A HAY SHED (RETROSPECTIVE)                                                      | 17 MAR 2011 | 12          | UNDER DELEGATION   | PERMIT ISSUED    |
| 318/2010-1 | 4 NOV 2010    | 86 MANNA GUM DVE, CAPE OTWAY                         | USE OF THE LAND FOR THE PURPOSE OF A SINGLE DWELLING                                            | 10 MAR 2011 | 92          | UNDER DELEGATION   | PERMIT ISSUED    |
|            |               |                                                      |                                                                                                 |             |             |                    |                  |

| APPLIC NO  | DATE RECEIVED | LOCATION                              | PROPOSAL                                                                                                                                                                                                                        | DATE ISSUED | ACTUAL TIME | AUTHORITY          | DECISION      |
|------------|---------------|---------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|-------------|--------------------|---------------|
| 335/2010-1 | 30 NOV 2010   | 53 MAIN ST<br>BIRREGURRA              | USE OF THE LAND AS A WINE BAR AND RESTAURANT, INCLUDING VARIATION TO LIQUOR LICENCE, REDUCTION OF CAR PARKING REQUIREMENT, ADDITIONS TO EXISTING BUILDING, ERECT NEW IRON GATES AND BUSINESS IDENTIFICATION SIGNAGE             | 15 MAR 2011 | 0           | UNDER DELEGATION   | PERMIT LAPSED |
| 335/2010-2 | 1 FEB 2011    | 53 MAIN ST<br>BIRREGURRA              | USE OF THE LAND AS A WINE BAR AND RESTAURANT, INCLUDING VARIATION TO LIQUOR LICENCE, REDUCTION OF CAR PARKING REQUIREMENT, ADDITIONS TO EXISTING BUILDING, ERECT NEW IRON GATES AND BUSINESS IDENTIFICATION SIGNAGE - AMENDMENT | 15 MAR 2011 | 42          | PLANNING COMMITTEE | PERMIT ISSUED |
| 336/2010-1 | 26 NOV 2010   | 35 BEEAC CEMETERY<br>RD, BEEAC        | USE AND DEVELOPMENT OF THE LAND FOR THE PURPOSES OF A DWELLING                                                                                                                                                                  | 17 MAR 2011 | 85          | UNDER DELEGATION   | PERMIT ISSUED |
| 341/2010-1 | 1 DEC 2010    | 39 MCRAE RD, WYE<br>RIVER             | REMOVE EASEMENTS & SECONDARY ACCESS RIGHTS FROM TITLE                                                                                                                                                                           | 18 MAR 2011 | 0           | UNDER DELEGATION   | LAPSED        |
| 344/2010-1 | 8 DEC 2010    | 71 MAIN ST, BEEAC                     | REPLACEMENT OF SIGNAGE                                                                                                                                                                                                          | 11 MAR 11   | 71          | UNDER DELEGATION   | PERMIT ISSUED |
| 352/2010-1 | 7 DEC 2010    | 87 RIFLE BUTTS RD,<br>COLAC           | TWO (2) LOT SUBDIVISION                                                                                                                                                                                                         | 10 MAR 11   | 68          | UNDER DELEGATION   | PERMIT ISSUED |
| 355/2010-1 | 17 DEC 2010   | 28 RAE ST, COLAC                      | USE AND CONSTRUCTION OF A SEALED CARPARK & REPLACE FENCING                                                                                                                                                                      | 17 MAR 11   | 45          | UNDER DELEGATION   | PERMIT ISSUED |
| 356/2010-1 | 17 DEC 2010   | 21 DOWLING ST, COLAC                  | THREE (3) LOT SUBDIVISION                                                                                                                                                                                                       | 11 MAR 11   | 49          | UNDER DELEGATION   | PERMIT ISSUED |
| 357/2010-1 | 17 DEC 2010   | 13 GREAT OCEAN RD,<br>SKENES CREEK    | BUILDINGS AND WORKS COMPRISING ALTERATIONS AND ADDITIONS TO AN EXISTING DWELLING                                                                                                                                                | 10 MAR 11   | 34          | UNDER DELEGATION   | PERMIT ISSUED |
| 362/2010-1 | 21 DEC 2010   | 1 MARENGO CRES,<br>MARENGO            | ALTERATIONS & ADDITIONS TO AN EXISTING DWELLING                                                                                                                                                                                 | 1 MAR 11    | 39          | UNDER DELEGATION   | PERMIT ISSUED |
| 5/2011-1   | 10 JAN        | 25 TALBOT ST,<br>ELLIMINYT            | CONSTRUCTION OF STORAGE SHED                                                                                                                                                                                                    | 1 MAR 11    | 50          | UNDER DELEGATION   | PERMIT ISSUED |
| 6/2011-1   | 11 Jan 11     | 61A POLLACK ST, COLAC                 | CONSTRUCTION OF SINGLE STOREY DWELLING & NEW CROSSOVER                                                                                                                                                                          | 1 MAR 11    | 15          | UNDER DELEGATION   | PERMIT ISSUED |
| 11/2011-1  | 18 JAN 11     | 807 CORANGAMITE LAKE<br>RD, CORAGULAC | USE OF THE LAND AS A "HOME OCCUPATION" (COMMERCIAL KITCHEN) AND CONSTRUCTION OF AN ASSOCIATED OUTBUILDING                                                                                                                       | 10 MAR 11   | 42          | UNDER DELEGATION   | PERMIT ISSUED |
| 14/2011-1  | 19 JAN 11     | 1 TREATMENT WORKS<br>RD, COLAC        | BUILDINGS AND WORKS FOR A CARPORT                                                                                                                                                                                               | 17 MAR 11   | 108         | UNDER DELEGATION   | PERMIT ISSUED |

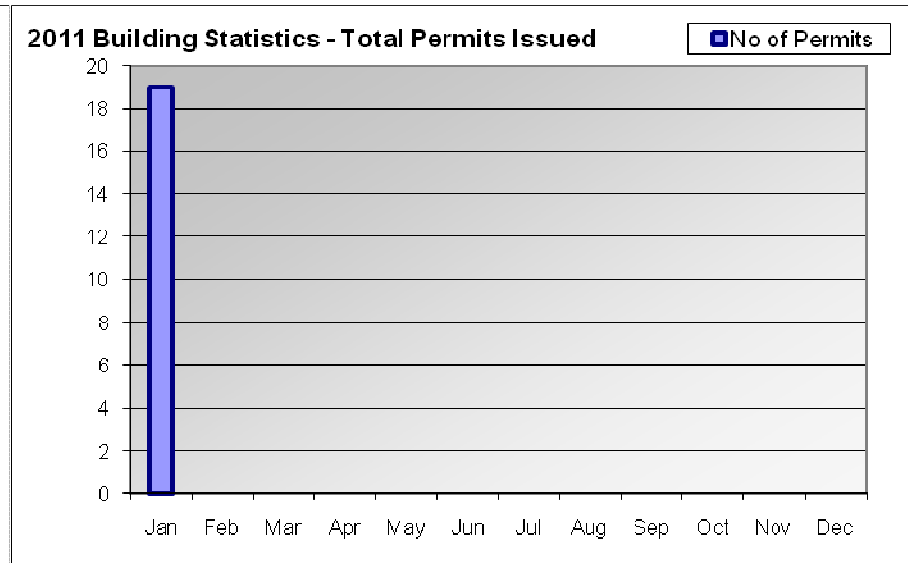
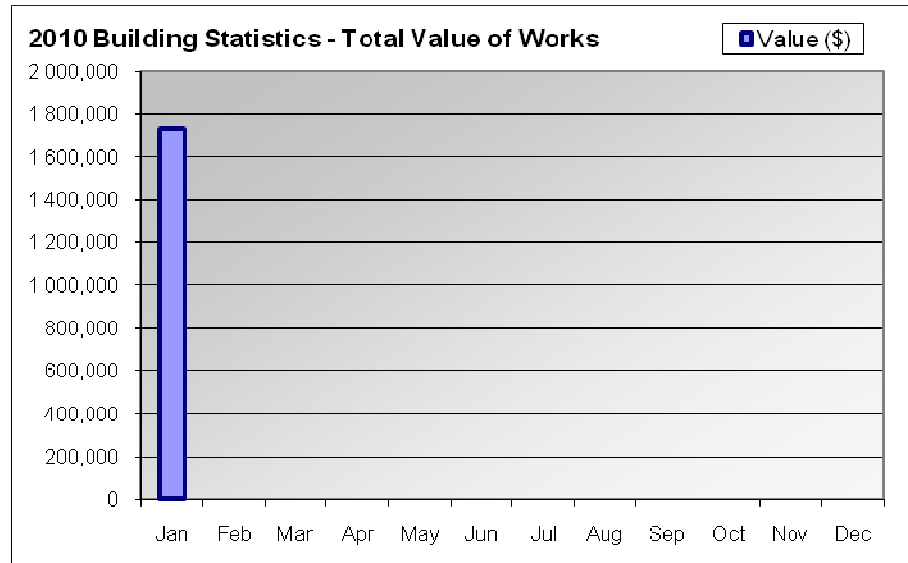
| APPLIC NO  | DATE RECEIVED | LOCATION                                   | PROPOSAL                                                                                                                                                 | DATE ISSUED | ACTUAL TIME | AUTHORITY             | DECISION              |
|------------|---------------|--------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|-------------|-----------------------|-----------------------|
| 20/2011-1  | 28 JAN 11     | 145 MURCHISON RD<br>FERGUSON               | CONSTRUCTION OF FARM SHED                                                                                                                                | 9 MAR 2011  | 24          | UNDER<br>DELEGATE     | PERMIT<br>ISSUED      |
| 80/2010-1  | 29 MAR 10     | 320 MOOLERIC RD,<br>BIRREGURRA             | USE & DEVELOPMENT OF THE LAND<br>FOR EXTRACTIVE INDUSTRY<br>(EXTRACTION OF BASALT)                                                                       | 11 MAR 2011 | 311         | PLANNING<br>COMMITTEE | NOTICE OF<br>DECISION |
| 269/2004-2 | 7 MAY 2010    | 152 POUND RD,<br>ELLIMINYT                 | AMENDMENT TO EXISTING PLANNING<br>PERMIT SEEKING RETROSPECTIVE<br>APPROVAL FOR SIX PELLET SILOS                                                          | 15 MAR 2011 | 141         | PLANNING<br>COMMITTEE | NOTICE OF<br>DECISION |
| 5/2010-1   | 12 JAN 10     | 795 COLAC LAVERS HILL<br>RD, BARONGAROOK   | WIDENING OF ACCESS TRACK                                                                                                                                 | 23 MAR 2011 | 0           | UNDER<br>DELEGATION   | PERMIT<br>LAPSED      |
| 343/2010-1 | 3 DEC 10      | 320 DUNLOPS RD,<br>BIRREGURRA              | CONSTRUCT CARPORT / WORKSHOP                                                                                                                             | 22 MAR 2011 | 109         | UNDER<br>DELEGATION   | PERMIT<br>ISSUED      |
| 25/2011-1  | 9 FEB 2011    | 31 BIRREGURRA<br>YEODENE RD,<br>BIRREGURRA | CONSTRUCT GARDEN SHED,<br>VERANDAH & DECK                                                                                                                | 21 MAR 2011 | 12          | UNDER<br>DELEGATION   | PERMIT<br>ISSUED      |
| 39/2011-1  | 21 FEB 2011   | 31 MANIFOLD ST, COLAC                      | ADDITION TO EXISTING RESIDENCE                                                                                                                           | 22 MAR 2011 | 29          | UNDER<br>DELEGATION   | PERMIT<br>ISSUED      |
| 48/2011-1  | 4 MAR 2011    | 229 MURRAY ST, COLAC                       | DISPLAY OF SIGNAGE                                                                                                                                       | 21 MAR 2011 | 17          | UNDER<br>DELEGATION   | PERMIT<br>ISSUED      |
| 52/2011-1  | 7 MAR 2011    | 110 MURRAY ST, COLAC                       | CONSTRUCT A REPLACEMENT FENCE                                                                                                                            | 23 MAR 2011 | 16          | UNDER<br>DELEGATION   | PERMIT<br>ISSUED      |
| 45/2011-1  | 3 MAR 2011    | 30 ROBERTS RD<br>MARENGO                   | USE & DEVELOPMENT OF THE LAND<br>FOR THE PURPOSES OF<br>CONSTRUCTING A TELECOM<br>COMMUNICATION FACILITY (30M<br>MONOPOLE - DIGITAL TV REPEATER<br>SITE) | 31 MAR 2011 | 23          | COUNCIL               | NOTICE OF<br>DECISION |
| 338/2010-1 | 2 DEC 2010    | 35 MOORE ST COLAC                          | CONSTRUCT A VERANDAH (SOUTH<br>ELEVATION OF THE EXISTING COLAC<br>BOWLING CLUB CLUBHOUSE)                                                                | 31 MAR 2011 | 33          | UNDER<br>DELEGATION   | NOTICE OF<br>DECISION |
|            |               |                                            |                                                                                                                                                          |             |             |                       |                       |
|            |               |                                            |                                                                                                                                                          |             |             |                       |                       |
|            |               |                                            | <b>AVERAGE DAYS TO PROCESS<br/>PLANNING APPLICATIONS</b>                                                                                                 |             | 61          |                       |                       |





[Pulse Building Reports](#)      [Financial Yr Stats](#)

|               | 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           | 15        | 1,566,668        | 0            | 0          | 3          | 121,755        | 0        | 0          | 0          | 0          | 0                   | 0          | 1                | 46,000        | 19               | 1,734,423        |
| Feb           |           |                  |              |            |            |                |          |            |            |            |                     |            |                  |               |                  |                  |
| Mar           |           |                  |              |            |            |                |          |            |            |            |                     |            |                  |               |                  |                  |
| Apr           |           |                  |              |            |            |                |          |            |            |            |                     |            |                  |               |                  |                  |
| May           |           |                  |              |            |            |                |          |            |            |            |                     |            |                  |               |                  |                  |
| Jun           |           |                  |              |            |            |                |          |            |            |            |                     |            |                  |               |                  |                  |
| Jul           |           |                  |              |            |            |                |          |            |            |            |                     |            |                  |               |                  |                  |
| Aug           |           |                  |              |            |            |                |          |            |            |            |                     |            |                  |               |                  |                  |
| Sep           |           |                  |              |            |            |                |          |            |            |            |                     |            |                  |               |                  |                  |
| Oct           |           |                  |              |            |            |                |          |            |            |            |                     |            |                  |               |                  |                  |
| Nov           |           |                  |              |            |            |                |          |            |            |            |                     |            |                  |               |                  |                  |
| Dec           |           |                  |              |            |            |                |          |            |            |            |                     |            |                  |               |                  |                  |
| <b>Totals</b> | <b>15</b> | <b>1,566,668</b> | <b>0</b>     | <b>0</b>   | <b>3</b>   | <b>121,755</b> | <b>0</b> | <b>0</b>   | <b>0</b>   | <b>0</b>   | <b>0</b>            | <b>0</b>   | <b>1</b>         | <b>46,000</b> | <b>19</b>        | <b>1,734,423</b> |



**PC111304-2 REDEVELOPMENT OF THE LAND FOR FOUR GROUND FLOOR SHOPS, SIX RESIDENTIAL APARTMENTS AT UPPER LEVELS AND A TEN LOT SUBDIVISION AT 103-107 GREAT OCEAN ROAD, APOLLO BAY**

|             |                                    |           |              |
|-------------|------------------------------------|-----------|--------------|
| AUTHOR:     | Ian Williams                       | ENDORSED: | Jack Green   |
| DEPARTMENT: | Sustainable Planning & Development | FILE REF: | PP361/2010-1 |

**Location:** 103-109 Great Ocean Road, Apollo Bay (Lot 1, TP697698, Pt CA8, Section 8, Parish of Krambruk, Vol.6624 Fol.636)

**Zoning:** Business 1 Zone

**Overlay controls:** Design and Development Overlay – Schedule 5 – Apollo Bay Town Centre

**Proposed Amendments:** N/A

**Purpose:**

The application is seeking planning approval for the redevelopment of the existing supermarket and the construction of four ground floor retail units with six dwellings on the first and second floors and the subdivision of the land into ten lots to provide separate titles to each retail and residential unit.

The application is before the Planning Committee as the height of the proposed development exceeds 8 metres.

It is recommended that a planning permit be issued.

**Declaration of Interests**

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

**Summary**

- The application is seeking planning approval for the redevelopment of the existing supermarket and the construction of four ground floor shops with six dwellings on the first and second floors and the subdivision of the land into ten lots to provide separate titles to each shop and residential unit.
- The site is situated in the heart of the commercial precinct of Apollo Bay in a location where the planning controls encourage the consolidation and higher built form of development, providing development is of a high architectural quality which respects the character of the area.
- Public notice of the application was given and no objections have been received.
- The building would present as a modern articulated structure, with a level of visual interest at all floors which is complimented by a mixture of contemporary and coastal materials. The proposal is considered to be consistent with the intent of the Apollo Bay Structure Plan 2007 and the Design and Development Overlay Schedule 5 (DDO5).
- It is recommended that a planning permit be issued subject to conditions.

**Background**

The site contains an existing supermarket which is a single storey structure, built to the street frontage of the Great Ocean Road. Access to the rear of the site is provided from Pascoe Street into an area used for storage and loading / unloading activities. The existing footprint of the supermarket is approximately 601sqm in area with approximately 390sqm used for retail and 211sqm used for storage.

On the 9 June 2010, a planning permit was issued for the redevelopment of the existing supermarket and the construction of six (6) dwellings and a seven (7) lot subdivision in accordance with the endorsed plans. The proposal involved the refurbishment of the existing supermarket. The net floor area of the supermarket was 570sqm. The proposal included the provision of two customer entry points onto the Great Ocean Road and the upgrade of the loading/unloading facilities to the rear.

The approval comprised six dwellings above the supermarket, four 2 bedroom dwellings on the first floor and two 3 bedroom dwellings on the second floor, with the first and second floor levels being recessed 3 metres and 6 metres respectively from the front building line.

The approved development had a total height of 10.5 metres and was approved in joint cement sheeting, colourbond roofing, pre-cast concrete walls, aluminium, glass panels and glazed balustrades. The approval provided for a total of eleven on site car spaces, which included two car stackers with vehicle access from Pascoe Street. In accordance with permit conditions, amended plans were endorsed by the Council on 16 November 2010. This permit remains valid and development may still proceed on this basis.

**Issues / Options**

Council has the options of:

- a. Supporting the application through the issue of a planning permit subject to conditions;
- b. Refuse to grant a planning permit.

It is recommended that option (a) be supported.

**Proposal**

Planning permission is sought for the redevelopment of the existing IGA Supermarket site to provide four (4) individual ground floor shops and six (6) dwellings (four dwellings on the first floor and two on the second floor) and a ten (10) lot subdivision.

The proposed ground floor retail premises would consist of four equally spaced shops (as opposed to the space being occupied by a single supermarket tenancy as approved by the previous permit) with individual 4.8m glass shopfronts and with double entry doors to provide customer access from the Great Ocean Road. The entry doors and shopfront facade would be recessed 1.5 metres from the front boundary. As per the existing arrangement, a front verandah would extend 3 metres from the front facade, 1.5 metres over the footpath. Each shop would comprise 100sqm of retail floor area to the front and an additional 35sqm of storage/amenity space to the rear with direct access to the rear ground floor car park and loading bay.

Under this application, there is no fundamental change to the design and size of the six (6) upper floor dwellings approved under the previous permit. The residential units would be constructed above the six shops and would consist of four (2) bedroom dwellings on the first floor and two (3) bedroom dwellings on the second floor level. Access to the residential units would be provided via four separate stairwells, three evenly spaced and located within the front facade and one centrally located towards the rear of the building.

The dwellings would retain their east/west orientation on the lot with front decked areas provided at first and second floor levels, allowing the front facade to be stepped back 3 metres and 6 metres respectively from the front boundary line at upper level. Each unit would benefit from private open space in the form of front balconies.

Overall, the development will occupy the 20 metre width of the lot, extending 30 metres to the rear, with a height of 10.5 metres. The building would be constructed in cement sheeting, colourbond roofing, aluminium, glass panels and glazed balustrades. The eastern wall of the development would be exposed to views along the Great Ocean Road, and as such, to provide a level of interest and to break up the expanse of this wall, a wave mural has been proposed.

The application proposes a total of twelve (12) on site car parking spaces, which is one space above the eleven approved under the earlier application.

### **Site & Surrounds**

The site currently contains an IGA Supermarket which has a frontage onto the Great Ocean Road. The application site is located on the western side of the Great Ocean Road and is identified as Lot 1 on TP697698Y. The site is rectangular in shape with a 20m frontage onto the Great Ocean Road, a depth front to rear of 100m and a total site area of 1137m<sup>2</sup>.

The existing building is single storey with a stepped upper part and comprises a glass and rendered frontage with a verandah extending out over the footpath. Storage, loading and car parking facilities are located to the rear of the site and are accessed via Pascoe Street. The site benefits from views over the foreshore and ocean to the east.

The site is located within the heart of the commercial precinct of Apollo Bay, being adjacent to other commercial properties. The Apollo Bay Hotel is located on the southern side of the site and is a building which is individually listed within the Heritage Overlay of the Planning Scheme. A single storey takeaway premise is located to the north of the application site. The Apollo Bay Motel is located to the south and the CFA station building to the west. A number of recent buildings within the precinct have been constructed to three levels.

On street car parking is available on both sides of the Great Ocean Road which is a Road Zone Category 1 road. There is no significant vegetation contained within the site. The site is located at 4.4m AHD.

### **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 and opposite property owners and occupiers. A sign was also placed on both road frontages of the site for a period of 14 days.

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

### **Referrals**

In accordance with Section 55 of the Planning and Environment Act, the application was referred to Powercor, Barwon Water and Telstra. The application was also referred internally to the Council's Infrastructure and Building Departments. No objections were received subject to conditions being imposed should a permit be issued.

### **Planning Controls**

The land is included in the Business 1 Zone and is subject to the Design and Development Overlay – Schedule 5 which is specific to the Apollo Bay Town Centre as contained within the Colac Otway Planning Scheme. Under Clauses 34.01-4 and 43.02, a permit is required for buildings and works. A permit is also required under Clause 34.01-3 to subdivide the land.

The use of the land for a supermarket currently exists. The plans submitted with the application propose to use the ground floor premises as ‘shops’ which under the Business 1 Zone does not require planning approval for the use. The use of the land for a dwelling is as of right subject to the condition that *“any frontage at ground level must not exceed 2 metres”*.

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

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

Clause 14 – Settlement  
Clause 15.08 – Coastal Areas  
Clause 16.02 – Medium Density Housing  
Clause 16.05 – Affordable Housing  
Clause 17.02 – Business  
Clause 17.04 – Tourism  
Clause 19.03 – Design and Built form  
Clause 21.03-3 – Apollo Bay and Marengo

The proposal is considered consistent with the broader principles of the State and Local Planning Policy framework as it proposes to upgrade and modernise an existing commercial building, whilst providing four individual commercial units which would complement the adjacent commercial, entertainment and community uses within the precinct whilst providing for the needs of the immediate community. A range of residential units would be provided at upper level, which would assist in the intensification of the use of this site whilst being located within close proximity to the Apollo Bay activity centre. The increased building height and the redevelopment of the site, is likely to provide a positive design direction for future proposals within the precinct.

#### b. Zoning

The site is located within the Business 1 Zone. The key objectives in relation to this proposal seek to encourage the intensive development of business centres for retailing and other complementary commercial, entertainment and community uses.

Consideration of the following decision guidelines, contained Clause 34.01-4, should also be considered in the assessment of this application;

- The movement of pedestrians and cyclists, and vehicles providing for supplies, waste removal, emergency services and public transport.
- The provision of car parking.
- The interface with adjoining zones, especially the relationship with residential areas.

- The streetscape, including the conservation of buildings, the design of verandahs, access from the street front, protecting active frontages to pedestrian areas, the treatment of the fronts and backs of buildings and their appurtenances, illumination of buildings or their immediate spaces and the landscaping of land adjoining a road.
- The storage of rubbish and materials for recycling.
- The availability of and connection to services.
- The design of buildings to provide for solar access.
- The objectives, standards and decision guidelines of Clause 54 and Clause 55.

The proposal is considered to be consistent with the key objective of the Business 1 Zone which seeks to encourage the intensive development of business centres for retailing and other complementary commercial, entertainment and community uses. The four individual commercial units are considered to complement the adjacent commercial activity within the precinct. The proposal includes car parking, refuse storage and a loading bay towards the rear of the site.

The residential units at the upper level would assist in the intensification of the use of this site whilst being located within close proximity to the Apollo Bay activity centre. The relationship of the residential units with the ground floor shops are considered to be acceptable, with individual access available from the front and rear of the site and car parking towards the rear.

The increased building height and the overall redevelopment of the site are considered to be acceptable whilst providing a positive design direction for future proposals within the precinct.

c. Overlays

The site is subject to the Design and Development Overlay – Schedule 5 which is specific to the Apollo Bay Town Centre. The key design objectives of this schedule seek;

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

In addition to the key design objectives, the Schedule also identifies additional design standards which should be complied with unless it can be demonstrated that an alternative approach achieves the design objectives of this control. The design standards seek to achieve;

- Simple building details with a mix of contemporary and traditional coastal materials, textures and finishes with colours and finishes that compliment those occurring naturally in the area.
- Articulated facades, which incorporate setbacks to the upper levels to reduce building bulk and the overshadowing of shop front windows at street level.
- Articulated roof forms on new developments to provide visual interest to the street.
- Commercial buildings orientated towards the street with an entrance to the building directly from the street frontage.

- Buildings should be constructed to the property boundary at ground level in the commercial area or stepped to match existing setbacks if these are varied.
- Water sensitive urban design features incorporated into the design, where practical.

With the exception of the additional shop openings at front ground floor level, the overall design, height, bulk and mass of the proposal remains consistent with the earlier approval. The additional shop openings and the residential entrances at ground floor level are considered to provide a level of articulation and visual interest, emulating the fine grain (narrow frontage) of the subdivision pattern in the Apollo Bay town centre. The shop openings at ground floor level would provide additional shop entrances directly from the street frontage, being consistent with the coastal character and appearance of the Apollo Bay Township.

The building height does not exceed 10.5 metres and in accordance with the requirements of the overlay, the upper parts of the building have been stepped back 3 metres at first floor level and a further 3 metres at second floor level. Whilst aluminium sunscreens would project 0.9 metre into this setback, these would be lightweight and are perceived to add additional visual interest and articulation at upper level. Transparent one metre high glass balustrades would enclose the balconies as permitted by the overlay. At ground floor level, the building is recessed 1.5m from the front boundary to provide a transitional space at the entry point, whilst remaining consistent with the building setback of the Apollo Bay Hotel to the south.

The building would present as a modern articulated structure, with a level of visual interest at all floors which is complimented by a mixture of contemporary and coastal materials. On the front facade, the proposal includes cement sheeting painted 'Quicksilver' (light shade of grey) for the walls between the shops and at upper level, aluminium windows, clear glass balustrades and wave patterned glass (coloured light and dark grey) above and below the windows. The south facing building facade would be finished in pre-cast concrete wall panels finished in Bristol Harbour Mist (light grey). To provide a level of visual interest and to break up the expanse of the southern wall, a dark grey mural would be painted on the wall. The building would comprise a horizontal roof finished in colourbond 'windspray' which would be non reflective.

The proposed built form in conjunction with the use of appropriate grey tones and a variety of materials will on balance, present a visually interesting building which is considered to address the requirements of Schedule 5 of the overlay being appropriate in the context of future development within Apollo Bay.

d. Relevant Particular Provisions

i) Car Parking

Under Clause 52.06-1, a new use must not commence or the floor area of an existing use must not be increased until the required car spaces have been provided on the land. Where the floor area occupied by an existing use is increased, the car parking requirement only applies to the floor area of any extension of the use or site area provided the existing number of car spaces is not reduced.



Within the table to Clause 52.06, the desired level of car parking for a shop is 8 spaces to each 100sqm of leasable floor area. The existing supermarket has a floor area of 611sqm and as such, there would be a requirement for 49 car spaces for the existing use. The floor area of the supermarket is not being increased under this proposal; however, in reality there would be a reduction in the overall retail floor area by approximately 30 square metres. Given that there is no formal car parking arrangement for the customers of the existing supermarket, it is considered that the existing car parking credit available to the supermarket would adequately meet any future demand which would be experienced as a result of the four individual shop units.

The site is located within the Business 1 Zone and car parking requirements for dwellings are set out in the table to Clause 52.06. Clause 52.06 requires two car spaces for each dwelling proposed. The planning application proposes six dwellings (four 2-bedroom and two 3 bedroom) therefore a total of 12 car spaces are required. The application proposes a total of 12 car spaces with 8 car spaces being allocated to the dwellings and 4 car spaces being allocated to the shops. Based on the allocation, there is a shortfall of 4 car spaces for the dwellings if the car parking rates at Clause 52.06 are applied.

As the site is within a Business Zone, the standards set out in Clause 55 do not strictly apply to this site, however, in accordance with the decision guidelines of this clause, consideration should be given to the objectives and standards. If the car parking requirements of Clause 55 are applied, one car parking space is required for each two bedroom dwelling, two car parking spaces for each three bedroom dwelling and one visitor space per five dwellings. Under the requirements of Clause 55, a total of nine car spaces should be provided for the dwellings.

The proposal seeks to utilise the area towards the rear of the building for provision of car parking required for the residential component of the development. A total of twelve (12) on-site car parking spaces will be provided, four of which are proposed to be car stackers (two spaces per stacker) and eight standard car parking spaces, with a minimum dimension measuring 2.6m by 4.9m, accessed via Pascoe Street to the rear. Whilst overall there has been a reduction in the retail floor space and the number of residential dwellings remains as previously approved, the current proposal includes twelve (12) car spaces, which is one additional car space beyond that previously approved. As required by Clause 55, nine car spaces would be required for the residential component and three car spaces would be available for the ground floor retail premises. In order to comply with the minimum amount of car parking for the residential component, it will be required to set aside nine car spaces for the dwellings leaving three available for the four shops unless the applicant is willing to include three car stackers instead of the two proposed (increasing the total number of spaces to 13).

Overall, the proposal is considered to achieve an improved car parking outcome, with the twelve (12) spaces exceeding the number approved as part of the existing permit.

ii) Loading and unloading of vehicles

Clause 52.07 seeks to ensure that land is set aside for loading and unloading commercial vehicles to prevent loss of amenity and adverse effect on traffic flow and road safety. The proposed retail use would trigger the requirement for a loading area. The proposal includes the provision of a loading/unloading bay on-site with a length of 7.6m, a width of 3.6m and a head clearance of 4.0m. The proposed loading area is considered to meet the requirements of Clause 52.07, providing an area in excess of 24m<sup>2</sup>. The on-site loading bay will service all ground floor shops.

iii) Land Adjacent to a Road Zone, Category 1, or a Public Acquisition Overlay

Under the provisions of Clause 52.29, a permit is required to create or alter access to a road in a Road Zone, Category 1 or land in a Public Acquisition Overlay, and to subdivide land adjacent to a road in a Road Zone, Category 1 or land in a Public Acquisition Overlay if the purpose of the acquisition is for a Category 1 road.

The proposal will not result in any additional vehicle access onto the Great Ocean Road. Access will be achieved via the existing arrangement at the rear onto Pascoe Street and as such, the proposed subdivision is not considered to have any significant impact on the Great Ocean Road.

iv) Aboriginal Cultural Heritage

Clause 15.03 contains policies relating to heritage conservation and aboriginal cultural heritage. The objectives seek to ensure the protection and conservation of places of Aboriginal Cultural Heritage significance.

The application site is within an area designated as one of cultural sensitivity, however, the proposal is considered to be exempt from the provision of a Cultural Heritage Management Plan as the site is considered to already have been previously significantly disturbed.

### **Consideration of the Proposal**

There is no significant change to the scale of the development from that which has previously been approved by Council.

The residential units would remain above the ground floor retail element, comprising four (2) bedroom dwellings on the first floor and two (3) bedroom dwellings on the second floor. The proposed multi dwelling development will positively contribute to the range of available accommodation within the township. Each residential unit retains a level of private open space overlooking the Great Ocean Road and provision has been made for an adequate number of car parking spaces.

A properly surveyed plan of subdivision will be required as a permit condition to show the subdivision layout for all levels and the allocation of car spaces.

The Apollo Bay Structure Plan 2007 encourages higher built form within the Business 1 Zone, providing the development complements the character of the township. The site is appropriately located within the town centre to accommodate a mixed use development, whilst adding to the range of commercial facilities which would complement the vitality and viability of the precinct.

The Apollo Bay Structure Plan 2007 further emphasises the need to step development to match the height of adjoining properties and providing building setbacks to minimise amenity impacts. The built form remains consistent with the earlier approval with a building height set at 10.5 metres, and with the bulk of the development progressively stepped back from the street boundary. Overall the design incorporates good articulation with appropriate use of contemporary coastal materials at all levels. The development is considered to respond positively to the decision guidelines of Schedule 5 to the overlay, presenting a well designed and visually interesting built form, which will positively contribute to the future coastal character and appearance of the Apollo Bay Township.

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

The Apollo Bay Structure Plan 2007 provides guidance in the assessment of this application. The Structure Plan provides direction in relation to building heights in the town centre, building design and streetscape character.

The following structure plan objectives are considered relevant in the determination of this application:

- Consolidate the town centre of Apollo Bay and provide a greater diversity of housing and accommodation at higher densities within close proximity to the commercial area;
- Require new development and streetscape works in the Apollo Bay town centre to build on and reinforce the fishing village coastal character of the township, and contribute to the creation of a vibrant public realm;
- Achieve excellent architectural quality in new development or improvements to existing buildings in the town centre of Apollo Bay, drawing on the existing valued qualities of the town centre and setting a new direction in the use of innovative, high quality design.

In the Structure Plan, the site is situated within area 'A' of the 'Buildings in the Town Centre Plan' on page 71. The notation in relation to Section A is to allow up to 8 metres at the street frontage, with a recessed upper level and up to 10.5 metres provided the building is set back from the street boundary by at least 3 metres. The proposal is considered to be consistent with the criteria set out within DDO5.

### **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 Council.

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

The site currently contains an existing development at ground floor level located at a height of 4.4m AHD. The proposed ground floor retail units would replace the existing supermarket at the same AHD level. The proposed residential units at upper level are not considered to raise any major concerns in relation to climate change or sea level rise.

### **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 this report. No objection was received and therefore no further consultation was required.

### **Conclusion**

The development proposal is considered to comply with the planning scheme provisions, including the Apollo Bay Structure Plan and the Design and Development Overlay Schedule 5. The planning provisions provide scope to consider a development that is contemporary in design that includes the use of modern elements such as glass and precast concrete.

The proposed built form in conjunction with the use of appropriate grey tones and a variety of materials will on balance, present a visually interesting building which is considered to address the requirements of Schedule 5 of the overlay, being appropriate in the context of future development within Apollo Bay.

The shops at ground floor level are considered to provide a level of articulation and visual interest, emulating the fine grain (narrow frontage) of the subdivision pattern in the centre, remaining consistent with the coastal character and appearance of the Apollo Bay Township.

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

### **Attachments**

Nil

### **Recommendation(s)**

**That Council's Planning Committee resolve to issue a Planning Permit for the redevelopment of an existing supermarket with four ground floor shops, six dwellings on the upper levels and a ten lot subdivision at (Lot 1, TP697698, Pt CA8, Section 8, Parish of Krambruk, Vol.6624 Fol.636) 103-107 Great Ocean Road, Apollo Bay in accordance with the following conditions:**

- 1. Before the *development* start(s), amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with *the plans submitted with the application* but modified to show no fewer than 12 car parking spaces, including eight (8) car spaces clearly marked for use by residents of units 1, 2, 3, 4, 5 and 6, one (1) space clearly marked for visitors and three (3) spaces clearly marked for use by shop units 1, 2, 3 or 4 or alternatively, three (3) car stackers (2 spaces per stacker) if one (1) car space is to be allocated to each shop unit.**
- 2. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.**
- 3. Prior to the commencement of any construction on this site, a detailed Construction Management Plan must be submitted to and approved by the Responsible Authority. The plan must detail the following:**
  - a) A staging plan for all construction phases including indicative dates for commencement and completion;**
  - b) Intended access for construction vehicles;**
  - c) Engineering assessment of assets that will be impacted on by the construction and recommended techniques to minimise any adverse impact (e.g. retaining walls, protective scaffolding, etc).**

- d) Details of actions to be implemented in the event of damage to abutting assets;
- e) Details of where construction personnel will park;
- f) Hours/days of construction;
- g) Phone numbers of on-site personnel or other supervisory staff to be contactable in the event of issues arising on site;
- h) Details of site cleanliness and clean up regimes;
- i) Material storage;
- j) Dust suppression.

When approved this Construction Management Plan shall form part of this permit as it relates to the development.

4. All development and works must be carried out in accordance with the Construction Management Plan required by the above condition and endorsed under this permit, to the satisfaction of the Responsible Authority.
5. During the construction phase of the development, the following conditions must be met:
  - a) Only clean rainwater shall be discharged to the stormwater drainage system;
  - b) Stormwater drainage system protection measures shall be installed as required to ensure that no solid waste, sediment, sand, soil, clay or stones from the premises enters the stormwater drainage system;
  - c) Vehicle borne material from the premises shall not accumulate on the roads abutting the site;
  - d) All machinery and equipment must be cleaned (if required) on site and not on adjacent footpaths or roads;
  - e) Fencing is to be fitted and installed so as to ensure safe access for pedestrians;
  - f) All litter (including items such as cement bags, food packaging and plastic strapping) must be contained on site;to the satisfaction of the Responsible Authority.
6. Before the use commences, the areas set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
  - a) constructed to conform with AS2890.7 standards;
  - b) properly formed to such levels that they can be used in accordance with the plans;

- c) surfaced with concrete or asphalt;
- d) drained and maintained;
- e) line marked to indicate each car space and all access lanes and designated loading bay;
- f) clearly marked to show the direction of traffic along access land and driveways;
- g) constructed with entry/exit signs provided at the Pascoe Street entry;

to the satisfaction of the Responsible Authority.

Car spaces, access lanes and driveways must be kept available for these purposes at all times.

7. No fewer than 12 car parking spaces (including two car stackers) must be provided on the land for the development, including eight (8) car spaces clearly marked for use by residents of units 1, 2, 3, 4, 5 and 6 and one (1) space clearly marked for visitors.
8. The mechanical stackers must be routinely serviced and maintained to the satisfaction of the responsible authority to ensure satisfactory access to all car spaces and to prevent any adverse effect on adjoining land by the emission of noise.
9. Vehicular crossing(s) must be constructed to the road to suit the proposed driveway(s) to the satisfaction of the Responsible Authority and any existing crossing or crossing opening must be removed and replaced with footpath, nature strip, and kerb and channel to the satisfaction of the Responsible Authority.
10. Prior to the commencement of the development, a stormwater detention system must be designed by a qualified engineer and lodged with the Responsible Authority verifying that post development stormwater discharge volume from the land does not exceed pre-development stormwater discharge volume and a maximum discharge rate of 30 litres per second per hectare is not exceeded, to the satisfaction of the Responsible Authority.

Once approved such design must be endorsed and must form part of the permit. On site stormwater treatment is to comply with the Environment Protection Authority requirements and include water sensitive urban design techniques.

11. The site must be drained to the satisfaction of the Responsible Authority and no storm water, sullage, sewerage or polluted drainage may drain or discharge from the land to adjoining properties.
12. All run off from stormwater must be taken to a legal point of discharge to the satisfaction of the Responsible Authority, and the hard stand areas of the development must be designed to incorporate water sensitive urban design principles to the satisfaction of the responsible authority. Drainage plans must be submitted to the responsible authority for approval prior to commencement of the development.

13. Outdoor lighting must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining properties.
14. The loading and unloading of goods from vehicles must only be carried out on the land within the designated loading bay[s] and must not disrupt the circulation and parking of vehicles on the land.
15. The loading bay is to be effectively screened from adjoining properties and roadways to the satisfaction of the Responsible Authority.
16. The loading bay must remain free and available for this purpose at all times to the satisfaction of the Responsible Authority.
17. The amenity of the area must not be detrimentally affected by the use or development through the:
  - a) Transport of materials, goods or commodities to or from the land;
  - b) Appearance of any building, works or materials;
  - c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;
  - d) Presence of vermin.to the satisfaction of the Responsible Authority.
18. Provision must be made for waste receptacles for each of the occupancies within the common property area, specifically allocated to each lot, to the satisfaction of the responsible authority.
19. A private contractor must be engaged to collect all rubbish from bins within the car park. No rubbish bins are to be placed on the footpath or out the front of the site for collection. All rubbish collection must be carried out from within the site.
20. Before the plan of subdivision can be certified, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application, but modified to show all lots and common property, as well as specific allocation of car spaces to lots (including car stackers) in accordance with the requirements of Condition No. 7 of this permit.
21. The subdivision as shown on the endorsed plan must not be altered save, with the written consent of the Responsible Authority.
22. Prior to the issues of a Statement of Compliance, the applicant or owner must pay to Council the equivalent to five per cent of the site value of all land in the subdivision in accordance with Section 19 of the Subdivision Act 1988, as amended.

23. The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to Barwon Water, Telstra, Powercor in accordance with Section 8 of that Act.

**Powercor conditions**

24. The plan of subdivision submitted for certification under the Subdivision Act 1988 shall be referred to Powercor Australia Ltd in accordance with Section 8 of that Act.

25. The applicant shall:

- a) Provide an electricity supply to all lots in the subdivision in accordance with Powercor's requirements and standards, including the extension, augmentation or re-arrangement of any existing electricity supply system, as required by Powercor (A payment to cover the cost of such work will be required). In the event that a supply is not provided the applicant shall provide a written undertaking to Powercor Australia Ltd that prospective purchasers will be so informed.
- b) Where buildings or other installations exist on the land to be subdivided and are connected to the electricity supply, they shall be brought into compliance with the Service and Installation Rules issued by the Victorian Electricity Supply Industry. You shall arrange compliance through a Registered Electrical Contractor.
- c) Any buildings must comply with the clearances required by the Electricity Safety (Network Assets) Regulations.
- d) Any construction work must comply with the Officer of the Chief Electrical Inspector "No Go Zone" rules.
- e) Set aside on the plan of subdivision for the use of Powercor Australia Ltd reserves and/or easements satisfactory to Powercor Australia Ltd where any electric substation (other than a pole mounted type) is required to service the subdivision. Alternatively, at the discretion of Powercor Australia Ltd a lease(s) of the site(s) and for easements for associated powerlines, cables and access ways shall be provided.

Such a lease shall be for a period of 30 years at a nominal rental with a right to extend the lease for a further 30 years. Powercor Australia Ltd will register such leases on the title by way of a caveat prior to the registration of the plan of subdivision.

- f) Provide easements satisfactory to Powercor Australia Ltd, where easements have not been otherwise provided, for all existing Powercor Australia Ltd electric lines on the land and for any new powerlines required to service the lots and adjoining land, save for lines located, or to be located, on public roads set out on the plan. These easements shall show on the plan an easement(s) in favour of "Powercor Australia Ltd" for "Powerline Purposes" pursuant to Section 88 of the Electricity Industry Act 2000.
- g) Obtain for the use of Powercor Australia Ltd any other easement external to the subdivision required to service the lots.



- h) Adjust the position of any existing easement(s) for powerlines to accord with the position of the line(s) as determined by survey.**
- i) Obtain Powercor Australia Ltd's approval for lot boundaries within any area affected by an easement for a powerline and for the construction of any works in such an area.**
- j) Provide to Powercor Australia Ltd, a copy of the version of the plan of subdivision submitted for certification, which shows any amendments which have been required.**

### **Telstra Conditions**

- 26. The plan of subdivision submitted for certification must be referred to Telstra in accordance with section 8 of the Subdivision Act 1988.**
- 27. Telstra will not consent to the issue of a Statement of Compliance until such time as the applicant provides satisfactory evidence of compliance with the conditions.**

### **Barwon Water Conditions**

#### **General**

- 28. The owner shall create easements for Pipelines or Ancillary Purposes in favour of Barwon Region Water Corporation over all existing and proposed sewers located within the subdivision. The width of these easements shall be 2.0m wide.**
- 29. The certified plan must create implied easements under Section 12 (2) of the Subdivision Act, over all proposed existing water and sewerage works within the subdivision.**
- 30. The plan of subdivision must be referred to Barwon Water in accordance with the Subdivision Act 1988 and any subsequent amendments to the plan provided to Barwon Water.**
- 31. An Owners Corporation shall be created to encumber all lots within the subdivision.**

#### **Water**

- 32. Individual water services shall be installed including meters to all lots in the subdivision in accordance with Barwon Water's requirements and Victorian Plumbing Regulations. A dimensioned plan showing location of all meters relative to the allotment boundaries, and its number(s), is to be submitted. Note that tapplings and services are not to be located under existing or proposed driveways.**
- 33. The provision of sub meters are required to services to all lots in the subdivision in accordance with Barwon Water's requirements and Victorian Plumbing Regulations. A dimensioned plan showing the location of all sub meters relative to the allotment boundaries, and its number(s), is to be submitted.**

34. **A New Customer Contributions shall be paid for each additional lot created and/or each additional metered connection for water supply within the subdivision.**
35. **An additional tapping(s) is to be supplied to service the proposed development. A dimensioned plan showing the location of all new tapplings relative to the allotment boundaries, and its number(s), is to be submitted, where a meter is not being fitted. Note that tapplings and services are not to be located under existing or proposed driveways.**
36. **Barwon Water's records indicate that an existing water service and meter is located on this property. A dimensioned plan showing the location of existing meters, and the location of the meter relative to the existing boundaries, and its number, is to be submitted. Private water service pipes are not permitted to cross allotment boundaries and must be plugged and abandoned at the boundaries of such allotments.**

### **Sewer**

37. **Sewerage services to all lots in the subdivision shall be provided in accordance with Barwon Water's requirements and Victorian Plumbing Regulations. Individual allotment house connection drains are to be provided for and extend into each allotment.**
38. **A New Customer Contributions payment shall be made for sewer for each additional lot created and/ or each additional metered connection within the subdivision.**
39. **Any existing house connection branch that is to be utilised for additional connections or altered to serve the development is to be CCTV inspected with the report and/or video submitted to Barwon Water for condition assessment. If it is deemed by Barwon Water that the branch is unsatisfactory for use, it is to be removed and replaced at the developer's expense. If the branch being replaced is greater than 4.0 metres deep, a new sewer manhole or maintenance shaft is to be constructed with the new branch connected to this structure. Also, any existing house connection drain that traverses through the proposed allotments shall be relocated so not to inhibit future development.**
40. **Prior to the issue of statement of compliance, all works must be undertaken in accordance with the endorsed plans to the satisfaction of the Responsible Authority.**

### **Expiry of the permit**

41. **This permit will expire for the subdivision if one of the following circumstances applies:**
  - a) **The plan is not certified within two (2) years of the date of the issue of the permit.**
  - b) **A Statement of Compliance is not issued within five (5) years of the date of Certification of the Plan.**

**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.**

**42. This permit will expire for the development if one of the following circumstances applies:**

- a) The development is not commenced within two years of the date of this permit;**
- b) The development is not completed within four years of the date of this permit;**

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

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**REDUCTION IN THE CAR PARKING REQUIREMENT AND  
THE ADDITION OF A DECK TO THE EAST ELEVATION - 71  
DENNIS STREET, COLAC**

|             |                                       |           |            |
|-------------|---------------------------------------|-----------|------------|
| AUTHOR:     | Carl Menze                            | ENDORSED: | Jack Green |
| DEPARTMENT: | Sustainable Planning<br>& Development | FILE REF: | PP43/2011  |

**Location:** 71 Dennis Street, Colac

**Zoning:** Business 2 Zone

**Overlay controls:** Nil

**Proposed Amendments:** Nil

**Abuts:** Residential 1 Zone

**Restrictive Covenants:** No

**Purpose:**

An application has been submitted for a reduction of the car parking requirement in association with the use of the site as a shop (hairdresser salon) and the construction of a deck to the existing building.

This application is before Council for consideration as the proposal seeks a reduction of the car parking requirement.

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 reduction of eight (8) car parking spaces is considered to be justified given that ten (10) spaces will remain on-site and ample on-street parking facilities are available within close proximity of the site.
- The proposed deck addition is sympathetic with the character of the site and surrounds and will not dominate the streetscape.
- No objections have been received.
- It is recommended that a planning Permit be issued subject to conditions.

**Background**

Planning Permit PP109/2010 was issued on 2 June 2010 for the *'Use of the site as a Shop (Hair Dresser Salon) and Alterations & Additions to the existing dwelling.'* The proposal provided 18 on-site spaces in accordance with the requirements of Clause 52.06.

## **Issues / Options**

Council has the options of:

- a) Supporting the application by the granting 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 car parking spaces is justified.

It is recommended that Option (a) is supported.

## **Proposal**

The applicant seeks approval for a reduction of the car parking requirement in association with the use of the site as a Shop (Hair and Beauty Salon) and the construction of a deck to the east of the building.

The applicant seeks approval to reduce the amount of on-site parking spaces from 18 to 10.

## **Site & Surrounds**

The subject site is located on the north side of Dennis Street, Colac. The site is rectangular in shape with an area of 1021.1sqm. The site contains a single storey weatherboard dwelling setback approximately 5m from the street frontage.

Surrounding properties are generally used for residential purposes as the site is located on the edge of the commercial district. The main business centre of Colac is located immediately to the south of the site. Residential dwellings dominate the area to the north of the site.

## **Public Notice**

Public notice of the application was given in accordance with Section 52 of the Planning and Environment Act by sending letters to adjoining owners/occupiers and by placing a sign on-site. The applicant has provided a Statutory Declaration stating that the advertising has been carried out in accordance with Council's requirements.

No objections have been received.

## **Referrals**

The application was not referred to any internal or external authorities.

The proposal results in a reduction of on-site parking spaces, and as the layout has not substantially changed, the application was not required to be referred to Council's Infrastructure Department as previous conditions on Planning Permit PP109/2010 relating to access and the construction of parking areas can be applied to the current proposal.

## **Planning Controls**

### a. State and Local Planning Policy Framework

The State and Local Planning Policy Framework seeks to ensure that 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 11.05 – Regional Development
- Clause 17.01 – Commercial

- Clause 21.02-2 – Land Use Vision
- Clause 21.03-2 – Colac

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

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

b. Zone provisions

The purpose of the Business 2 Zone is:

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To encourage the development of offices and associated commercial uses.

Planning approval is also required to construct a building or to construct or carry out works pursuant to Clause 34.02-4 of the Colac Otway Planning Scheme.

c. Particular Provisions – Clause 52.06 Car parking

Pursuant to Clause 52.06 of the Colac Otway Planning Scheme, a 'shop' attracts a car parking rate of eight (8) spaces per 100sqm of leasable floor area. The building has a floor area of 222sqm therefore generating a car parking requirement of 18 spaces. The applicant seeks a reduction in the car parking requirement of eight (8) spaces resulting in the provision of ten (10) on-site spaces including one (1) disabled space.

**Consideration of the Proposal**

Deck Addition

The proposed deck addition to the east elevation of the rear addition is considered to be in keeping with the character of the site and surrounds. The deck will provide clients and staff with additional amenities as well as improving the visual appearance of the building. The addition will not be noticeable from the streetscape.

Car Parking

The proposed reduction of eight (8) car spaces is considered warranted in this instance. The site will maintain ten (10) on-site spaces and ample on-street parking is available within the immediate vicinity of the subject site.

The State Government Advisory Committee Report (Review of Parking Provisions in the Victoria Planning Provisions, August 2007) discusses a range of matters including a review of land use terms and car parking requirements. The report recommends the provision for a shop of four (4) spaces to each 100sqm of leasable floor area.

If the rate proposed by the Advisory Committee Report was applied in this instance, the proposal would generate a car parking requirement for the shop of nine (9) car spaces and no reduction of car parking would be required.

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

The provision of 18 spaces as currently approved is considered to be excessive. The applicant advises that

*'...generally five (5) staff will be on the premises at any one time. This number may increase or reduce depending on the needs of clients and special events. The on-site car parks cater for staff and individual clients at this rate of occupancy, assuming all use cars for transport directly to the property.'*

A total of 59 car spaces are provided along Dennis Street between Hesse and Queen Streets. The applicant undertook an empirical assessment of car parking availability within this section of Dennis Street on a weekday at 11.35am (the Colac Parking Study Issues and Opportunities Paper identifies this as the peak time for weekday parking occupancy). The applicant found;

*"Twenty-eight (28) spaces were occupied – an occupancy rate of 47.5%. We note that up to 5 vehicles were specifically trade vehicles associated with the current alterations to the subject land at 71 Dennis Street, and the actual occupancy rate is notably less than 47.5%."*

The Colac and Apollo Bay Parking Study – Issues and Opportunities Paper indicates that parking demand along Dennis Street between Queen and Hesse Street is low with parking utilization between 0% to 50% on the northern side and 50% to 75% on the south side.

Overall, the proposed reduction of eight (8) car parking spaces is considered to be acceptable. Sufficient on-site parking remains and ample on-street parking is available along Dennis Street. Furthermore, the reduction in on-site parking will reduce costs to the business associated with the construction and maintenance of the carpark and will also allow for an improved urban design outcome with provision for additional landscaping.

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

#### **Colac Structure Plan 2007**

The Colac Structure Plan's Vision for commercial development in Colac is:

*'The Colac Town Centre will be a prosperous and thriving precinct, supported by smaller scale commercial and retail development in specifically targeted locations to provide convenience services for the Colac and Elliminyt communities.'*

The proposed car parking reduction will allow the approved use to commence. The approved use as a shop (hair dresser) is consistent with the vision and objectives of the Colac Structure Plan in that the proposed development will help to maintain the economic viability of the existing commercial precinct and will not detract from the built form and landscape aesthetics of the area. The proposal represents a significant investment and commitment to provide additional services within Colac to the benefit of the greater community.

#### **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**

Community consultation in the form of public notification has been undertaken as part of this assessment process.

#### **Conclusion**

The provision of ten (10) on-site parking spaces is considered to be adequate given the availability of on-street parking and the likely parking demand being minimal.

#### **Attachments**

Nil

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

***That Council's Planning Committee resolves to issue a Planning Permit for a reduction of the car parking requirement and the addition of a deck to the east elevation at 71 Dennis Street, Colac 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. Access onto and within the property must be constructed to the satisfaction of the Responsible Authority.***
- 3. The driveway must be constructed to an all weather surface to the satisfaction of the Responsible Authority.***
- 4. Prior to the commencement of the use, areas set aside for parked vehicles and access lanes as shown on the endorsed plans must be:***
  - a. Constructed to the satisfaction of the Responsible Authority.***
  - b. Properly formed to such levels that they can be used in accordance with the plans.***
  - c. Surfaced with an all-weather seal-coat or surfaced with crushed rock or gravel to the satisfaction of the Responsible Authority.***



- d. ***Drained and maintained to the satisfaction of the Responsible Authority.***
- e. ***Marked to indicate each car space and all access lanes to the satisfaction of the Responsible Authority.***
- 5. ***Stormwater generated must be discharged to existing on-site drainage system***
- 6. ***The site must be landscaped so that the development will not affect the visual amenity of the area. Specifically, landscaping must be provided in the following areas to the Satisfaction of the Responsible Authority;***
  - a. ***Along either side of the proposed driveway to soften the appearance of the car park when viewed from the street.***
  - b. ***Within a minimum 2.0m wide strip along the entire length of the rear property boundary.***
- 7. ***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 (3) months afterwards***

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