



**Colac Otway  
SHIRE**

**AGENDA**

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

**14 SEPTEMBER 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**

**14 SEPTEMBER 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 14 September 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 10/08/11.

### Recommendation

*That Council confirm the above minutes.*

## OFFICERS' REPORTS

### Sustainable Planning and Development

PC111409-1 PLANNING & BUILDING STATISTICAL REPORT  
PC111409-2 BUILDINGS AND WORKS COMPRISING ALTERATIONS AND  
ADDITIONS TO AN EXISTING RETAIL PREMISES, RELOCATION AND  
EXTENSION OF AN EXISTING BOTTLE SHOP (LIQUOR LICENCE),  
REPLACEMENT OF EXISTING ILLUMINATED SIGNAGE AND A  
REDUCTION IN THE CAR PARKING REQUIREMENT AT 4 HARDY  
STREET, APOLLO BAY

**Rob Small**  
Chief Executive Officer

**PC111409-1**

**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 August 2011.

**Planning Statistics – August 2011**

48 Planning Permit Applications were received for the period 1 August 2011 to 31 August 2011.

32 Planning Permit Applications were considered for the period 1 August 2011 to 31 August 2011.

**Building Statistics**

Please note that the Building Commission Website has been updated to June 2011.

**Attachments**

1. Planning and Statistical Report August 2011

**Recommendation(s)**

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

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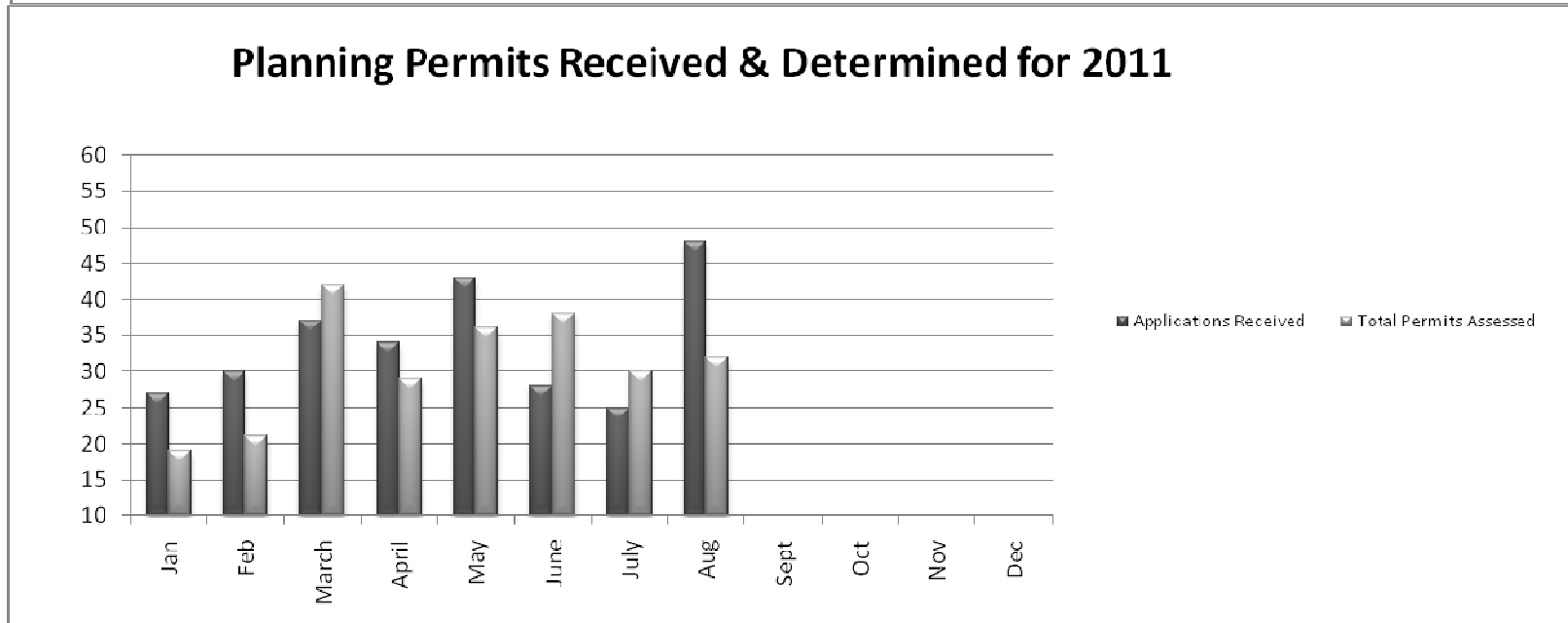
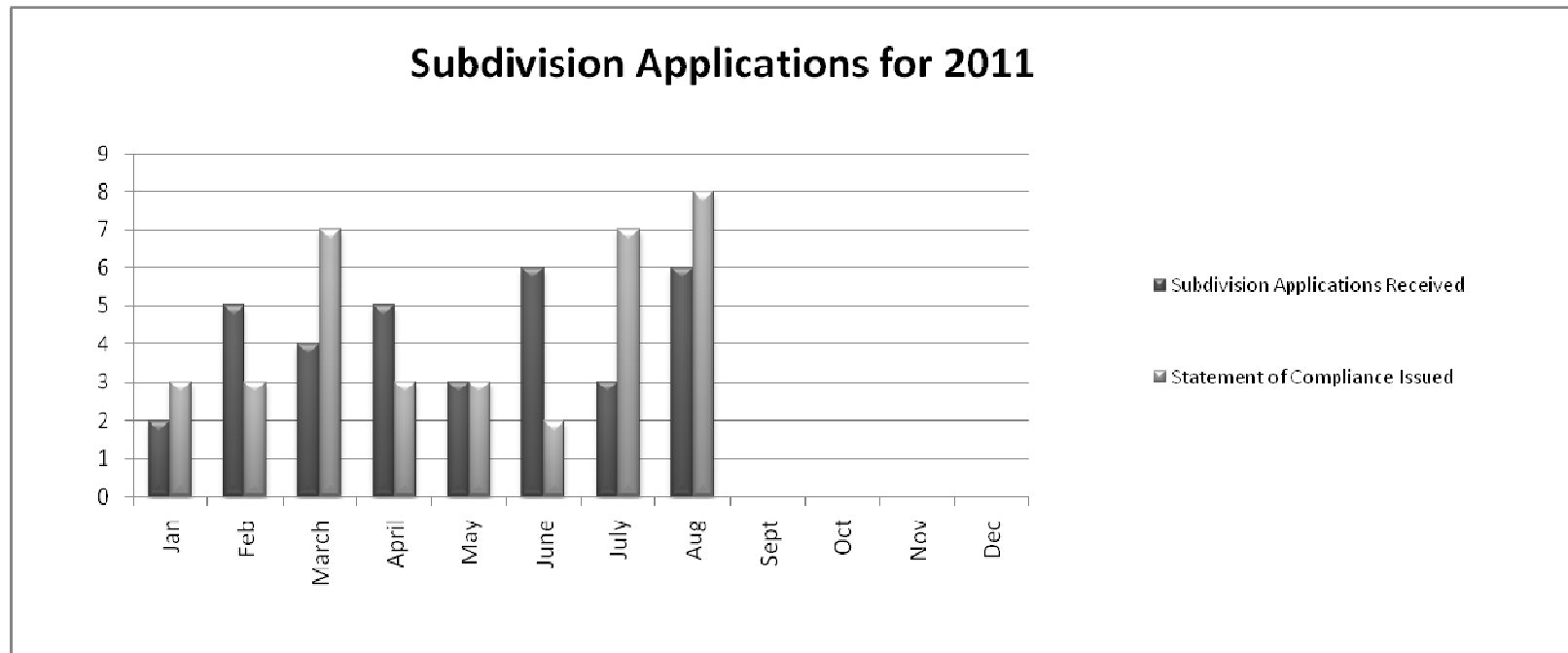
## Planning Statistical Report August 2011

| APPLIC NO  | DATE RECEIVED | LOCATION                             | PROPOSAL                                                                                                                                                         | DATE ISSUED | ACTUAL TIME | AUTHORITY          | DECISION           |
|------------|---------------|--------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|-------------|--------------------|--------------------|
| 125/2005-3 | 5 JUL 2011    | 2/51 NOEL STREET, APOLLO BAY         | CONSTRUCTION OF TWO (2) DWELLINGS AND A TWO (2) LOT SUBDIVISION – AMENDMENT                                                                                      | 17 AUG 2011 | 22          | UNDER DELEGATION   | PERMIT ISSUED      |
| 344/2005-2 | 13 JAN 2011   | 43 MAIN STREET, BIRREGURRA           | USE OF THE LAND FOR A LICENSED RESTAURANT (MAXIMUM 35 SEATS) & WAIVER OF TWENTY ONE (21) CAR SPACES - AMENDMENT                                                  | 18 AUG 2011 | 116         | PLANNING COMMITTEE | PERMIT ISSUED      |
| 294/2006-2 | 1 MAR 2011    | 7 JILLIAN ROAD, APOLLO BAY           | USE & DEVELOPMENT OF TWO (2) DWELLINGS & TWO (2) LOT SUBDIVISION – AMENDMENT                                                                                     | 29 AUG 2011 | 108         | UNDER DELEGATION   | REFUSAL TO GRANT   |
| 241/2007-2 | 23 MAR 2011   | 400 RED JOHANNA ROAD, JOHANNA        | USE & DEVELOPMENT OF LAND FOR A DWELLING – AMENDMENT                                                                                                             | 31 AUG 2011 | 45          | UNDER DELEGATION   | PERMIT ISSUED      |
| 46/2008-3  | 24 MAY 2011   | 304-308 MURRAY STREET, COLAC         | ALTERATION TO ROOF LINE ON EXISTING BUILDING - AMENDMENT                                                                                                         | 03 AUG 2011 | 50          | UNDER DELEGATION   | PERMIT ISSUED      |
| 178/2010-1 | 5 JUL 2011    | 8 BALLAGH STREET, ELLIMINYT          | ALTERATION TO BUILDING FOR DANCE STUDIO AND INSTALLATION OF ADVERTISING SIGN                                                                                     | 16 AUG 2011 | 1           | UNDER DELEGATION   | PERMIT ISSUED      |
| 359/2010-2 | 17 AUG 2011   | 416 PRINCES HIGHWAY, COLAC WEST      | DEVELOPMENT OF LAND FOR TWO BUILDINGS TO BE USED FOR TRADE SUPPLIES – AMENDMENT                                                                                  | 29 AUG 2011 | 12          | UNDER DELEGATION   | PERMIT ISSUED      |
| 3/2011-1   | 6 JAN 2011    | 246-250 MURRAY STREET, COLAC         | DEVELOPMENT OF TWO (2) SINGLE STOREY SHOPS, DEMOLITION OF THE EXISTING BUILDING, CONSTRUCTION OF REAR CAR PARKING AREA AND A REDUCTION IN THE CAR PARKING SPACES | 11 AUG 2011 | 51          | PLANNING COMMITTEE | PERMIT ISSUED      |
| 21/2011-1  | 3 FEB 2011    | 300 BUSTY ROAD, APOLLO BAY           | TWO (2) LOT RE-SUBDIVISION & RELOCATION OF EXISTING BUILDING ENVELOPE                                                                                            | 26 AUG 2011 | 42          | UNDER DELETATION   | PERMIT ISSUED      |
| 42/2011-1  | 21 FEB 2011   | 585 CORANGAMITE LAKE ROAD, COROROOKE | FIVE (5) LOT SUBDIVISION                                                                                                                                         | 5 AUG 2011  | 105         | UNDER DELGATION    | PERMIT ISSUED      |
| 46/2011-2  | 24 JUN 2011   | 8 CORAGULAC BEEAC ROAD, CORAGULAC    | CONSTRUCT EXTENSIONS TO THE OFFICE BUILDING AND TOILET BLOCK ASSOCIATED WITH THE EXISTING RURAL INDUSTRY                                                         | 12 AUG 2011 | 49          | UNDER DELEGATION   | PERMIT ISSUED      |
| 53/2011-1  | 7 MAR 2011    | 419 PRINCES HIGHWAY, COLAC WEST      | USE AND DEVELOPMENT OF A MANUFACTURE CARPENTRY/JOINERY & ASSOCIATED RETAIL SALES OF PAVING AND BUSINESS IDENTIFICATION SIGNAGE                                   | 11 AUG 2011 | 46          | UNDER DELEGATION   | PERMIT ISSUED      |
| 59/2011-1  | 17 MAR 2011   | 115A DIVISION ROAD, MURROON          | USE OF THE LAND FOR ANCILLARY MICRO-BREWERY & ON PREMISES & PACKAGED LIQUOR LICENCES                                                                             | 15 AUG 2011 | 104         | UNDER DELEGATION   | PERMIT ISSUED      |
| 72/2011-1  | 30 MAR 2011   | 35 HINDS ROAD, BIRREGURRA            | CONSTRUCTION OF A DWELLING & STORAGE SHED                                                                                                                        | 25 AUG 2011 | 46          | UNDER DELEGATION   | NOTICE OF DECISION |

| APPLIC NO  | DATE RECEIVED | LOCATION                                | PROPOSAL                                                                                                                                                            | DATE ISSUED | ACTUAL TIME | AUTHORITY        | DECISION           |
|------------|---------------|-----------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|-------------|------------------|--------------------|
| 92/2011-1  | 18 APR 2011   | 18 FULTON STREET, COLAC                 | TWO (2) LOT SUBDIVISION                                                                                                                                             | 11 AUG 2011 | 7           | UNDER DELEGATION | PERMIT ISSUED      |
| 111/2011-2 | 10 AUG 2011   | 38 FULFORD CRESCENT, ELLIMINYT          | CONSTRUCT A SINGLE DWELLING - AMENDMENT                                                                                                                             | 15 AUG 2011 | 5           | UNDER DELEGATION | PERMIT ISSUED      |
| 119/2011-1 | 13 MAY 2011   | 43-117 MURRAY STREET, COLAC             | REMOVE AND LOP (PRUNE) TREES                                                                                                                                        | 3 AUG 2011  | 82          | UNDER DELEGATION | PERMIT ISSUED      |
| 128/2011-1 | 25 MAY 2011   | 480 TUXION ROAD APOLLO BAY              | CONSTRUCTION OF FARM SHED                                                                                                                                           | 10 AUG 2011 | 63          | UNDER DELEGATION | PERMIT ISSUED      |
| 130/2011-1 | 26 MAY 2011   | 245 PHILLIPS TRACK FERGUSON             | RESUBDIVISION OF FIVE (5) LOTS INTO THREE (3) LOTS                                                                                                                  | 9 AUG 2011  | 0           | UNDER DELEGATION | APPLICATION LAPSED |
| 138/2011-1 | 1 JUN 2011    | 25 YAUGHER ROAD FORREST                 | USE THE LAND TO SELL AND CONSUME LIQUOR                                                                                                                             | 3 AUG 2011  | 10          | UNDER DELEGATION | PERMIT ISSUED      |
| 139/2011-1 | 2 JUN 2011    | 35 KETTLE LANE, BIRREGURRA              | USE & DEVELOPMENT OF THE LAND FOR A RURAL INDUSTRY                                                                                                                  | 11 AUG 2011 | 44          | UNDER DELEGATION | NOTICE OF DECISION |
| 145/2011-1 | 7 JUN 2011    | 119 HART STREET, COLAC                  | CONSTRUCTION OF HOSPITALITY & HOME ECONOMICS CENTRE INCLUDING PARTIAL DEMOLITION OF EXISTING BUILDING, ADDITIONS & ASSOCIATED SITE WORKS (INCLUDING NEW CROSSOVERS) | 23 AUG 2011 | 19          | UNDER DELEGATION | PERMIT ISSUED      |
| 152/2011-1 | 14 JUN 2011   | 2095 COLAC LAVERS HILL ROAD, GELLIBRAND | EXTENSION TO EXISTING SHED (HAY) 5.5 X 8M AND CONSTRUCT NEW SHED FOR STORAGE & CAR GARAGE (6MX12M)                                                                  | 29 AUG 2011 | 6           | UNDER DELGATION  | PERMIT ISSUED      |
| 153/2011-1 | 14 JUN 2011   | 218 WILSON STREET COLAC                 | TWO (2) LOT SUBDIVISION                                                                                                                                             | 17 AUG 2011 | 14          | UNDER DELEGATION | PERMIT ISSUED      |
| 162/2011-1 | 8 JUL 2011    | 55 KAWARREN EAST ROAD, KAWARREN         | USE & DEVELOPMENT OF STORAGE SHED – WORK VEHICLES, MACHINES & TOOLS                                                                                                 | 12 AUG 2011 | 11          | UNDER DELEGATION | PERMIT ISSUED      |
| 172/2011-1 | 20 JUL 2011   | 1525 IRREWILLIPE ROAD, IRREWILLIPE EAST | ADDITION TO EXISTING RESIDENCE                                                                                                                                      | 11 AUG 2011 | 22          | UNDER DELEGATION | PERMIT ISSUED      |
| 174/2011-1 | 22 JUL 2011   | 11-13 RYANS LANE, CORAGULAC             | TO ERECT A GARAGE & SHED                                                                                                                                            | 17 AUG 2011 | 26          | UNDER DELEGATION | PERMIT ISSUED      |
| 182/2011-1 | 1 AUG 2011    | 7 KEVIN COURT, ELLIMINYT                | BUILDINGS AND WORKS COMPRISING THE CONSTRUCTION OF A DECK AND RETAINING WALL TO AN EXISTING DWELLING                                                                | 12 AUG 2011 | 11          | UNDER DELEGATION | PERMIT ISSUED      |
| 183/2011-1 | 4 AUG 2011    | 35 QUEEN STREET COLAC                   | ADDITIONS TO EXISTING DWELLING                                                                                                                                      | 17 AUG 2011 | 13          | UNDER DELEGATION | PERMIT ISSUED      |
| 185/2011-1 | 4 AUG 2011    | 79 MAIN STREET BEEAC                    | SECURE REAR WALL OF VACANT SHED                                                                                                                                     | 26 AUG 2011 | 1           | UNDER DELEGATION | PERMIT ISSUED      |

| APPLIC NO  | DATE RECEIVED | LOCATION                   | PROPOSAL                                               | DATE ISSUED | ACTUAL TIME | AUTHORITY        | DECISION      |
|------------|---------------|----------------------------|--------------------------------------------------------|-------------|-------------|------------------|---------------|
| 190/2011-1 | 8 AUG 2011    | 17 SCANLAN DRIVE ELLIMINYT | CONSTRUCTION OF A NEW DWELLING                         | 29 AUG 2011 | 21          | UNDER DELEGATION | PERMIT ISSUED |
| 202/2011-1 | 17 AUG 2011   | 240 PIPELINE ROAD, FORREST | TIMBER DECKING AROUND N & W WALLS OF EXISTING DWELLING | 24 AUG 2011 | 7           | UNDER DELEGATION | PERMIT ISSUED |
|            |               |                            |                                                        |             |             |                  |               |
|            |               |                            |                                                        |             |             |                  |               |
|            |               |                            | <b>AVERAGE DAYS TO PROCESS PLANNING APPLICATIONS</b>   |             | <b>36</b>   |                  |               |



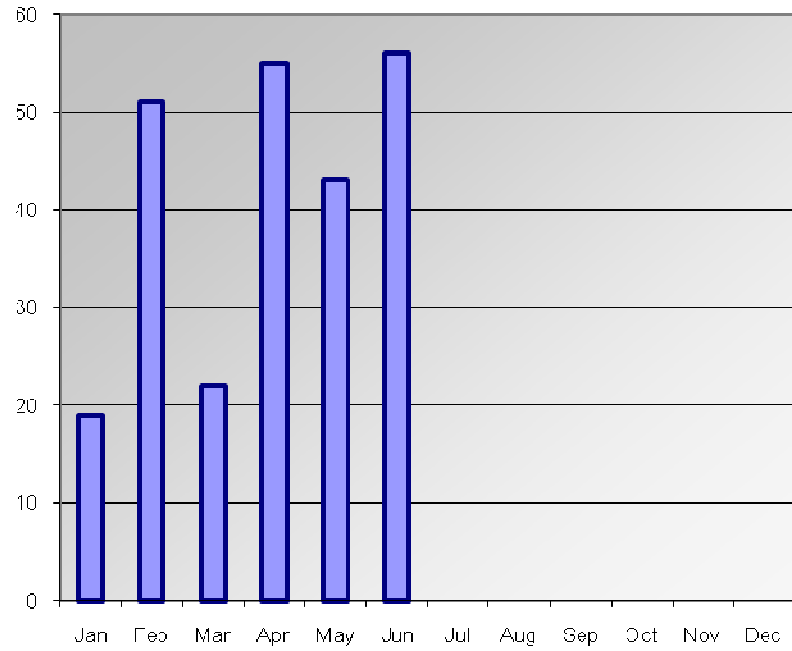


|               | Domestic |            | Residential* |            | Commercial |            | Retail   |            | Industrial |            | Hospital/HealthCare |            | Public Buildings |            | Municipal Totals |            |
|---------------|----------|------------|--------------|------------|------------|------------|----------|------------|------------|------------|---------------------|------------|------------------|------------|------------------|------------|
|               | 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           | 35       | 5,918,526  | 2            | 0          | 8          | 314,660    | 1        | 2,500,000  | 0          | 0          | 0                   | 0          | 5                | 143,611    | 51               | 8,876,797  |
| Mar           | 20       | 3,423,427  | 0            | 0          | 0          | 0          | 0        | 0          | 0          | 0          | 0                   | 0          | 2                | 703,262    | 22               | 4,126,689  |
| Apr           | 41       | 5,016,744  | 0            | 0          | 7          | 335,388    | 0        | 0          | 1          | 29,000     | 0                   | 0          | 6                | 414,814    | 55               | 5,795,946  |
| May           | 33       | 4,299,163  | 1            | 1,230,000  | 5          | 836,000    | 2        | 250,000    | 0          | 0          | 0                   | 0          | 2                | 277,368    | 43               | 6,892,531  |
| Jun           | 33       | 5,327,624  | 7            | 10,500     | 7          | 313,224    | 3        | 105,750    | 1          | 1,000,000  | 0                   | 0          | 5                | 839,520    | 56               | 7,596,618  |
| Jul           |          |            |              |            |            |            |          |            |            |            |                     |            |                  |            |                  |            |
| Aug           |          |            |              |            |            |            |          |            |            |            |                     |            |                  |            |                  |            |
| Sep           |          |            |              |            |            |            |          |            |            |            |                     |            |                  |            |                  |            |
| Oct           |          |            |              |            |            |            |          |            |            |            |                     |            |                  |            |                  |            |
| Nov           |          |            |              |            |            |            |          |            |            |            |                     |            |                  |            |                  |            |
| Dec           |          |            |              |            |            |            |          |            |            |            |                     |            |                  |            |                  |            |
| <b>Totals</b> | 177      | 25,552,152 | 10           | 1,240,500  | 30         | 1,921,027  | 6        | 2,855,750  | 2          | 1,029,000  | 0                   | 0          | 21               | 2,424,575  | 246              | 35,023,004 |

\*Multi-Development

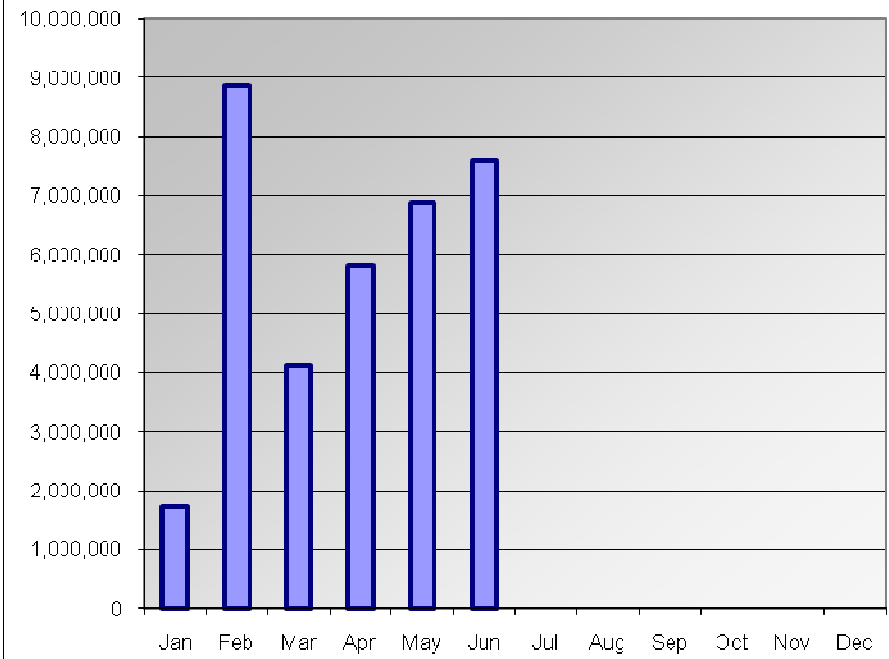
2011 Building Statistics - Total Permits Issued

No of Permits



2011 Building Statistics - Total Value of Works

Value (\$)



PC111409-2

**BUILDINGS AND WORKS COMPRISING ALTERATIONS AND ADDITIONS TO AN EXISTING RETAIL PREMISES, RELOCATION AND EXTENSION OF AN EXISTING BOTTLE SHOP (LIQUOR LICENCE), REPLACEMENT OF EXISTING ILLUMINATED SIGNAGE AND A REDUCTION IN THE CAR PARKING REQUIREMENT AT 4 HARDY STREET, APOLLO BAY**

|             |                                    |           |            |
|-------------|------------------------------------|-----------|------------|
| AUTHOR:     | Carl Menze                         | ENDORSED: | Jack Green |
| DEPARTMENT: | Sustainable Planning & Development | FILE REF: | PP167/2011 |

**Location:** 4 Hardy Street, Apollo Bay

**Zoning:** Business 1 Zone (B1Z)

**Overlay controls:** Design and Development Overlay Schedule 5 (DDO5)

**Proposed Amendments:** Nil

**Abuts:** Residential 1 Zone (R1Z)

**Restrictive Covenants:** No

**Purpose:**

The proposal essentially entails the expansion of the existing Foodworks Supermarket into adjoining premises previously used as a Hardware Shop.

This application is before Council for consideration as the proposal seeks a reduction of the car parking requirement of six (6) spaces.

It is recommended that a Notice of Decision to Grant 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**

- An application has been submitted for buildings and works comprising alterations and additions to an existing retail premises, relocation and extension of an existing bottle shop (liquor licence), replacement of existing illuminated signage and a reduction in the parking requirement.
- Public notification of the application was undertaken with one (1) objection being received.
- The waiver of six (6) parking spaces is considered acceptable given substantial on-site parking exists, the premise holds extensive parking credits, and the fact the proposal makes use of an existing vacant premise.

- The sale of packaged liquor will not cause material detriment to any persons and the overall amount of signage on-site will be reduced by the proposal.
- Given the above, it is recommended that a Notice of Decision to Grant a Planning Permit be issued subject to conditions.

### **Background**

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

### **Issues / Options**

Council has the options of:

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

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

It is recommended that Option (a) is supported.

### **Proposal**

The application proposes an expansion of the existing Foodworks Supermarket which occupies 4F Hardy Street into the adjoining premises previously used as a Hardware Store (4C) and the Common Property No. 3 (Mall).

Details of the proposed external works include:

- Construction of a new supermarket entrance including automatic sliding doors and new colour backing to existing window glazing adjacent to this area;
- Demolition of an existing cyclone fence and timber cladding structure used previously as a store for the hardware use;
- Construction of a new rendered external wall to match the existing wall along the western elevation. This wall will replace the existing store area;
- This wall proposes highlight windows at 2.4 metres elevation with an external roller shutter door proposed furthest away from the supermarket entrance;
- The new wall will enclose this area creating additional floor space for the bottle shop;
- A new exit door is proposed adjacent to the roller shutter door;
- A new roof is proposed over the proposed supermarket entrance and the area where the new wall is proposed;
- No external buildings and works (except signage) are proposed to the existing southern elevation.

Details of proposed internal works include:

- Expansion of the supermarket into the area previously occupied by the mall (common property area) and hardware store as per sections A and B shown on drawing TP.04;
- The existing bottle shop will be internally relocated into the area identified as section C as shown on drawing TP.04;

- Several new internal walls are proposed in areas A and B as shown on the drawing TP.04;
- A new internal roller shutter door will be installed at the entrance to the new bottle shop area to ensure security; and
- A new internal supermarket entrance (auto gate) is proposed at the southern end of the mall (common property area).

The proposal also includes the changing of the existing internally illuminated signs external to the building from a combination of 'Foodworks and Home Hardware' signage to just 'Foodworks' signage.

### **Site & Surrounds**

The site is located on the north side of Hardy Street, approximately 50m from the Great Ocean Road and 30m from Pascoe Street.

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

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

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

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

### **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 two (2) signs on-site. The public notice was undertaken by Council.

One (1) objection was received. The grounds of objection are summarised as follows:

- The proposal will reduce the availability of parking when at the same time the potential need is being increased.
- Insufficient parking in Pascoe and Hardy Streets already exists.
- Shopping trolleys will end up littering the streets and potentially the foreshore.
- Overdevelopment of the site.

The majority of the objector's concerns are addressed later in this report however the following require further discussion;

- Shopping trolleys will end up littering the streets and potentially the foreshore.

The proposal maintains a shopping trolley return bay. The size of the car park ensures that returning trolleys to this bay is not an inconvenience. Furthermore, Council cannot control the occasional misuse of trolleys by individuals who wish to undertake theft of property. Sufficient laws are in place to control and deter theft within Victoria.

- Overdevelopment of the site

The proposal makes use of existing infrastructure with some small additions to the existing building. The additions occupy an area previously used as storage for the Hardware Store. As such, the proposal is therefore not considered to be an overdevelopment of the site.

### **Referrals**

The application was referred internally to the Infrastructure, Building and Health Departments. No objections to the proposal were raised and no specific conditions are required. As the proposed liquor licence is only for the sale of packaged liquor referral to Liquor Licensing Victoria and the Chief Commissioner of Victoria Police was not required.

### **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 15 – Built Environment and Heritage
- Clause 17.01 – Commercial
- Clause 21.02-2 – Land Use Vision
- Clause 21.03-3 – Apollo Bay and Marengo
- Clause 22.1.05-4 – Tourism

The above policies, including the Apollo Bay Structure Plan, encourage the concentration of retail, commercial, accommodation, administration and entertainment activities in the Apollo Bay 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 commercial facilities. It also assists in further consolidating an existing commercial enterprise increasing its long term viability. The site is appropriately located within the town centre being within walking distance to other commercial, recreational and commercial facilities.

#### b. Zone provisions

The purpose of the Business 1 Zone is:

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

A 'shop' is a Section 1 Use (Permit not required) under the Business 1 Zone provisions.

Planning approval is required to construct a building or to construct or carry out works pursuant to Clause 34.01-4 of the Colac Otway Planning Scheme.

c. Overlay Provisions

The objectives of the Design and Development Overlay Schedule 5 (DDO5) are:

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

A permit is required to construct a building or construct or carry out works pursuant to Clause 43.02 of the Colac Otway Planning Scheme.

d. Particular Provisions – Clause 52.05 Advertising Signs

Pursuant to Clause 52.05 planning approval is required for business identification signage where the total advertisement area to each premise exceeds 8sqm in area.

e. Particular Provisions – Clause 52.06 Car Parking

Pursuant to Clause 52.06 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 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.

A 'shop' attracts a car parking rate of eight (8) spaces per 100sqm of leasable floor area under the provisions of Clause 52.06.

The previous Hardware Store is defined as a 'Shop' and as such holds parking credits at a rate of eight (8) spaces per 100sqm of leasable floor area.

The proposal seeks to utilise a large portion (78sqm) of the Mall (Common Property No.3). The previous use of the Mall can best be described as a thoroughfare which does not attract a specific car parking rate under Clause 52.06. The proposal seeks the use of this Mall as a 'Shop' which generates an additional car parking requirement of 6 spaces. Given the constraints of the site, no additional parking can be provide on-site, and as such a reduction of six (6) parking spaces is required.

f. Particular Provisions – Clause 52.27 Licensed Premises

Pursuant to Clause 52.27 a permit is required to use land to sell or consume liquor where the area that liquor is allowed to be consumed or supplied under a licence is to be increased. The existing licensed premise (bottle shop) is to be relocated into the previous Hardware Store and also increased in area, therefore requiring planning approval.



## Consideration of the Proposal

### Buildings and Works

The majority of the proposed buildings and works are internal and therefore of little consequence. There will be no change to the appearance of the existing buildings when viewed from the Hardy Street streetscape.

The proposal will result in a minor transformation of the building's appearance when viewed from Pascoe Street as a result of the proposed ground floor additions to the north and the creation of a new entry. The proposed additions will sit underneath the existing first floor level apartments in an area previously used as a storage area for the hardware store. The proposed additions are setback some 35m from the street frontage. The additions will have a rendered finish with a two colour tone paint scheme to match the existing building. As such, the proposed additions are considered acceptable.

Overall, the additions will not result in significant change to the Pascoe Street streetscape. This is largely due to the fact that the proposed additions will sit underneath existing first floor apartments, the additions are setback a substantial distance from the street and the external finishes are in keeping with the existing building.

### Use of Common Property

The proposal utilises an area of Common Property which is currently a Mall. This Mall provides a pedestrian link from the Hardy Street frontage to the Pascoe Street car park. The mall also separates the current supermarket from the vacant premises previously used as a Hardware Store.

The proposal will still provide a pedestrian link between Hardy Street and the Pascoe Street car park, which will not require patrons to enter the supermarket or liquor area. Whilst not as direct as the current route, with appropriate directional signage it will still provide a suitable pedestrian thoroughfare.

### Car Parking

The proposal seeks to utilise a large portion (78sqm) of the Mall (Common Property No.3). This previous use of the Mall can best be described as a thoroughfare which does not attract a specific car parking rate under Clause 52.06. The proposal seeks the use of this Mall as a 'Shop' which generates an additional car parking requirement of 6 spaces. As no additional parking can be provided on-site, a reduction of six (6) parking spaces is required.

The application is accompanied by a Traffic Impact Assessment (GHD Pty Ltd, Butterworks Factory Supermarkets P/L, July 2011) which has been prepared to assess the likely traffic impacts of the proposal on the existing traffic network and infrastructure including car parking.

The report incorporated a traffic generation assessment based on the NSW Roads and Traffic Authority's, "Guide to Traffic Generating Developments". The impacts of the additional traffic likely to be generated are summarised as follows;

*"The additional traffic generated per hour from the proposed development is estimated to increase the volume on Pascoe Street by approximately 31 vehicles per peak hour assuming even splits of inbound and outbound traffic, and of traffic approaching from north and south. Due to the distribution of the traffic across the various roads surrounding the site, this increase in traffic per hour is unlikely to adversely impact the operation of the local road network."*

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 provides a specific parking rate for a 'supermarket' of five (5) car 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 an additional car parking requirement of four (4) car spaces.

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 Draft Parking Strategy - Colac and Apollo Bay Parking Study summaries the key issues relating to parking supply in Apollo Bay as;

- *Peak demand for parking at the most popular locations in the township (i.e. Great Ocean Road and the Surf Club car parks) exceeds supply*
- *Searching for parking spaces by visitors can contribute to congestion and negatively impact on the safety of other road users*
- *Visitor numbers and the resident population of Apollo Bay significantly decreases during non-seasonal periods resulting in a much lower demand for parking*

With respect to car parking rates, the Draft report states;

*"Given the often unique circumstances associated with different new developments, it is not always the case that one parking rate fits all developments in all locations. As an alternative, Clause 52.06-6 of the Colac Otway Shire Planning Scheme enables Parking Precinct Plans to be prepared. These are locally prepared strategic plans that contain parking provisions for an area or 'precinct'. They allow all the parking issues arising in a precinct to be considered and a strategy to be implemented to address them.*

*Specifically, this approach would allow the adoption of parking rates which recognise that:*

- *The actual demand for parking for retail uses in the Apollo Bay Commercial Centre is lower than the rate specified by the Victorian Government (refer to Table 3.7 which provides a comparison between the proposed Victorian Government rates and the demand based empirical rates which have been calculated from the 2009 parking surveys and described in detail in the Issues and Opportunities Paper prepared for the Apollo Bay Commercial Centre).*
- *Many shops and food catering outlets in the Apollo Bay Commercial Centre are unlikely to generate single purpose trips and are more likely to be part of a multipurpose trip meaning that the parking demand is shared by a number of land uses. The adoption of a Parking Precinct Plan allows Council to specify car parking rates that incorporate efficiencies achievable with a precinct-wide approach (such as requiring shared provision)."*

The report recommends that a rate of three (3) spaces per 100sqm of floor area for a supermarket be incorporated in the Apollo Bay Commercial Centre Parking Precinct Plan. If the rate proposed by the Draft Parking Strategy was applied in this instance the proposal would generate an additional car parking requirement of two (2) car spaces.

Overall, the proposed reduction of six (6) car parking spaces is considered to be acceptable. Sufficient on-site parking is provided in the form of a 29 space car park, with the upper level residential units having their own car parking spaces. The premises was previously used as a "Hardware Store" with a car parking reduction only required due to the previous Mall area being utilised as supermarket floor space. Given the supermarket already exists and the adjacent premises currently sit unoccupied it makes strategic sense for the supermarket to expand into this premises whilst at the same time only requiring a minor reduction in the car parking requirement.

#### Liquor Licence

The proposal incorporates the relocation of the existing bottle shop into the new premise and an expansion of the floor area. The liquor licence sought is for the sale of packaged liquor. Approval is not sought for the on-site consumption of liquor. The sale of packaged liquor is strongly controlled through State Legislation which will require the applicant to gain approval from Liquor Licensing Victoria. It is considered that the sale of packaged liquor from the premises will not cause material detriment to any persons.

#### Signage

The proposal seeks approval for the replacement of some of the existing "Home Hardware" signage to "Foodworks" branding. Other "Home Hardware" signage is to be removed completely. Overall, the proposal reduces the total amount of signage on-site and will therefore cause no adverse impacts to the streetscape appearance of the area.

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

The Apollo Bay Structure Plan's objective for commercial and retail activity in Apollo Bay is:

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

The proposal expands a successful commercial business into a currently vacant premises further solidifying the Apollo Bay Commercial Precinct and ensuring the long term viability of an existing commercial enterprise.

#### **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 proposed buildings and works will not cause detriment to the existing streetscape and general amenity of the site and surrounds. The waiver of six (6) additional car parking spaces is considered appropriate given substantial on-site parking is already provided on-site, the supermarket use is already established and the slight increase in floor area will allow for a more viable business.

**Attachments**

Nil

**Recommendation(s)**

***That Council's Planning Committee resolves to issue a Notice of Decision to Grant a Planning Permit for Buildings and Works comprising alterations and additions to an existing retail premises, relocation and extension of an existing bottle shop (liquor licence), replacement of existing illuminated signage and a reduction in the parking requirement at 4 Hardy Street, Apollo Bay subject to the following conditions:***

- 1. The layout of the site and the size of the proposed buildings and works as shown on the endorsed plans must not be altered or modified without the written consent of the Responsible Authority.***
- 2. The supply of liquor hereby approved must be subject to the issue of a licence under the Liquor Control Reform Act 1988.***
- 3. The hours of operation are strictly limited to the trading hours specified by the licence issued under the Liquor Control Reform Act 1988.***
- 4. The supply of liquor hereby approved must be managed so that the amenity of the area is not detrimentally affected to the satisfaction of the responsible authority.***
- 5. All signs must be constructed and maintained to the satisfaction of the Responsible Authority.***
- 6. The signs must not contain any flashing light except with the written consent of the Responsible Authority.***
- 7. The signage hereby approved expires fifteen years after the date of the permit.***
- 8. 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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