



**Colac Otway
SHIRE**

AGENDA

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

12 OCTOBER 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

12 OCTOBER 2011

TABLE OF CONTENTS

OFFICERS' REPORTS

PC111210-1	PLANNING COMMITTEE MEETINGS SCHEDULED FOR 2012.....	5
PC111210-2	PLANNING & BUILDING STATISTICAL REPORT.....	8
PC111210-3	CONSTRUCTION OF A BUILDING AND ASSOCIATED WORKS AND THE DISPLAY OF BUSINESS IDENTIFICATION SIGNAGE....	15
PC111210-4	DEVELOPMENT OF SEVEN (7) DWELLINGS AT 5A CLARK STREET, COLAC - PP30/2008	28
PC111210-5	USE OF THE SITE AS AN 'ART GALLERY', BUILDINGS AND WORKS COMPRISING ALTERATIONS AND ADDITIONS TO EXISTING BUILDINGS AND A REDUCTION IN THE CAR PARKING REQUIREMENT AT 520 CORANGAMITE LAKE ROAD, COROROOKE.....	37
PC111210-6	ALTERATION TO TIMING OF DISTRIBUTION OF PLANNING COMMITTEE AGENDAS TO THE COMMUNITY (CR STEPHEN HART)	45

NOTICE is hereby given that the next *PLANNING COMMITTEE MEETING OF THE COLAC-OTWAY SHIRE COUNCIL* will be held in COPACC Meeting Rooms on 12 October 2011 at 10:30 am.

AGENDA

1. OPENING PRAYER

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

AMEN

2. PRESENT

3. APOLOGIES

4. MAYORAL STATEMENT

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

Colac Otway Shire encourages active community input and participation in Council decisions.

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 14/09/11.

Recommendation

That Council confirm the above minutes.

OFFICERS' REPORTS

Sustainable Planning and Development

PC111210-1	PLANNING COMMITTEE MEETINGS SCHEDULED FOR 2012
PC111210-2	PLANNING & BUILDING STATISTICAL REPORT
PC111210-3	CONSTRUCTION OF A BUILDING AND ASSOCIATED WORKS AND THE DISPLAY OF BUSINESS IDENTIFICATION SIGNAGE.
PC111210-4	DEVELOPMENT OF SEVEN (7) DWELLINGS AT 5A CLARK STREET, COLAC - PP30/2008
PC111210-5	USE OF THE SITE AS AN 'ART GALLERY', BUILDINGS AND WORKS COMPRISING ALTERATIONS AND ADDITIONS TO EXISTING BUILDINGS AND A REDUCTION IN THE CAR PARKING REQUIREMENT AT 520 CORANGAMITE LAKE ROAD, COROROOKE
PC111210-6	ALTERATION TO TIMING OF DISTRIBUTION OF PLANNING COMMITTEE AGENDAS TO THE COMMUNITY (CR STEPHEN HART)

Rob Small
Chief Executive Officer

PC111210-1

PLANNING COMMITTEE MEETINGS SCHEDULED FOR 2012

AUTHOR:	Bronwyn Keenan	ENDORSED:	Jack Green
DEPARTMENT:	Sustainable Planning & Development	FILE REF:	D11/4464

Purpose

To confirm the Planning Committee Meeting dates and times for 2012 as per the Council Report resolution at the meeting held on 24 August 2011.

18 January	-	COPACC
8 February	-	COPACC
14 March	-	COPACC
11 April	-	COPACC
9 May	-	COPACC
13 June	-	COPACC
11 July	-	COPACC
8 August	-	COPACC
12 September	-	COPACC
10 October	-	COPACC (depending on the election date which is yet to be set)
14 November	-	COPACC (subject to approval by the new Council)
12 December	-	COPACC (third Wednesday) (subject to approval by the new Council)

Declaration of Interests

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

Background

Under the Council's Local Law 4, Part 4 – Council Meeting, Clause 20 – Dates & Times of Meetings, Council is required to confirm their meeting dates on at least an annual basis.

At a Council workshop on 10 August 2011, Councillors were given the opportunity to consider a schedule of dates for 2012 for both Ordinary Council and Planning Committee meetings.

Discussion was held on changing the current scheduling of Planning Committee meetings, however it was agreed that, when required, they would continue to be held on the second Wednesday of the month. This evens out reporting and administrative workloads and meetings for Councillor workshops are required on that date in any event.

Council Plan / Other Strategies / Policy**Leadership and Governance**

Council will fulfil its leadership, statutory and legal obligations to its community and staff in a way that is: fair, ethical, inclusive, sustainable, financially responsible and meets the needs and practical aspirations of current and future generations.

Issues / Options

Not applicable

Proposal

It is proposed that the first Planning Committee Meeting for 2012 be held on Wednesday 18 January 2012, 10.30am at Colac Otway Performing Arts and Culture Centre, Colac with future Meetings to be held on the second Wednesday of each month at the same venue.

Note: The last three meetings are subject to approval by the new elected Council following the Council elections at a date to be set toward the end of 2012.

Financial & Other Resource Implications

Not applicable

Risk Management & Compliance Issues

Not applicable

Environmental Consideration / Climate Change

Not applicable

Communication Strategy / Consultation Period

The community engagement strategy follows the recommendation of the Colac Otway Shire Council Community Engagement policy of January 2010 which details five levels of engagement - inform, consult, involve, collaborate and empower. The method selected is inform as is achieved by the resolution of the meeting dates, times and venue through the adoption of the recommendation in this report.

Implementation

The 2012 schedule of Planning Committee meetings would commence in January 2012.

Conclusion

That Council's Planning Committee confirm the meeting dates, time and venue for the 2012 Planning Committee Meetings.

Attachments

Nil

Recommendation(s)

That Council confirm the meeting dates, times and venues of 2012 Planning Committee meetings, if required, as:

- ***Wednesday, 18 January 2012 at 10.30am, at COPACC, Colac***
- ***Wednesday, 8 February 2012 at 10.30am, at COPACC, Colac***
- ***Wednesday, 14 March 2012 at 10.30am, at COPACC, Colac***
- ***Wednesday, 11 April 2012 at 10.30am, at COPACC, Colac***
- ***Wednesday, 9 May 2012 at 10.30am, at COPACC, Colac***
- ***Wednesday, 13 June 2012 at 10.30am, at COPACC, Colac***

- ***Wednesday, 11 July 2012 at 10.30am, at COPACC, Colac***
- ***Wednesday, 8 August 2012 at 10.30am, at COPACC, Colac***
- ***Wednesday, 12 September 2012 at 10.30am, at COPACC, Colac***
- ***Wednesday, 10 October 2012 at 10.30am, at COPACC, Colac (subject to advice on the Local Government election date)***
- ***Wednesday, 14 November 2012 at 10.30am, at COPACC, Colac (subject to approval by the new Council)***
- ***Wednesday, 12 December 2012 at 10.30am, at COPACC, Colac (subject to approval by the new Council).***

~~~~~

**PC111210-2**

**PLANNING & BUILDING STATISTICAL REPORT**

|             |                                    |           |            |
|-------------|------------------------------------|-----------|------------|
| AUTHOR:     | Janole Cass                        | ENDORSED: | Jack Green |
| DEPARTMENT: | Sustainable Planning & Development | FILE REF: | D11/5539   |

**Summary**

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

**Planning Statistics**

30 Planning Permit Applications were received for the period 1 September 2011 – 30 September 2011.

31 Planning Permit Applications were considered for the period 1 September 2011 – 30 September 2011.

**Building Statistics**

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

**Attachments**

1. Planning and Statistical Report September 2011

**Recommendation(s)**

***That Council's Planning Committee note the statistical reports for September 2011.***

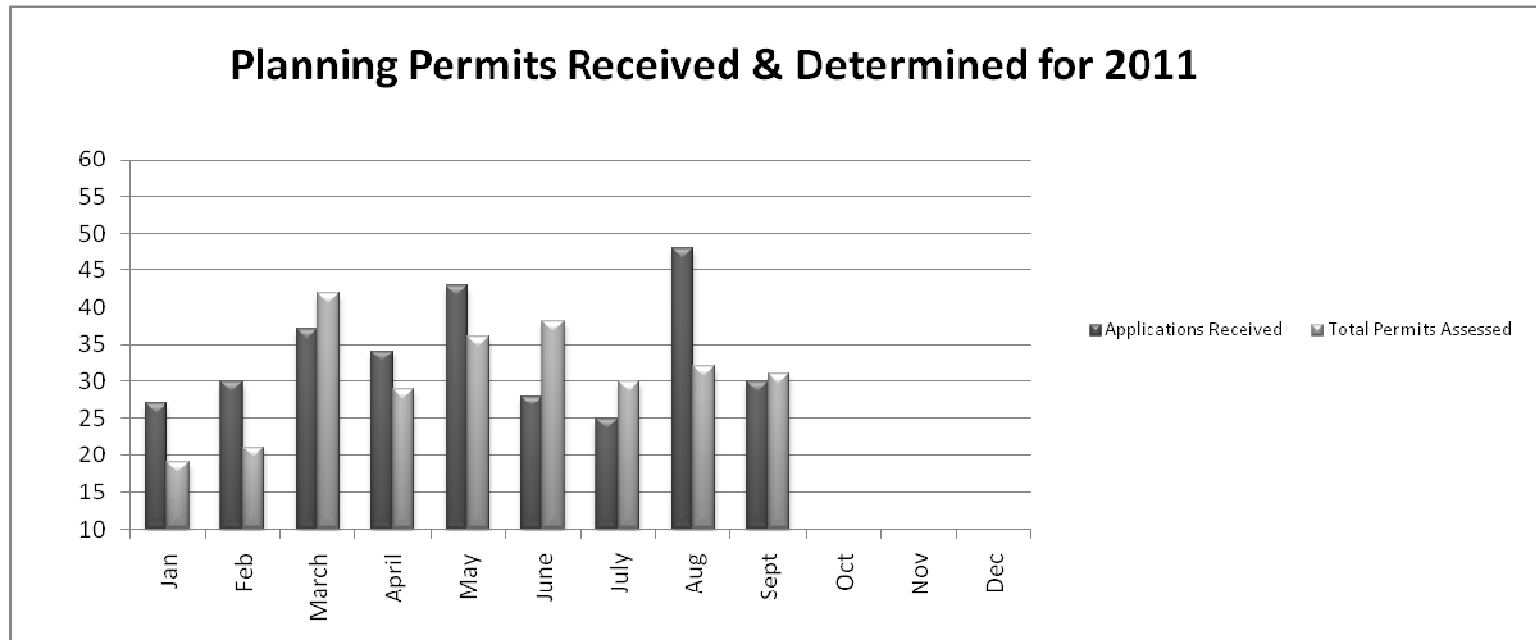
~~~~~

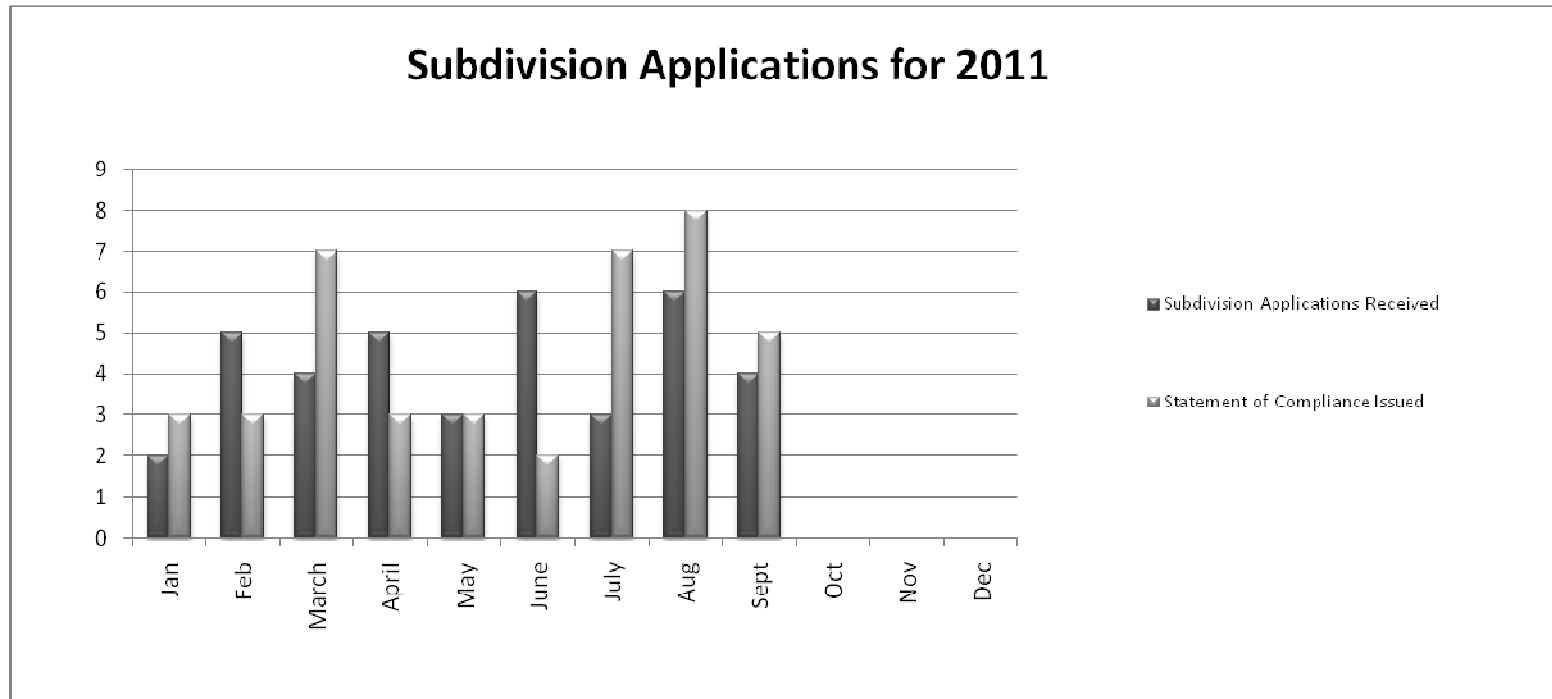

Planning Statistical Report September 2011

APPLIC NO	DATE RECEIVED	LOCATION	PROPOSAL	DATE ISSUED	ACTUAL TIME	AUTHORITY	DECISION
188/2008-2	7 JUL 2011	13-15 GREAT OCEAN ROAD MARENGO	DEVELOPMENT OF FIVE (5) TOWNHOUSES & A FIVE (5) LOT SUBDIVISION – AMENDMENT	28 SEP 2011	41	UNDER DELEGATION	AMENDED PERMIT ISSUED
231/2008-3	29 AUG 2011	202A POUND ROAD ELLIMINYT	TWENTY EIGHT (28) LOT SUBDIVISION – AMENDMENT	29 SEP 2011	17	UNDER DELEGATION	AMENDED PERMIT ISSUED
259/2009-1	31 AUG 2009	10 MARTIN STREET APOLLO BAY	DEVELOPMENT OF THE LAND FOR SEVEN (7) DWELLINGS	12 SEP 2011	301	UNDER DELEGATION	WITHDRAWN
254/2010-1	2 SEP 2010	255 KENTS ROAD BARWON DOWNS	BUILDINGS AND WORKS FOR THE PURPOSE OF CONSTRUCTING A DWELLING AND SWIMMING POOL	29 SEP 2011	210	UNDER DELGATION	PERMIT ISSUED
261/2010-1	7 SEP 2010	30 FACTORY ROAD COROROOKE	FIVE (5) LOT SUBDIVISION	29 SEP 2011	346	UNDER DELEGATION	PERMIT ISSUED
323/2010-1	11 NOV 2010	26 NELSON STREET APOLLO BAY	FIVE (5) DWELLINGS & FIVE (5) LOT SUBDIVISION	30 SEP 2011	10	UNDER DELEGATION	NOTICE OF DECISION
26/2011-1	11 FEB 2011	1 OLD MAIN ROAD GELLIBRAND	INSTALLATION OF A WOODEN SCULPTURE (EAGLE)	2 SEP 2011	30	UNDER DELEGATION	PERMIT ISSUED
55/2011-1	9 MAR 2011	90 BIDDLES ROAD APOLLO BAY	USE & DEVELOPMENT OF THE LAND FOR A DWELLING	26 SEP 2011	29	UNDER DELEGATION	PERMIT ISSUED
67/2011-2	29 JUL 2011	695 COLAC BALLARAT ROAD ONDIT	ADDITION TO EXISTING DWELLING – AMENDMENT	12 SEP 2011	45	UNDER DELEGATION	AMENDED PERMIT ISSUED
68/2011-1	24 MAR 2011	29 GREAT OCEAN ROAD SKENES CREEK	RENOVATION AND INFILL OF EXISTING DWELLING	13 SEP 2011	69	UNDER DELEGATION	PERMIT ISSUED
94/2011-1	28 APR 2011	843 BARHAM RIVER ROAD APOLLO BAY	CONSTRUCTION OF ONE (1) REPLACEMENT DWELLING AND DECOMMISSION OF AN EXISTING DWELLING, CONSTRUCT DRIVEWAY AND ASSOCIATED WORKS	28 SEP 2011	40	UNDER DELEGATION	PERMIT ISSUED
113/2011-1	10 MAY 2011	28 MURRAY STREET APOLLO BAY	USE FOR ACCOMMODATION, BUILDINGS AND WORKS AND CONSOLIDATION OF LAND	26 SEP 2011	74	UNDER DELEGATION	NOTICE OF DECISION
131/2011-1	30 MAY 2011	150 SAND ROAD GLENAIRE	TWO (2) LOT RE-SUBDIVISION	8 SEP 2011	0	UNDER DELEGATION	APPLICATION LAPSED
166/2011-1	11 JUL 2011	30 MCLELLAN COURT WYE RIVER	ADDITION TO EXISTING COUNTRY FIRE AUTHORITY SHED, RETAINING WALL AND ASSOCIATED WORKS	2 SEP 2011	8	UNDER DELEGATION	PERMIT ISSUED
167/2011-1	18 JUL 2011	4 HARDY STREET APOLLO BAY	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	15 SEP 2011	43	PLANNING COMMITTEE	NOTICE OF DECISION

APPLIC NO	DATE RECEIVED	LOCATION	PROPOSAL	DATE ISSUED	ACTUAL TIME	AUTHORITY	DECISION
168/2011-1	19 JUL 2011	249 GREAT OCEAN ROAD APOLLO BAY	TWO (2) LOT SUBDIVISION	26 SEP 2011	29	UNDER DELEGATION	PERMIT ISSUED
171/2011-1	20 JUL 2011	498 PRINCES HIGHWAY COLAC WEST	TO USE LAND AS A COMMUNITY MARKET	12 SEP 2011	3	UNDER DELEGATION	WITHDRAWN
173/2011-1	21 JUL 2011	35 OCEAN PARK DRIVE MARENGO	CONSTRUCT A SINGLE STOREY DWELLING	22 SEP 2011	36	UNDER DELEGATION	PERMIT ISSUED
176/2011-1	25 JUL 2011	210 PIERCES ROAD BEEAC	USE & DEVELOPMENT OF A SINGLE DWELLING	14 SEP 2011	26	UNDER DELEGATION	PERMIT ISSUED
177/2011-1	27 JUL 2011	30 GRAVESEND STREET COLAC	EXTEND RED LIQUOR LINE TO INCLUDE BOWLING GREENS AND OUTDOOR AREA	23 SEP 2011	32	UNDER DELEGATION	PERMIT ISSUED
193/2011-1	11 AUG 2011	9 PARKINSON STREET COLAC EAST	BUILDINGS AND WORKS COMPRISING ALTERATIONS AND ADDITIONS TO EXISTING BUILDINGS	8 SEP 2011	28	UNDER DELEGATION	PERMIT ISSUED
194/2011-1	12 AUG 2011	22 FULFORD CRESCENT ELLIMINYT	DEVELOPMENT OF THE LAND FOR A SINGLE DWELLING	2 SEP 2011	21	UNDER DELEGATION	PERMIT ISSUED
197/2011-1	15 AUG 2011	130-132 MURRAY STREET COLAC	ERECTION OF BUSINESS IDENTIFICATION SIGNAGE	2 SEP 2011	18	UNDER DELEGATION	PERMIT ISSUED
205/2011-1	19 AUG 2011	495 MURROON ROAD MURROON	EXTEND STORAGE AREA, PROVIDE TOILET & STAFF KITCHEN	30 SEP 2011	42	UNDER DELEGATION	PERMIT ISSUED
212/2011-1	24 AUG 2011	19 OLD COACH ROAD SKENES CREEK	ALTERATIONS AND ADDITIONS TO AN EXISTING DWELLING	12 SEP 2011	19	UNDER DELEGATION	PERMIT ISSUED
213/2011-1	25 AUG 2011	168 SINCLAIR STREET SOUTH COLAC	DEVELOPMENT OF A SINGLE DWELLING	19 SEP 2011	25	UNDER DELEGATION	PERMIT NOT REQUIRED
217/2011-1	29 AUG 2011	3 SLATER STREET ELLIMINYT	SKILLION CARPORT ADDITION TO EXISTING SKILLION SHED	7 SEP 2011	1	UNDER DELEGATION	PERMIT ISSUED
220/2011-1	30 AUG 2011	18-24 FOREST STREET COLAC EAST	INSTALLATION OF LOG SORTING PLANT	19 SEP 2011	10	UNDER DELEGATION	PERMIT ISSUED
223/2011-1	7 SEP 2011	21 RANKIN STREET COLAC	CONSTRUCTION OF A SINGLE DWELLING	23 SEP 2011	19	UNDER DELEGATION	PERMIT NOT REQUIRED
224/2011-1	7 SEP 2011	27 WILSON STREET COLAC	CONSTRUCTION OF A SINGLE DWELLING	26 SEP 2011	19	UNDER DELEGATION	PERMIT NOT REQUIRED
227/2011-1	9 SEP 2011	10 DRAPERS ROAD COLAC EAST	SHED FOR AGRICULTURAL STORAGE	20 SEP 2011	8	UNDER DELGATION	PERMIT ISSUED

APPLIC NO	DATE RECEIVED	LOCATION	PROPOSAL	DATE ISSUED	ACTUAL TIME	AUTHORITY	DECISION
			AVERAGE DAYS TO PROCESS PLANNING APPLICATIONS		52		

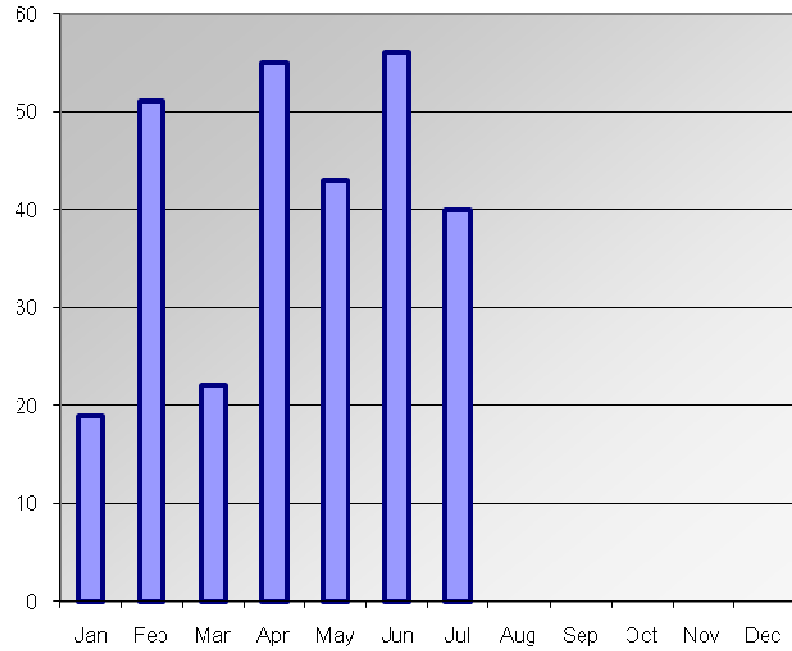




	Domestic		Residential*		Commercial		Retail		Industrial		Hospital/HealthCare		Public Buildings		Municipal Totals	
	No of BP	Value (\$)	No of BP	Value (\$)	No of BP	Value (\$)	No of BP	Value (\$)	No of BP	Value (\$)	No of BP	Value (\$)	No of BP	Value (\$)	No of BP	Value (\$)
Jan	15	1,566,668	0	0	3	121,755	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	34	4,559,302	0	0	3	347,495	1	7,500	0	0	0	0	2	367,495	40	5,281,792
Aug																
Sep																
Oct																
Nov																
Dec																
Totals	211	30,111,454	10	1,240,500	33	2,268,522	7	2,863,250	2	1,029,000	0	0	23	2,792,070	286	40,304,796

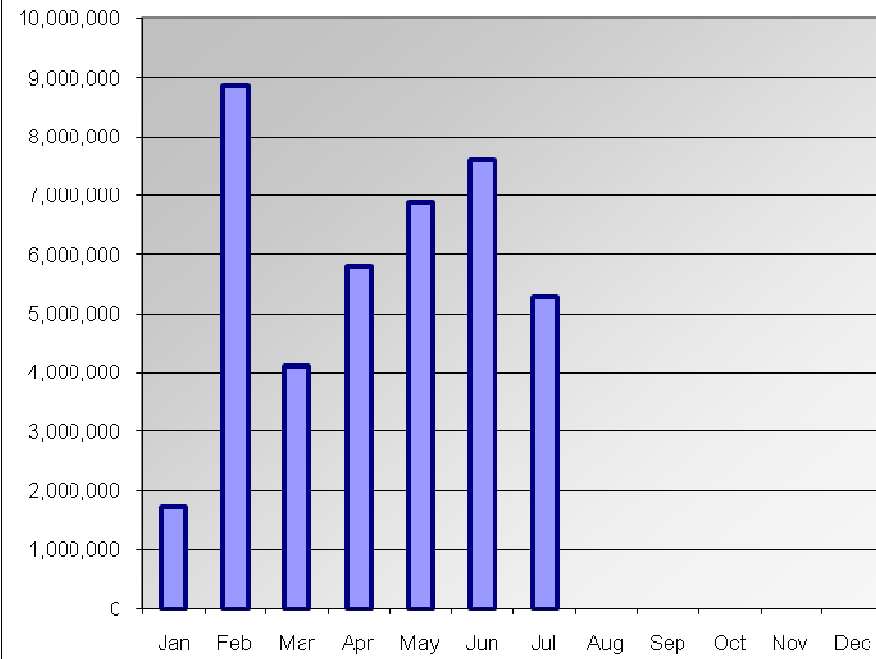
2011 Building Statistics - Total Permits Issued

No of Permits



2011 Building Statistics - Total Value of Works

Value (\$)



PC111210-3 CONSTRUCTION OF A BUILDING AND ASSOCIATED WORKS AND THE DISPLAY OF BUSINESS IDENTIFICATION SIGNAGE.

AUTHOR:	Ian Williams	ENDORSED:	Jack Green
DEPARTMENT:	Sustainable Planning & Development	FILE REF:	PP187/2011-1

Location:	91-149 Forest Street, Colac
Zoning:	Industrial 1 Zone (IN1Z)
Overlay controls:	Design and Development Overlay Schedule 1 (DDO1) Land Subject to Inundation Overlay (LSIO) Environmental Significance Overlay Schedule 2 (ES02)
Proposed Amendments:	Nil
Abuts:	Public Park and Recreation Zone (PPRZ)
Restrictive Covenants	No

Purpose:

Planning permission is sought for the construction of a new Bulla Dairy Foods 'Innovation Centre' building used in association with the existing Bulla manufacturing facility to the north.

The application is before Council for consideration as the proposed building exceeds 8m in height above natural ground level.

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

Declaration of Interests

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

Summary

- Planning permission is sought for the construction of a new 2710m² Bulla Dairy Foods 'Innovation Centre' building used in association with the existing Bulla manufacturing facility. The building would be used for the testing and manufacture of new and emerging food products.
- The building would have a total area of 2710sqm with a maximum height of 8.32m. The building would employ up to 52 staff operating between the hours of 6.30am and 7.00pm, with the majority of staff working between 8.30am to 5.00pm.
- The application includes landscaping along the southern and eastern edges of the site and car parking for 153 staff vehicles.

- The application proposes the display of internally illuminated business identification signage (5.5m x 1.5m) to the Forest Street facade. The proposed signage would be positioned 3.4m above ground floor level.
- Public notification of the application was undertaken with one (1) objection being received. The objection is on the basis that the existing facility did not meet the conditions of the earlier planning approval by only planting trees on half the length of the western boundary and additional planting should be undertaken along the western boundary to reduce the impact of buildings and works and light pollution on surrounding properties within Fulton Street.
- Given the above, it is recommended that a Notice of Decision to Grant a Planning Permit be issued subject to conditions.

Background

The subject land is currently occupied by Bulla Dairy Foods who produce cream, cottage cheese, sour cream and yogurt, being the largest bottler of cream in Australia. Bulla Dairy Foods purchases from Fonterra, Murray Goulburn and Warrnambool Cheese and Butter employing approximately 500 persons in Colac (including seasonal/casual) with the estimated value of investment in Colac being \$200 million.

On 5 April 2004 planning permission was granted for the use and construction of a waste water treatment plant to treat all waste generated by the existing plant.

Issues / Options

Council has the options of:

- a) Supporting the application with changes.
- b) Refusing to grant a permit.

The key issue is whether the additional height above 8m is justified.

It is recommended that Option (a) is supported.

Proposal

The application proposes the construction of a new 2710m² Bulla Dairy Foods 'Innovation Centre' building used in association with the existing Bulla manufacturing facility. The building would be used for the testing and manufacture of new and emerging food products. The site would accommodate administrative functions associated with the Bulla Foods building located to the north.

The new innovation building would have a frontage onto Forest Street and would be located to the south of the existing manufacturing facility. The building would comprise one and two storeys. The single storey element would accommodate the laboratories with the two storey containing the administrative and innovation centre. The central part of the building would contain staff amenities.

The building would have a total area of 2710sqm with a maximum height of 8.32m, accommodating up to 52 staff, operating between the hours of 6.30am and 7.00pm, with the majority of staff working between 8.30am to 5.00pm.

As part of the proposal, two new vehicle access and egress points are proposed on Forrest Street, both of which will provide access for vehicular traffic to the staff and visitor car parking areas. A new truck ingress point is proposed along the Hearn Street frontage, 25m from the junction with Forest Street. The application includes landscaping along the southern and eastern boundaries and car parking for 153 staff vehicles. The proposed car parking would be utilised by visitors and staff and would provide for additional overflow parking for the existing Bulla manufacturing facility to the north.

Ten covered bicycle spaces are also proposed near the entry point to the front building.

The application includes the display of an internally illuminated business identification signage (5.5m x 1.5m) to the eastern facade on Forest Street. The proposed signage would be positioned 3.4m above ground floor level.

Site & Surrounds

The site is identified as Lot 2 on LP207690, located approximately 2 kilometres south-east of Murray Street. The site is located on the corner of Forrest Street and Hearn Street. The site is currently vacant, located to the south of the existing Bulla manufacturing facility to the north. The existing Bulla facility occupies an area of 16.4 hectares, providing car parking for 85 cars to the front of the building.

The application site is located within the Industrial 1 Zone with land within the Public Park and Recreation Zone to the north. Barongarook Creek is 40m north of the existing Bulla facility and 210m north of the proposed building. The land to the south and west is within the Rural Living Zone and land to the south east within the Farming Zone.

The site benefits from a 464m frontage onto Forest Street and a 308m frontage onto Hearn Street. Forest Street and Hearn Street are single lane 6.0m wide roads with grass verges.

The northern section of this lot is located within an area designated as one of cultural sensitivity. The area of land identified for the building and works as part of this application is located outside of the designated area.

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, one on Forest Street and one on Hearn Street. The public notice was undertaken by the applicant.

At the conclusion of the notification period, one (1) objection had been received. The grounds of the objection are summarised as follows:

- The existing facility did not meet the conditions of the earlier planning approval by only planting trees on half the length of the western boundary.
- Additional planting should be undertaken along the western boundary to reduce the impact of buildings and works and light pollution on surrounding properties within Fulton Street.

The neighbouring dwellings within Fulton Street are located 360m to the west of the application site. Whilst landscaping has been partially undertaken to assist in the screening of the existing development along the western boundary, a condition has been included in the recommendation of this report to ensure that a landscaping plan is submitted which would assist in screening and softening the development and any associated light spill to the properties to the west.

A condition has also been included to ensure that external lighting is baffled and located to prevent any adverse effects on adjoining land.

Referrals

In accordance with Section 52 of the Planning and Environment Act, the application was referred to the Environment Protection Agency, Barwon Water and Corangamite Catchment Management Authority. The application was also referred internally to the Council's Environment, Infrastructure and Health Departments. No objections have been raised to the proposal subject to the inclusion of appropriate conditions.

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 considered relevant to the consideration of this application.

- Clause 11.05 – Regional Development
- Clause 12 – Environmental and Landscape Values
- Clause 13 – Environmental Risks
- Clause 15 – Built Environment and heritage
- Clause 17 – Economic Development
- Clause 17.02 – Industry
- Clause 21.02 – Vision
- Clause 21.03-2 – Colac
- Clause 21.05 – Economic Development

The proposal is considered to be consistent with the broader principles of the State and Local Planning Policy Framework. The proposal assists in intensifying and consolidating the existing industrial use, enhancing its long term viability with the existing industrial development to the north. Bulla Dairy Foods is considered to be one of the major business employers within Colac and as such, the expansion of the existing use will assist in supporting a thriving industrial sector in a location that will benefit from a direct relationship with the existing land use. The design of the building and the use of appropriate materials will give the appearance of a contemporary built form and appropriate landscaping will assist in softening and screening the development from neighbouring residential properties.

b. Zone Provisions

The key purpose of the Industrial 1 Zone is;

- To provide for manufacturing industry, the storage and distribution of goods and associated uses in a manner which does not affect the safety and amenity of local communities.

Consideration of the following *decision guidelines* is required in the assessment of the proposal:

- Any natural or cultural values on or near the land.
- Streetscape character.
- Built form.
- Landscape treatment.
- Interface with non-industrial areas.
- Parking and site access.
- Loading and service areas.
- Outdoor storage.
- Lighting.
- Stormwater discharge.

A planning permit is not required to use land for the purpose of 'Industry' provided the conditions set out within the table to Clause 33.01-1 are met. The conditions specify that the use must not show a 'Note 1' or 'Note 2' in the table and the land must be at least 300m from a residential zone (as specified in the table to Clause 52.10).

A permit is required to construct a building or carry out works pursuant to Clause 33.01-4 of the Colac Otway Planning Scheme.

c. Overlay Provisions

The objectives of the Design and Development Overlay (DDO1) seek to ensure that the industrial area on the eastern entrances to Colac is retained for the development of large scale industrial uses on large lots so that views of the lake and the quality of buildings and works do not detract from the landscape character of this entrance to the town.

Applications should satisfy the criteria specified within the schedule to the overlay with regard to plot ratio, setbacks and lot sizes. Specifically the overlay states;

- All buildings and works are to be set back 20 metres from the road frontage and only landscaping, visitor car parking and access ways are to be located within the setback area.
- All staff parking and loading bays are to be located to the side or rear of any buildings.
- The plot ratio for buildings and works is not to exceed 40% of the site area.
- Buildings should not exceed a height of 8 metres above natural ground level.
- Landscaping is to be provided in accordance with a landscape plan approved to the satisfaction of the responsible authority. The landscape plan is to provide a range of trees, shrubs and ground cover to create a 'garden' appearance for the development. Landscaping is to be completed within 6 months of the development or works being constructed.

The key objectives of the Environmental Significance Overlay (ESO2) are:

- To protect the quality of water entering lakes, watercourses and wetlands.
- To protect and enhance lakes, watercourses and wetlands with significant flora, fauna and fisheries habitat.
- To prevent pollution and increased turbidity of water in natural watercourses.
- To maintain the ability of streams and watercourses to carry natural flows.
- To prevent erosion of banks, streambeds and adjoining land and the siltation of watercourses, drains and other features.

- To consider the intensity of the development of environmentally sensitive land.

A permit is required to construct a building or carry out works pursuant to Clause 42.01-2 of the Colac Otway Planning Scheme.

The key objectives of the Land Subject to Inundation Overlay (LSIO) are:

- To identify land in a flood storage or flood fringe area affected by the 1 in 100 year flood or any other area determined by the floodplain management authority.
- To ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, is compatible with the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity.
- To reflect any declaration under Division 4 of Part 10 of the Water Act 1989 where a declaration has been made.
- To protect water quality in accordance with the provisions of relevant State Environment Protection Policies, particularly in accordance with Clauses 33 and 35 of the State Environment Protection Policy (Waters of Victoria).
- To ensure that development maintains or improves river and wetland health, waterway protection and flood plain health.

A permit is required to construct a building or carry out works pursuant to Clause 44.04-1 of the Colac Otway Planning Scheme.

The Environmental Significance Overlay and the Land Subject to Inundation Overlay affect 9.5% and 10.5% respectively of the northern part of the site being a section of land adjacent to the creek. The proposed development is not located within the identified area and therefore a permit is not triggered under these overlays 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 8m². For internally illuminated signage, the advertisement area must not exceed 1.5 sqm. The sign must be more than 30m from a residential zone or pedestrian or traffic lights.

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.

Under the provisions of Clause 52.06, an industrial use attracts a car parking rate of 2.9 spaces per 100sqm of floor area and an office use attracts a car parking rate of 3.5 spaces per 100 sqm of net floor.

On the basis that the predominant use of the land is industry, there would be a requirement for 52 car spaces. Consideration should also be given to the individual land use elements, office and industry. On this basis, there would be a requirement for 63 car spaces for the office component and 27 spaces for the industry component (90 car spaces in total).

f. Particular Provisions – Clause 52.07 Loading and unloading of vehicles

Pursuant to Clause 52.07 no building or works may be constructed for the manufacture, servicing, storage or sale of goods or materials unless space is provided on the land for loading and unloading vehicles.

g. Particular Provisions – Clause 52.10 Uses with an adverse amenity potential

Pursuant to Clause 52.10 the minimum threshold distance for the manufacture of milk products to land in a residential zone, land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre is 300m.

h. Particular Provisions – Clause 52.34 Bicycle provision

Pursuant to Clause 52.34 a new use must not commence or the floor area of an existing use must not be increased until the required bicycle facilities and associated signage has been provided on the land. Where the floor area occupied by an existing use is increased, the requirement for bicycle facilities only applies to the increased floor area of the use. This Clause requires the provision of 1 staff bicycle space per 1,000sqm of net floor area.

Consideration of the Proposal

Buildings and Works

The building design is considered to be of a contemporary nature, which presents as a glazed, colourbond and steel facade with a flat roofline. The prominent elevations fronting Forest Street and Hearn Street are contemporary comprising a mix of building materials including glass and colourbond with steel feature elements and horizontal wall panels with a proposed colour scheme of predominantly grey shades. To the western elevation the building presents as a more solid form.

The overall height of the building is 8.32m which is greater than the desired 8 metres. On balance, given the context of the site and the setback from the street frontage and with the highest part being centrally located, it is considered that overall the proposal remains consistent with the design objectives and as such is not considered to be overly dominant or detrimental to the character and appearance of the surrounding area.

The proposed setback is 24.7m from the Forest Street frontage and 60.37m from the Hearn Street frontage, and as such, the proposal exceeds the desired setback of 20m.

The proposal would present visitor and staff car parking to the front (Forest Street) and side (Hearn Street) with truck access provided to the rear. The setback areas have been devoted to a mix of landscaping and car parking. The provision of car parking spaces to the front of the building would not strictly conform with the design objectives of the DDO1, however it is considered that overall, given the constraints of the site, the site layout would not allow for car parking to be concealed at the rear.

Landscaping is proposed to be interspersed within the car park areas and additional landscaping would be required by condition along the western boundary.

The site coverage for buildings and works is considerably less than the designated plot ratio of 40%.

A mix of trees, large shrubs and smaller ground cover is proposed to both street elevations which will assist in softening and screening the built form from adjoining roads. Landscaping is also proposed within the car park area to the south of the main building, with additional visual interest provided by rock retaining feature walls. The application has been referred to the Council's Environment Department who have recommended additional landscaping along Forest Street and Hearn Street to provide additional buffering and shade screening to the car park.

Amended plans are required as part of condition 1 to ensure the removal of a 'blue sky box section' as this has been included by the architect as a representation of the 'sky' and does not form part of the application. To improve the front entry elevation, the amended plans have also required the relocation of the water tanks to the rear of the building. The applicant is aware of the requirements of this condition.

Advertising Signs

The proposal seeks approval for one internally illuminated sign 1.5m by 5.5m, 3.4m above ground level fronting onto Forest Street. The proposed sign is considered to be of an appropriate size and location on the front facade, set below roof level, providing a reasonable level of identification for a building within an industrial zone without dominating the facade.

Car Parking

The proposal provides car parking for up to 153 cars, inclusive of 2 disabled car spaces adjacent to the front entrance. On the basis that the predominant use of the land is industry, there would be a requirement for 52 car spaces. This requirement would be 90 spaces if the floorspace for the office component was amended separately to the individual components. In either case, the proposal meets the planning scheme requirement.

The proposed level of car parking is considered to be adequate to meet the requirements of this development whilst providing additional 'spill over' car parking for visitors to the existing Bulla facility. The car parking spaces have been designed in accordance with the requirements of the Planning Scheme being 2.6m wide by 4.9m long.

The application is accompanied by a Traffic and Transport Assessment (Cardno Victoria Pty Ltd, Bulla Dairy Innovation Centre 26 July 2011) which was prepared to assess the traffic and transport impacts of the proposal.

The report concluded that *'the proposal will generate up to 60 vehicle movements per hour at peak times and approximately 340 vehicle movements per day. These additional movements will not have a significant impact on the operation of the surrounding 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 maintains that an industrial use should attract a car parking rate of 2.9 spaces per 100sqm of floor area and an office outside of a business zone or central activity zone should attract a rate of 3.5 spaces per 100sqm of net floor area. If the rate proposed by the Advisory Committee Report was applied in this instance, the proposal would not generate any additional car parking requirement.

Loading and Unloading

The traffic and transport assessment by Cardno Victoria Pty Ltd, advises that heavy vehicle deliveries to the site will be limited to an average of 1 semi trailer per week. A new truck ingress point is proposed along the Hearn Street frontage, allowing for truck movements along the western boundary to connect with the driveway network of the existing manufacturing facility to the north. Trucks will exit the site via the existing crossovers. Smaller vans and courier vehicles would also visit the facility using the Forest Street car park.

The western truck ingress road would be 6.5m in width decreasing to 5m adjacent to the external storage area to the rear of the innovation centre building. This is considered to be adequate to meet the requirements of Clause 52.07.

Uses with an Adverse Amenity Potential

Pursuant to Clause 52.10 the threshold distance for the 'manufacture of milk products' is 300 metres which is satisfied under this application and as such, there are not expected to be any adverse amenity impacts.

Bicycle provision

Pursuant to Clause 52.34, one staff bicycle space must be provided per 1,000sqm of net floor area. In this instance, the provision of 10 bicycle spaces is considered to significantly exceed the requirement.

Cultural Heritage Management Plan.

The application site falls outside the area designated as being one of cultural sensitivity and therefore a Cultural Heritage Management Plan is not required.

Corporate Plan / Other Strategies / Policy

The Colac Structure Plan is a reference document in the Colac Otway Planning Scheme. It sets out the future development direction for Colac over the next 20 years. The vision for Colac is to create a thriving town and vibrant town centre which responds to the housing needs of its residents and offers a variety of opportunities for employment and economic development.

The vision for industrial development in Colac seeks to provide for a thriving industrial sector that provides opportunities for the development of a range of industries and associated activities, in a location and form that is compatible with surrounding development, and that achieves high quality and sustainable design outcomes.

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 are considered appropriate in the context of the surrounding development and are not considered to cause detriment to the amenity of the site and the surrounds. The proposal will assist in intensifying and consolidating the existing industrial use to support an important industry in Colac's economy. The design of the building will give the appearance of a contemporary built form. The required level of car parking would be provided on site.

Attachments

Nil

Recommendation(s)

That Council's Planning Committee resolves to Grant a Planning Permit for Buildings and Works comprising a 1800m² Bulla Dairy Foods 'Innovation Centre' building used in association with the existing Bulla manufacturing facility and the display of internally illuminated business identification signage at 91-149, Forest Street, Colac subject to the following conditions:

- 1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:***
 - (a) the relocation of the water tanks to the rear of the building,***
 - (b) a pedestrian pathway from the car parking area to the innovation building,***
 - (c) the omission of the blue box sky section to the east elevation,***
 - (d) a mix of trees and shrubs (including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant) along the western boundary as a continuation of the existing planting.***
 - (e) additional landscaping and planting (including a mix of trees and shrubs) along the southern and eastern boundaries of the site.***

All species selected must be to the satisfaction of the Responsible Authority.
- 2. The use and or development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.***
- 3. Before the development starts or by such later date as is approved by the Responsible Authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.***

4. **All external plant and equipment must be acoustically treated or placed in sound proof housing to reduce noise to a level satisfactory to the responsible authority.**
5. **The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:**
 - (a) **transport of materials, goods or commodities to or from the land,**
 - (b) **the 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 and,**
 - (d) **presence of vermin.**
6. **No fewer than 153 car parking spaces must be provided on the land for the use and or development the subject of this permit, including 2 spaces clearly marked for the disabled.**
7. **Prior to 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 sealcoat 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) **Line-marked to indicate each car space and all access lanes to the satisfaction of the Responsible Authority.**
 - (f) **clearly marked to show the direction of traffic along access lanes and driveways**

Parking areas and access lanes must be kept available for these purposes at all times.
8. **External lighting must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land.**
9. **Loading and unloading of all goods, materials and items must be carried out on the site within the defined loading bay on the endorsed plan to the satisfaction of the Responsible Authority.**

Signage Conditions

10. **The location and details of the sign and its structure as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.**
11. **All signs must be constructed and maintained to the satisfaction of the Responsible Authority.**
12. **The signs must not contain any flashing light except with the written consent of the Responsible Authority**
13. **This permit expires fifteen years after the date it is issued.**

Infrastructure Conditions

14. ***Prior to commencement of the development, a Stormwater Management Plan designed by a qualified engineer must be lodged with the Responsible Authority verifying that;***
 - (a) ***post development discharge from the development area is no greater than 30L/s/hectare.***
 - (b) ***stormwater detention is no less than 13L per m² of the development area,***
 - (c) ***complies with any stormwater related requirements of CMA and EPA.***

Once approved the Stormwater Management Plan must be endorsed and must form part of the permit issue.
15. ***Access onto and within the property must be constructed to the satisfaction of the Responsible Authority.***
16. ***Access onto Forest Street and Hearn Street must be designed to cater for the traffic uses as per the Traffic and Transport Assessment (Cardno Victoria Pty Ltd, Bulla Dairy Innovation Centre 26 July 2011).***
17. ***The pavement design must be designed to the satisfaction of the Responsible Authority.***

EPA Conditions

18. ***Any clearing or construction associated with development of the subject land including sediment control works, are undertaken in accordance with EPA Publication 275 Construction Techniques for Sediment Pollution Control and EPA Publication Environmental Guidelines for Major Construction Sites.***
19. ***The operation of the works must not result in visible dust beyond the premises boundary.***
20. ***Odours offensive to the senses of human beings must not be discharged beyond the premises boundary.***
21. ***There shall be no discharge or seepage of waste from the premises to groundwater or surface waters.***
22. ***Noise levels must be controlled in accordance with permissible levels referred to in the EPA Interim Guidelines for Control of Noise from Industry in Country Victoria N3/89 which refers to the State Environment Protection Policy (Noise from Commerce, Industry and Trade) No.1.***

CMA Conditions

23. ***All new finished floor levels should be constructed a minimum of 300 millimetres above natural ground level.***

Expiry of the permit

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

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

~~~~~\ ~~~~~

**PC111210-4                      DEVELOPMENT OF SEVEN (7) DWELLINGS AT 5A CLARK STREET, COLAC - PP30/2008**

|             |                                    |           |            |
|-------------|------------------------------------|-----------|------------|
| AUTHOR:     | Ian Williams                       | ENDORSED: | Jack Green |
| DEPARTMENT: | Sustainable Planning & Development | FILE REF: | D11/4039   |

**Location:** 5A Clark Street, Colac

**Zoning:** Residential 1 Zone

**Overlay controls:** Nil

**Proposed Amendments:** Nil

**Purpose:**

This application seeks planning approval for the development of seven (7) dwellings at 5A Clark Street, Colac. The application is before Council's Planning Committee as five (5) objections have been received. It is recommended that the application be refused on the basis of environmental concerns.

**Declaration of Interests**

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

**Summary**

- Planning approval is sought for development of seven (7) dwellings. The site is within a Residential 1 Zone on the western side of Clark Street, approximately 2 kilometres northeast of the Colac town centre. It has a total area of 3,346 square metres with a 26 metre frontage to Clark Street. It is currently vacant and has views over Lake Colac to the west.
- The proposed development comprises seven (7) two storey, three bedroom dwellings. Four different designs are proposed, each varying in size, layout and orientation. The dwellings have been designed to maximise views of the lake, and four of the dwellings have a viewing deck on a third level. Access to each dwelling will be via a single crossover and driveway. No subdivision is proposed as part of this application.
- Public notice of the application was given and five (5) objections were received. The grounds of objection are summarised below and generally relate to overdevelopment of the site, inconsistency with the character of the area, impacts on residential amenity, traffic and parking issues and loss of views.
- A reserve adjacent to Lake Colac abuts the north western boundary of the site. This was the location of Council's former landfill site from the mid 1960s to approximately 2002. The landfill site extended from Bruce Street to Clark Street and had a leachate pond on the eastern portion close to the Clark street frontage. A Cultural Heritage Management Plan submitted as part of this application identified that at least half of the subject site has had fill introduced or has been disturbed in some way.

- An environmental report submitted in support of the application found that the site was 'severely contaminated with *E.coli* and other faecal coliform'. A peer review commissioned by Council found that this report was inadequate and did not identify if the site was suitable for the proposed use.
- Despite several requests, Council has not received an appropriate Environmental Site Assessment (ESA) to determine if the site is suitable for the proposed use. Council has a statutory obligation to consider any potential impact of contamination, and given that the source of the fill and its potential effects on the site are unknown, it is considered that the application cannot be supported.
- In light of the above, it is recommended that the application be refused.

### **Background**

- The application was lodged on 29 January 2008 and sought approval for the development of seven (7) dwellings.
- In a letter to the applicant on 12 February 2008, Council sought further information, namely evidence that a Cultural Heritage Management Plan (CHMP) had been prepared and approved, or alternatively was not required (due to the site's proximity within 200 metres of Lake Colac), and development plans at an appropriate scale.
- Plans to scale were submitted on 28 February 2008.
- The application was referred to Council's Infrastructure Department on 14 March 2008 and advertising material was sent to the applicant of 19 March 2008.
- Five (5) objections were received between 8 April and early May 2008. The grounds of objection are summarised herein.
- On 9 January 2009, Council wrote to the applicant advising that the application would lapse if the public notification process was not completed by the return of the Statutory Declaration as requested.
- On 21 January 2009, Council received notice of approval of a CHMP, 12 months from when it was requested.
- On 3 February 2009, Council again wrote to the applicant requesting return of a statutory declaration to complete notification, requesting a full copy of the CHMP, seeking advice as to whether subdivision was proposed, and providing copies of objections for comment.
- A statutory declaration and full copy of the CHMP (prepared by Practical Archaeology Services, AAV Project No. 10447, approved 24 December 2008) was received on 16 February 2009. This letter also advised that subdivision was not sought as part of this application, and that the applicant would not be providing a written response to objections but would attend a meeting with objectors if necessary.
- A check of the CHMP received on 16 February 2009 revealed that a large portion of the site was covered in introduced fill or had been disturbed in some way.
- Following consideration of the contents of the CHMP, Council wrote to the applicant on 18 May 2009 highlighting that the land may be potentially contaminated. Legal advice was sought to assist Council in the preparation of this letter. It required an Environmental Site Assessment (ESA) from a suitably qualified environmental expert clearly stating that the land is suitable for the intended use (and including professional indemnity insurance policy details), and sought an undertaking to pay Council costs of obtaining an independent review of the ESA. It also reserved the right to request a Certificate or Statement of Environment Audit.

- Council again wrote to the applicant on 2 September 2009 and advised that the proposal was considered to be consistent with ResCode requirements, subject to matters raised being satisfactorily addressed. It also highlighted however that the application could not be supported until the issue of site contamination was resolved, as outlined in the previous letter of 18 May 2009.
- Following various consultations with the owner, Council received a letter from the owner's lawyers on 13 October 2009, advising that the property would not have been purchased had environmental issues been identified, that a CHMP had been prepared at a cost of \$12,000, and that no mention of a requirement for an environmental audit had been previously made. It questioned why a 2007 search on the site did not identify a need for an ESA and on what basis it was now required.
- A check of Council records indicated that the subject site and surrounds were included in a Residential Zone as early as 1963.
- Following legal advice, Council responded on 15 December 2009. This letter highlighted the site's proximity to the former landfill site and industrial uses opposite. It pointed out that:
  - that the CHMP had identified that the rear of the subject site contained fill material;
  - Council has a statutory obligation to consider any potential impact of contamination and as such, an ESA is required.
  - Council reserves its right to request a statutory environmental audit.
- In response, the applicant submitted a report on 23 December 2009, prepared by Flinders Consultancy Services, Biological and Agricultural Consultants. This report found that the site was '*severely contaminated with E.coli and other faecal coliform, due to the presence of numerous sheep and a neighbouring cat*'.
- On 18 February 2010, Council advised the applicant in writing that the report submitted was inadequate as it:
  - was not from an environmental expert with experience in contaminated land
  - does not state that the land is suitable for the intended use; and
  - does not address the fill material identified in the CHMP test pits investigations;In addition, no undertaking was given to pay Council costs for an independent review of the ESA. This letter again requested provision of an appropriate ESA.
- On 15 March 2010, Council received a letter and resume in support of the original report by the Biological and Agricultural Consultant.
- A peer review of this report by URS Australia Pty Ltd on behalf of Council, dated 26 October 2010, confirmed that the assessment was inadequate for its stated purpose as an environmental site assessment. It states that the data is '*incomplete in many respects and, thus, provides little useful information on the real condition or potential usability of the land concerned*' (p.3).
- In a letter dated 18 January 2011, the applicant was advised of the results of the URS peer review. This letter made reference to previous Council requests and reinforced the need for an appropriate ESA. It advised that the application cannot be supported unless an ESA demonstrates that the land is suitable for the proposed sensitive use, and that the application would be refused if no advice was received within 21 days.
- To date, no response has been received from the applicant.

**Issues / Options**

Council has the options of:

- a. Supporting the application through the issue of a Notice of Decision to Grant a Planning Permit subject to conditions.
- b. Refuse to grant a Planning Permit.

Given the environmental concerns associated with the proposal, it is recommended that Option (b) be supported.

**Proposal**

The application seeks approval for the development of seven (7) dwellings. The development comprises four different designs, each varying in size, layout and orientation. The dwellings are two storey in scale, however Units 2, 3, 6 and 7 also have an upper deck on second level. External building materials include a mix of brickwork at ground level and rendered lightweight walls at first floor, with pitched Colorbond roofing.

Each dwelling comprises three bedrooms, two bathrooms and open plan kitchen, meals and living areas. An attached double garage is proposed to Units 1, 2, 3, 6 and 7, whilst Units 4 and 5 are attached with a single garage and a second tandem space. Each will have ground level private open space areas in addition to first floor decks and balconies orientated to the west for views towards Lake Colac. The proposed site coverage is 32.8% with permeability at 57.9%. Substantial cut (up to 3 metres deep) and fill is proposed over the lower western portions of the site.

A single crossover and concrete driveway from Clark Street will provide access to each dwelling. A visitor's car space is proposed between Units 1 and 7. Approval is not sought for subdivision as part of this application.

As discussed above, a Cultural Heritage Management Plan (CHMP) was required under the Aboriginal Heritage Act 2006, due to the site's proximity within 200 metres Lake Colac. The results of the CHMP (prepared by Practical Archaeology Services, AAV Project No. 10447, approved 24 December 2008) found that at least half of the site has had fill introduced or been disturbed in some way. Some Aboriginal cultural artefacts were found on the site, and the CHMP recommended that:

- No further archaeological work was required for this activity area.
- The Aboriginal cultural material be retained by the Cultural Heritage Advisor until the development has been completed, and then be reburied within the activity area.
- That the new location of the reburied Aboriginal cultural material be added to the existing Victorian Aboriginal Heritage Record at Aboriginal Affairs Victoria.

Should the application be approved, permit conditions would require development strictly in accordance with recommendations of this report.

**Site & Surrounds**

The site is located on the west side of Clark Street, within a Residential 1 Zone, approximately 2 kilometres northeast of the Colac town centre. The site overlooks Lake Colac to the west. It has a generally rectangular shape with a total area of 3,346 square metres and a 26 metre frontage to Clark Street. It is vacant and falls from the highest point adjacent to Clark Street towards the northwest, with a slope of approximately 8 metres. The site has been cleared of vegetation and is covered in grass and weeds. A mound of rubbish and debris is located adjacent to the Clark Street frontage. A 2 metre wide drainage easement runs inside the western boundary.

A Covenant (M131547R, dated 12 February 1986) affects this site and requires no second hand or relocatable buildings, no corrugated asbestos cement sheeting or galvanised iron roofing, external walls to be brick stone, concrete, timber or glass, and front fencing not to exceed 1 metre height.

A reserve adjacent to Lake Colac abuts the north western boundary of the site. This was the location of Council's former landfill site from the mid 1960s to approximately 2002. The landfill site extended from Bruce Street to Clark Street and had a leachate pond on the eastern portion close to the Clark street frontage.

The west side of Clark Street has been developed generally since the closure of the tip, by single dwellings adjacent to the road frontage (the highest part of the land), with gardens and landscaping on the western lower sections. These are predominantly single storey brick dwellings with Colorbond roofing.

The eastern side of Clark Street is within an Industrial 1 Zone, with the abattoir and carparking located opposite the site and the Colac East Hotel to the southeast, on the corner of Clark and Dalton Streets.

### **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 owners and occupiers. A sign was also posted on the site for a period of 14 days.

At the conclusion of the notification period, five (5) objections were received. The grounds of objection are summarised as follows:

- Overdevelopment of the site, visual impact.
- Out of keeping with the low density, open character of the area.
- Lower portions of the site unsuitable for building as on the perimeter of the former tip.
- Overlooking and loss of privacy.
- Loss of views to the lake and town from adjoining sites.
- Impact on north facing windows of adjoining dwelling.
- Increased stormwater drainage from hard surfaces may discharge into downstream properties.
- Likely environmental and noise impacts should water and sewerage be pumped to Clark Street.
- Lack of on-site visitor car parking.
- Single width driveway insufficient.
- Impact on adjoining dwelling to the south from noise and emissions.
- Increased traffic, associated noise, pollution and detriment to road safety.
- Paling fencing will add to visual bulk.
- Inconvenience and impacts from noise and emissions during construction.
- Visual impact of development from the tip site when developed into a recreational area.
- Devaluation of property values.



**Referrals**

External referrals were not undertaken as subdivision is not proposed as part of this application. The application was internally referred to the Council's Infrastructure Department, which provided conditional consent, but raised concern over the siting of decking over the drainage easement, and required consideration of integrated water management.

**Planning Controls**

The land is in a Residential 1 Zone and is not subject to any overlay controls. It abuts a Public Park and Recreation Zone and is opposite an Industrial 1 Zone.

Under Clause 32.01-4 of the Residential 1 Zone, a permit is required for two or more dwellings on a lot.

**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 to be relevant to the consideration of this application:

Clause 11 – Settlement

Clause 13.03-1 – Use of contaminated and potentially contaminated land

Clause 15.01 – Urban Environment

Clause 15.02 – Sustainable development

Clause 15.03-2 – Aboriginal Cultural Heritage

Clause 16.01 – Residential Development

Clause 19.03 – Development Infrastructure

Clause 21.03 – Settlement

Clause 21.03-2 – Colac

Clause 21.04-2 – Water

Clause 21.04-9 - Cultural Heritage

**b. Zoning**

The site is located within the Residential 1 Zone, the purpose of which is to provide for residential development at a range of densities with a variety of dwellings to meet the housing needs of all households, and to encourage residential development that respects the neighbourhood character.

Pursuant to Clause 32.01-4, a permit is required for more than one dwelling on a lot in a Residential 1 Zone and a development must meet the requirements of Clause 55.

**c. Overlays Controls**

No overlay controls affect this site.

**d. Particular Provisions**

Clause 55 – More Than One Dwelling on a Lot:

The proposal was assessed against Clause 55 of the Colac Otway Planning Scheme, and the applicant was advised (letter dated 2 September 2009), that it was considered to be consistent with ResCode requirements, subject to the following matters being satisfactorily addressed:

- Clause 55.03-1 – Street Setback – The front porch to Dwelling 1 exceeds a height of 3.6m and as such, is not an allowable encroachment. As a result, the required setback of 9.0m is not achieved.

- Clause 55.03-8 – Landscaping -The landscape plan provided does not include details of species and a planting schedule. Landscaping should given consideration to viewsharing from adjoining properties, and provide an effective buffer to the industrial land located opposite the site.
- Clause 55.04-6 – Overlooking - Full details of measures proposed to prevent overlooking within 9.0m from windows and balconies into private open space areas of dwellings adjoining to the north and south are required.
- Clause 55.04-7 – Internal Views - Full details of measures proposed to prevent internal views within the development, particularly views from balconies into habitable room windows and private open spaces areas of adjoining units are required.
- Clause 55.04-8 – Noise Impacts - Consideration should be given to noise impacts upon the adjoining dwellings. Full details of all plant and equipment are required; particularly should it be necessary to pump sewerage and stormwater to the street frontage.
- Clause 55.05-6 Storage – External storage is not provided to Dwelling 1.

The applicant was also requested to address/consider the following matters:

- The development should achieve reasonable viewsharing, and information should be submitted to Council demonstrating the impact of the development on the views to the lake and township from adjoining dwellings.
- Council's Infrastructure Department requires measures to achieve Integrated Water Management incorporated into this development.
- The rear decking to Dwellings 4 and 5 is proposed over the existing drainage easement, for which Council consent is required. This matter should be investigated with Council's Infrastructure Department.
- Any existing crossings that are not required are to be removed and reinstated.
- Written confirmation is required that the proposal is consistent with the covenant affecting the site. Compliance will be required by permit condition should the application be approved.
- Compliance with recommendations of the Cultural Heritage Management Plan will also be required by permit condition should the application be approved.

To date, amended plans have not been submitted addressing the above matters.

### **Consideration of the Proposal**

The proposal is considered to be consistent with the broader principles of the State and Local Planning Policy Framework relating to settlement and housing, as it proposes infill development in a suitably zoned residential area within Colac.

Local policy (Clause 21.03-2-Colac) seeks to *'Encourage medium density development in the existing Colac town centre and ensure that infill housing proposals demonstrate that they are designed in a manner that is compatible and appropriate for the prevailing character and heritage values of the precinct'*.

The site is considered to be appropriate for medium density housing, given its size, location and zoning. It is within a Residential 1 Zone within which residential development at a range of densities is specifically encouraged. The site is not affected by any overlay controls, and infrastructure services including reticulated sewerage, water, electricity and telecommunications are available to the site to service each dwelling.

As discussed above, the development can achieve appropriate compliance with Clause 55 requirements, subject to minor amendments relating to setbacks, landscaping, overlooking, noise impacts and storage.

Objectors' concerns relate to overdevelopment of the site, inconsistency with the character of the area, impacts on residential amenity, traffic and parking issues and loss of views. Whilst currently characterised by single dwellings on large lots, it is considered that the area is generally underdeveloped. Medium density housing is not inappropriate to the developing character of the area, and the design of the proposed dwellings is generally considered to be appropriate. The development achieves an average density of one dwelling to each 478 square metres, which is not considered to be an overdevelopment of the site. Parking requirements will be met on the site, with provision of two spaces per dwelling and a visitor's car parking space, and there is not expected to be a significant increase in traffic generation as a result of the proposal. It is further considered that the development can achieve reasonable viewsharing and Council has requested consideration of the impact on views in amended plans.

The site is partially covered by an area of Cultural Heritage Sensitivity and the approved Cultural Heritage Management Plan found several Aboriginal cultural artefacts on the site. As discussed above, it recommended that should the application be approved, the artefacts be reburied within the activity area once the development has been completed, and the new location be added to the Victorian Aboriginal Heritage Record at Aboriginal Affairs Victoria. Permit conditions would require development strictly in accordance with recommendations of this report, if the application was to be supported.

Despite providing an appropriate design response, environmental concerns relating to the site have not been satisfactorily addressed. As discussed above, the site is located opposite industrial uses and abuts land that was formerly used as a landfill site from the mid 1960s to approximately 2002. The landfill site extended from Bruce Street to Clark Street, between the subject site and Lake Colac, and had a leachate pond on the eastern portion close to the Clark street frontage. The former landfill site requires ongoing environmental management, is listed on the EPA Priority Sites Register and is subject to a Pollution Abatement Notice issued by EPA on 7 February 2007.

Council has a statutory obligation to consider any potential impact of contamination in assessing this proposal. Clause 13.03-1 of the Planning Scheme, Use of Contaminated and Potentially Contaminated Land, seeks *'to ensure that potentially contaminated land is suitable for its intended future use and development, and that contaminated land is used safely'*. Relevant strategies require applicants to provide adequate information on the potential for contamination to have adverse effects on the future land use, where the subject land is known to have been used for industry, mining or the storage of chemicals, gas, wastes or liquid fuel.

Also of relevance to this proposal, Clause 21.04 - Water, states that: *Water quality in Lake Colac has been identified as a major issue for a number of years, and this has been evident through indicators such as blue-green algal blooms and sediment build up.*

The submitted CHMP identified that at least half of the subject site has had fill introduced or has been disturbed in some way. Council requested an ESA, given that the source of fill was unknown and that the land may be potentially contaminated. The environmental report submitted in response found that the site was *'severely contaminated with E.coli and other faecal coliform'*. A peer review commissioned by Council found that this report was inadequate and failed to identify if the site was suitable for the proposed use.

Despite several requests made to the applicant, Council has not received an appropriate Environmental Site Assessment (ESA) for this site. Council has a statutory obligation to consider any potential impact of contamination, and given that the source of the fill and its potential effects on the site are unknown, the application cannot be supported.

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

There are a range of Planning policies in the planning scheme relating to this proposal as discussed later in this report.

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

The proposal raises no resourcing implications for Council. There may be financial implications should the application be supported without evidence that the site is suitable for the proposed use.

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

There may be significant risk management implications should the application be supported without evidence that the site is suitable for the proposed use. Council has a statutory obligation to consider any potential impact of contamination at this site given that the source of the fill is unknown, the potential effects and the potential future use of the land for residential purposes.

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

The site may be potentially contaminated. Approval of this application is not supported without this potential contamination being satisfactorily addressed.

#### **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. The objections received in response to the proposal have been taken into consideration in assessing this application.

#### **Conclusion**

In summary, Council has not received an appropriate Environmental Site Assessment (ESA) to determine if the site is suitable for the proposed use. Council has a statutory obligation to consider any potential impact of contamination, and given that the source of the fill and its potential effects on the site are unknown, the application cannot be supported.

#### **Attachments**

Nil

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

***That Council's Planning Committee resolve to issue a Refusal to Grant a Planning Permit (PP30/2008) for the development of seven (7) dwellings at 5A Clark Street, Colac on the following grounds:***

- 1. Insufficient information has been provided to address potential contamination concerns and the proposal fails to demonstrate that the site is suitable for the proposed use.***

~~~~~U~~~~~

PC111210-5 USE OF THE SITE AS AN 'ART GALLERY', BUILDINGS AND WORKS COMPRISING ALTERATIONS AND ADDITIONS TO EXISTING BUILDINGS AND A REDUCTION IN THE CAR PARKING REQUIREMENT AT 520 CORANGAMITE LAKE ROAD, COROROOKE

| | | | |
|-------------|------------------------------------|-----------|------------|
| AUTHOR: | Carl Menze | ENDORSED: | Jack Green |
| DEPARTMENT: | Sustainable Planning & Development | FILE REF: | PP184/2011 |

| | |
|-------------------------------|---|
| Location: | 520 Corangamite Lake Road, Cororooke |
| Zoning: | Township Zone (TZ) |
| Overlay controls: | Heritage Overlay Schedule 166 (HO166)
Environmental Significance Overlay Schedule 1 (ESO1) |
| Proposed Amendments: | Nil |
| Abuts: | Farming Zone (FZ)
Road Zone Schedule 1 (RDZ1) |
| Restrictive Covenants: | No |

Purpose:

The proposal seeks the use of the site as an 'Art Gallery', alterations and additions to the existing building and a reduction in the car parking requirement. The site currently contains a church and hall which are subject to the proposed alterations and additions.

This application is before Council for consideration as the proposal seeks a reduction of the car parking requirement of 47 spaces.

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

- An application has been submitted for the use of the site as an 'Art Gallery', buildings and works comprising alterations and additions to existing buildings and a reduction in the car parking requirement.
- Public notification of the application was undertaken with no objections being received.
- The reduction of 47 parking spaces is considered acceptable given 18 on-site spaces are proposed, the premise holds extensive parking credits, and the fact the proposal makes use of an existing vacant building.

- The 'Art Gallery' use will not cause material detriment to any persons and the proposed alterations and additions are in keeping with the site's heritage significance.
- Given the above, it is recommended that a planning permit be issued subject to conditions.

Background

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

The site has until recently been utilised as a 'Church' and 'Hall' owned and operated by the Uniting Church of Australia. The Colac Otway Heritage Study provides the following historical brief;

"Because the Colac area was initially settled predominately by Scottish immigrants, the first churches in the Shire were Presbyterian. In 1877 the foundation stone was laid for St Andrew's Presbyterian Church at Colac. Presbyterian congregations had been established at Alvie, Ondit (Beeac) and Cororooke by 1898. These parishes developed in response to the districts increased numbers, brought about by the division of the large pastoral estates in the area and the closer settlement policies enacted by colonial and State governments. The district also received a fillip when the railway was put through to Beeac in 1889. This railway was later extended to Ballarat via Cressy in 1912. The foundation stone of St David's Presbyterian Church at Cororooke was laid in 1903. The church was built of local red brick in a simple Gothic Revival style for a small, predominately rural, community. The church provides information about the importance of religion in rural communities, as well as the settlement patterns of the colony's migrants, a significant portion of whom, in this district, were Scots. Churches like St David's helped new settlers to feel at home and played an important role in serving as settler societies. An attached cream brick hall was built at the rear of the church in about the 1970's."

Issues / Options

Council has the options of:

- a) Supporting the application by issuing 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 proposal is for the use of the church as an 'Art Gallery' and alterations and additions to the existing building comprising;

- Construction of an enclosed entry on the north side of the vestry where it intersects with the c.1970s hall;
- Construction of a glazed addition to the south side of the vestry with a gabled roof;
- Construction of a gable roofed brick veneer addition to the rear of the vestry;
- Alterations to the openings on the east side of the c.1970s hall;
- Installation of a ramp to the entry porch of the church; and
- Formation of an existing 18 space car park with gravel.

- Repainting of the front (west elevation) render on the church, the banding around the church, the end wall of proposed addition and, the render of the west wall of cream brick hall.

The existing Hall holds existing use rights as a 'Place of Assembly' which is defined as '*land where people congregate for religious or cultural activities, entertainment, or meetings*'. The applicant proposes to use the Hall as a Theatre which meets the requirements of a Place of Assembly and therefore no planning approval is required for its use.

The proposal also seeks a reduction in the car parking requirement associated with the building extension for the art gallery and hall.

Site & Surrounds

The subject site is located on the east side of Corangamite Lake Road, Coragulac. The site is rectangular in shape with a width of 50.29m, a depth of 89.55m and an overall site area of 2024sqm. The site is relatively level and contains a church and hall as previously described. A vehicular crossover is located at the north end of the site's frontage which provides vehicular access to the site. An informal car park occupies the northern setbacks of the site, providing sufficient space for the parking of approximately 18 vehicles.

The adjacent property to the north (522 Corangamite Lake Road) is occupied by a double storey dwelling setback approximately 5.5m from the common boundary.

The properties opposite to the north west (521-523 Corangamite Lake Road) are occupied by dwellings in a duplex type of arrangement. The dwellings are setback approximately 7m from the street frontage.

The remainder of land abutting the subject site comprises cleared agricultural land.

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 to the application were received.

Referrals

The application was referred internally to the Council's Infrastructure Department. No objections to the proposal were raised and no specific conditions are required.

The application was referred to the Council's Health Department. No objections to the proposal were raised subject to specific conditions being placed on any approval issued.

The application was referred to Council's Heritage Advisor. Initially there were concerns with the proposal but after an on-site meeting the applicant submitted revised plans. Council's Heritage Adviser raised no objection 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 15 – Built Environment and Heritage
- Clause 17.01 – Commercial
- Clause 21.02-2 – Land Use Vision
- Clause 21.03-8 – Smaller Townships

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 entertainment and community facilities. It also assists in further consolidating the use of a significant heritage building whilst increasing its long term viability.

b. Zone provisions

The purpose of the Township Zone is:

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To provide for residential development and a range of commercial, industrial and other uses in small towns.
- To encourage residential development that respects the neighbourhood character.

An 'Art Gallery' (Place of Assembly) is a Section 2 Use (Permit required) under the Township Zone provisions.

Planning approval is required to construct a building or to construct or carry out works pursuant to Clause 32.05 of the Colac Otway Planning Scheme.

c. Overlay Provisions

The objectives of the Heritage Overlay are:

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To conserve and enhance heritage places of natural or cultural significance.
- To conserve and enhance those elements which contribute to the significance of heritage places.
- To ensure that development does not adversely affect the significance of heritage places.
- To conserve specifically identified heritage places by allowing a use that would otherwise be prohibited if this will demonstrably assist with the conservation of the significance of the heritage place.

A permit is required to construct a building or construct or carry out works pursuant to Clause 43.01 of the Colac Otway Planning Scheme.

d. 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 'Place of Assembly' attracts a car parking rate of 0.3 spaces to each seat or each sqm of net floor area, whichever is the greater under the provisions of Clause 52.06.

The current premises hold car parking credits at the 'Place of Assembly' rate based on its existing floor area, therefore planning approval for a reduction in the car parking requirement is only required for the additional floor area proposed.

The proposed additions have a floor area of 159.03 sqm, therefore generating a car parking requirement of 47 spaces. The proposal also incorporates the formalisation of 18 on-site car parking spaces.

Consideration of the Proposal

Heritage Significance

The proposed building will not detract from the heritage significance of the St David's Church and Hall. The Statement of Significance for this Heritage Overlay 166 reads as;

"The small local red brick St David's Church, located on Corangamite Lake Road, Cororooke, was dedicated in 1903. St David's flat roof cream brick Hall was built in the decades following the Second World War. St David's Church and Hall are historically, aesthetically and socially important to the Shire of Colac Otway. St David's Church is of historic importance through association with the Presbyterian Scots who predominated as a denominational and national group. St David's Church and Hall are historically important in demonstrating ethnographic settlement and distribution in the district. St David's Church is aesthetically important as a good representative example of a typical early Gothic Revival church built at the beginning of the twentieth century in a remote rural area of Victoria. St David's Hall is historically and socially important in demonstrating the continued social and cultural associations of the districts parishioners in the second half of the twentieth century."

The current proposal has been designed with input from Council's Heritage Advisor after a site meeting was held on 29 August 2011. Initially, concerns were raised with the proposed additions to the south side of the vestry and the design of the rear additions. As such the applicant amended the proposal resulting in a glazed addition to the south side of the vestry and a gabled roof to the rear addition. Council's Heritage Advisor provided the following advice with respect to the amended proposal:

"With the revised changes to the design, as outlined in the drawings submitted 30th August 2011, I am now satisfied that the alterations and additions to St David's Church and Hall, Cororooke will have minimal impact on the significance of the place. The proposed changes are sympathetic to the significant buildings and will not overwhelm significant aspects or views of the site. The works will also improve the overall existing appearance of the buildings with the rendering and repainting proposed."

Overall, the proposal is considered to represent a positive outcome with respect to the site's heritage significance. The proposal will enhance the appearance of the building whilst not detracting from its heritage significance. The proposal will ensure the site continues to be used for purposes which provide significant benefit to the Cororooke community.

Car Parking

Pursuant to Clause 52.06 of the Colac Otway Planning Scheme, a 'Place of Assembly' attracts a car parking rate of 0.3 spaces to each seat or each sqm of net floor area, whichever is the greater. The proposed additions have a floor area of 159.03 sqm therefore generating a car parking requirement of 47 spaces. The proposal also incorporates the formalisation of 18 on-site car parking spaces.

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 'Place of Assembly' of 0.3 spaces to each patron catered for.

If the rate proposed by the Advisory Committee Report was applied in this instance, it is unclear what the car parking requirement would be as patron numbers are unknown. It is noted however that the majority of the proposed additional floor area is to be used as storage, change rooms and toilet facilities. Therefore, it could be argued that the additional floor area would not generate additional patron numbers and therefore not require a reduction in the car parking requirements.

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.

Overall, the proposed reduction of 47 car parking spaces is considered to be acceptable. The proposal formalises 18 on-site car parking spaces within the northern setbacks. The proposed additions essentially increase the amenities of the existing building not the useable floor area for activities conducted on-site. Furthermore, there is no evidence that the surrounding area suffers from any adverse effects of overflow resulting from use of the site.

Corporate Plan / Other Strategies / Policy

Planning policies relevant to this application have been discussed earlier in the report.

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 heritage significance of the site and surrounds. The reduction of 47 additional car parking spaces is considered appropriate given substantial on-site parking provided as part of the proposal and the fact the site has historically been used as a 'Place of Assembly'. It is unlikely the additions would result in any significant increase in visitor numbers to the site, and the proposed car parking is considered adequate to meet the needs of the use.

Attachments

Nil

Recommendation(s)

That Council's Planning Committee resolves to issue a Planning Permit for the use of the site as an 'Art Gallery', Buildings and Works comprising alterations and additions to existing buildings and a reduction in the car parking requirement at 520 Corangamite Lake Road, Cororooke subject to the following conditions:

- 1. The use and development as shown on the endorsed plans must not be altered or modified without the written consent of the Responsible Authority.***
- 2. Stormwater discharge must only be distributed across the property by sheet flow (i.e. along a contour) or to a legal point of discharge as approved by the Responsible Authority. No sheet flow discharge point must be permitted within five (5) metres of the lowest property boundaries and any discharge point must not be located so as to surcharge the septic effluent disposal system.***
- 3. 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 crushed rock or gravel to the satisfaction of the Responsible Authority.***
 - d. Drained and maintained to the satisfaction of the responsible Authority.***
- 4. The applicant must upgrade the septic system to accord with the provisions of the EPA Guidelines for septic tanks and to the satisfaction of the Council Health Department.***
- 5. A plan of the proposed septic tank system is to be submitted to the Council Health Department before any works on the system are commenced.***
- 6. Unless otherwise authorised by the Health Department of Council the septic system will need to cater for a maximum of 180 people.***
- 7. Because of ground water quality concerns the septic system when renewed must be of the packaged treatment type and cater for an expected daily effluent flow of 900 litres per day.***
- 8. The majority of the remaining area to the south of the proposed buildings must be reserved for the expansion/development of the septic system.***
- 9. This permit will expire if one of the following circumstances applies:***
 - a. The development and use 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

Notes

- 1. It is recommended that the applicant contact Council's Environmental Health Co-ordinator on 5232 9433 for further advice on the septic system requirements.***
- 2. The design of any food preparation areas used to supply food to the public must be approved by the food safety officer of Council, and a suitable number of staff trained in food handling procedures before the premises can legally operate. The applicant should contact Council's Food Safety Officer on 5232 9430 for further details on this matter.***

~~~~~\ ~~~~~

**PC111210-6                    ALTERATION TO TIMING OF DISTRIBUTION OF PLANNING  
COMMITTEE AGENDAS TO THE COMMUNITY (CR  
STEPHEN HART)**

TAKE NOTICE that it is my intention to move the resolution listed below at the October 2011 Planning Committee meeting.

**Resolution**

Council:

1. Notes that it has been the practice of Colac Otway Shire Council to release Planning Committee agendas on the Monday immediately prior to meetings held on a Wednesday,
2. Notes that earlier disclosure of the Planning Committee agenda may assist some members of the public who may have an interest in a planning matter,
3. Instructs the Chief Executive Officer to take all reasonable steps to ensure that future Planning Committee agendas are available for the public at Council offices no later than 4pm on the Friday prior to Wednesday meetings, and
4. Instructs the Chief Executive Officer to take all reasonable steps to ensure that future Planning Committee agendas are available for the public on the Council's web site no later than 4pm on the Friday prior to Wednesday meetings.

**Recommendation(s)**

***That Council consider the contents of this Notice of Motion.***

~~~~~U~~~~~