



Colac Otway
SHIRE

AGENDA

PLANNING COMMITTEE MEETING
OF THE
COLAC-OTWAY SHIRE
COUNCIL

18 JANUARY 2012

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

18 JANUARY 2012

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NOTICE is hereby given that the next *PLANNING COMMITTEE MEETING OF THE COLAC-OTWAY SHIRE COUNCIL* will be held in COPACC Meeting Rooms on 18 January 2012 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.

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5. DECLARATION OF INTEREST

6. VERBAL SUBMISSIONS FROM APPLICANTS/OBJECTORS

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

7. CONFIRMATION OF MINUTES

- Planning Committee held on the 14/12/11.

Recommendation

That Council confirm the above minutes.

OFFICERS' REPORTS

Sustainable Planning and Development

PC121801-1	PLANNING & BUILDING STATISTICAL REPORT
PC121801-2	CONSTRUCTION OF TWELVE DWELLINGS AND SUBDIVISION OF THE LAND INTO TWELVE LOTS AT 183 GREAT OCEAN ROAD, APOLLO BAY (PP112/2011-1)
PC121801-3	DEVELOPMENT OF A WORKSHOP, WASH DOWN FACILITY AND ANCILLARY WORKS FOR A RURAL INDUSTRY AND STORE (FOR TIMBER HARVESTING EQUIPMENT) AT 37-51 DARCY STREET, COLAC - (PP178/2011-1)
PC121801-4	CONSTRUCTION OF A SINGLE DWELLING AND REMOVAL OF TWO NATIVE TREES AT 35 KARINGAL DRIVE, WYE RIVER - (PP206/2011-1)

Rob Small
Chief Executive Officer

PC121801-1 PLANNING & BUILDING STATISTICAL REPORT

AUTHOR:	Janole Cass	ENDORSED:	Jack Green
DEPARTMENT:	Sustainable Planning & Development	FILE REF:	F11/2702

Summary

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

Planning Statistics

24 Planning Permit Applications were received for the period 1 December 2011 – 31 December 2011.

26 Planning Permit Applications were considered for the period 1 December 2011 – 31 December 2011.

Building Statistics

Please note that the Building Commission website has been updated up to October 2011.

Attachments

1. Planning & Statistical Report December 2011

Recommendation(s)

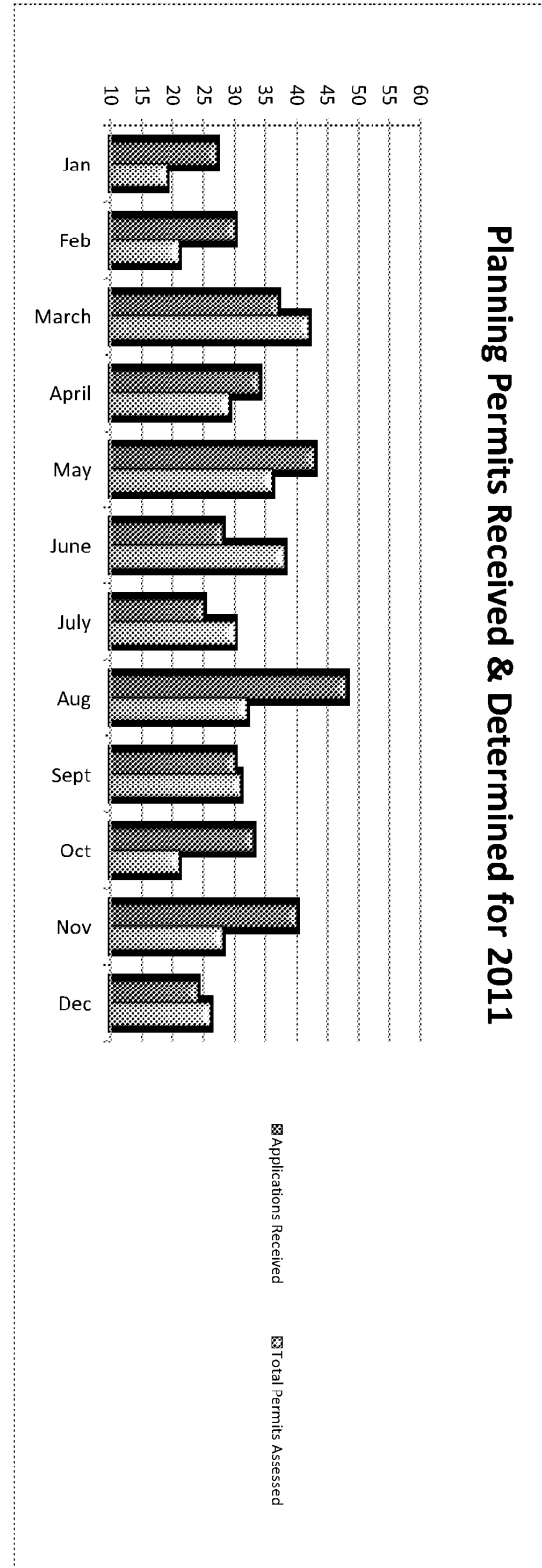
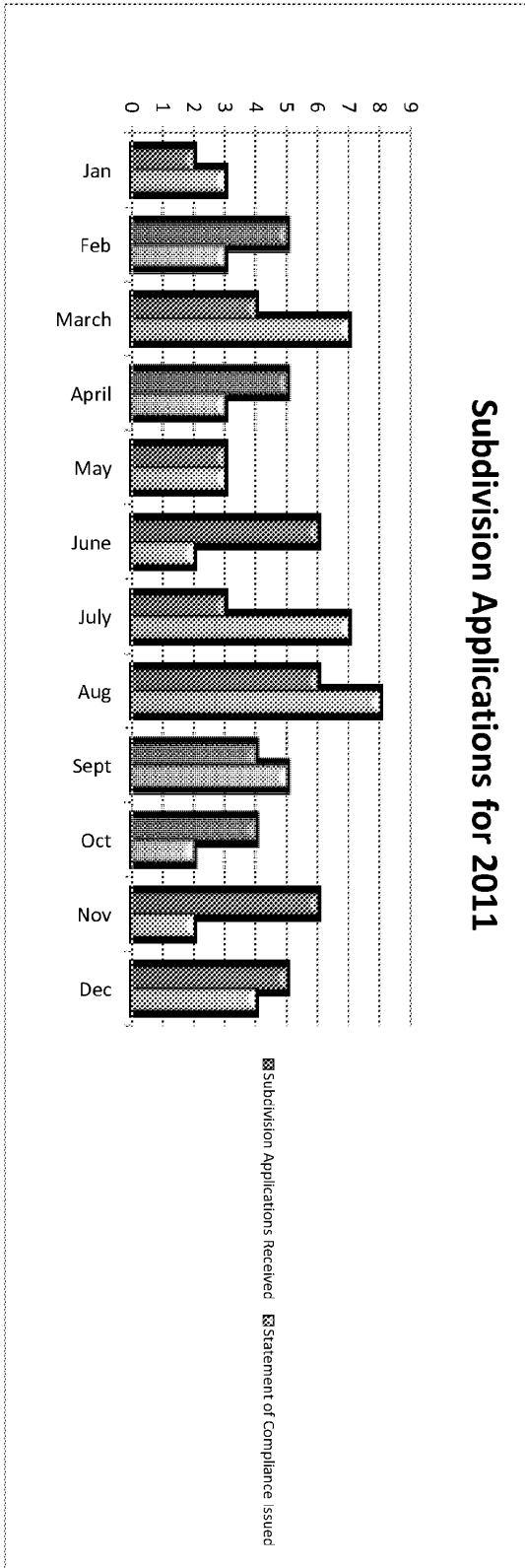
That Council’s Planning Committee note the statistical reports for December 2011.

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Planning Statistical Report December 2011

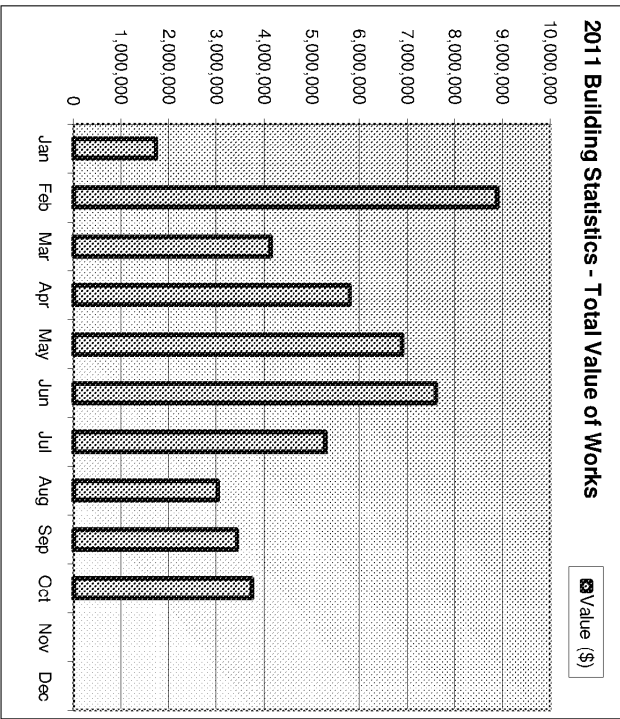
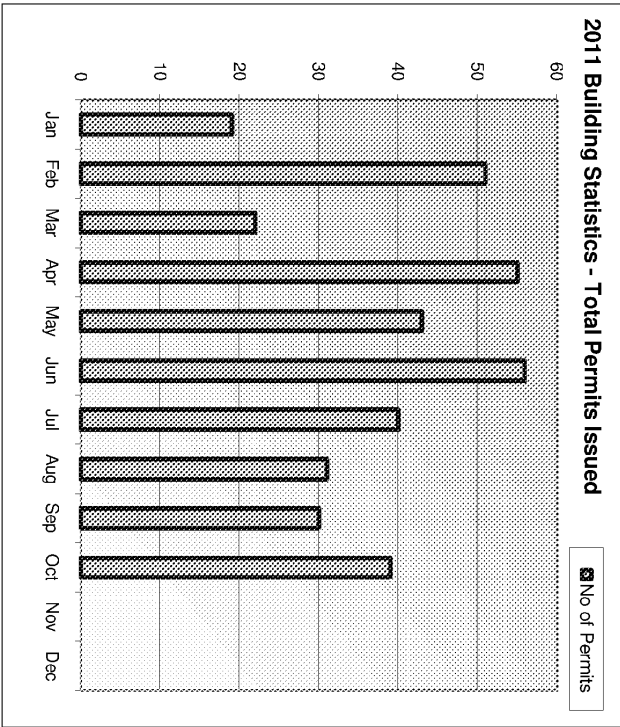
| APPLIC NO   | DATE RECEIVED | LOCATION                               | PROPOSAL                                                                                                                                                                                                                                                  | DETERMINATION DATE | ACTUAL TIME | AUTHORITY        | DECISION              |
|-------------|---------------|----------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|-------------|------------------|-----------------------|
| 3432004-2   | 18 APR 2011   | 7 STURT COURT WYE RIVER                | DEVELOPMENT OF THE LAND FOR A SINGLE DWELLING - AMENDMENT                                                                                                                                                                                                 | 8 DEC 2011         | 0           | UNDER DELEGATION | LAPSED                |
| 3352007-2   | 9 NOV 2011    | 2120 COLAC FORREST ROAD GERANGAMETE    | USE & DEVELOPMENT OF THE LAND FOR A DWELLING                                                                                                                                                                                                              | 13 DEC 2011        | 34          | UNDER DELEGATION | AMENDED PERMIT ISSUED |
| 48/2008-3   | 23 SEP 2011   | 17 DUNOON ROAD WYE RIVER               | CONSTRUCTION OF A DWELLING (REMOVAL OF EXISTING DWELLING) - AMENDMENT                                                                                                                                                                                     | 6 DEC 2011         | 43          | UNDER DELEGATION | AMENDED PERMIT ISSUED |
| 3352010-3   | 5 SEP 2011    | 53-57 MAIN STREET BIRREGURRA           | USE OF THE LAND AS A WINE BAR, INCLUDING VARIATION TO LIQUOR LICENCE, REDUCTION OF CAR PARKING REQUIREMENT, ADDITIONS TO EXISTING BUILDING, ERECT NEW IRON GATES AND BUSINESS IDENTIFICATION SIGNAGE. AMENDMENT SEEKS TO REMOVE RESTAURANT USE FROM LAND. | 2 DEC 2011         | 37          | UNDER DELEGATION | AMENDED PERMIT ISSUED |
| 17/2011-1   | 28 JAN 2011   | 14 BASS AVENUE SEPARATION CREEK        | ADDITION TO EXISTING BUILDING TO MAKE A SINGLE DWELLING                                                                                                                                                                                                   | 13 DEC 2011        | 71          | UNDER DELEGATION | PERMIT ISSUED         |
| 85/2011-1   | 13 APR 2011   | 10 MARTIN STREET APOLLO BAY            | USE & DEVELOPMENT OF A RESIDENTIAL VILLAGE COMPRISING SIX (6) DWELLING                                                                                                                                                                                    | 1 DEC 2011         | 7           | UNDER DELEGATION | WITHDRAWN             |
| 94/2011-2   | 24 NOV 2011   | 843 BARHAM RIVER ROAD APOLLO BAY       | CONSTRUCTION OF ONE (1) REPLACEMENT DWELLING AND DECOMMISSION OF AN EXISTING DWELLING, CONSTRUCT DRIVE AND ASSOCIATED WORKS                                                                                                                               | 12 DEC 2011        | 18          | UNDER DELEGATION | AMENDED PERMIT ISSUED |
| 11/5/2011-1 | 10 MAY 2011   | 790 WILD DOG ROAD APOLLO BAY           | RE-SUBDIVISION OF THREE (3) LOTS INTO TWO (2) LOTS                                                                                                                                                                                                        | 2 DEC 2011         | 80          | UNDER DELEGATION | WITHDRAWN             |
| 11/6/2011-1 | 11 MAY 2011   | 795 COLAC LAYERS HILL ROAD BARONGAROOK | WIDEN ACCESS TRACK, CONSTRUCT FIRE REFUGE & FIRE ACCESS TRACK                                                                                                                                                                                             | 22 DEC 2011        | 9           | UNDER DELEGATION | PERMIT ISSUED         |
| 16/4/2011-1 | 8 JUL 2011    | 34 MONTROSE AVENUE APOLLO BAY          | TWO (2) LOT SUBDIVISION                                                                                                                                                                                                                                   | 2 DEC 2011         | 102         | UNDER DELEGATION | PERMIT ISSUED         |
| 18/1/2011-1 | 1 AUG 2011    | 39 PITT STREET COLAC                   | TWO (2) LOT SUBDIVISION                                                                                                                                                                                                                                   | 19 DEC 2011        | 32          | UNDER DELEGATION | PERMIT ISSUED         |
| 1892/2011-1 | 5 AUG 2011    | 265 MCCALLS ROAD YEODENE               | TWO (2) LOT SUBDIVISION (RE-ALIGNMENT OF BOUNDARIES)                                                                                                                                                                                                      | 6 DEC 2011         | 86          | UNDER DELEGATION | PERMIT ISSUED         |
| 1992/2011-1 | 16 AUG 2011   | 8 HAWDON AVENUE KENNETT RIVER          | DEVELOPMENT OF A TWO STOREY DWELLING AND DETACHED GARAGE                                                                                                                                                                                                  | 7 DEC 2011         | 69          | UNDER DELEGATION | PERMIT ISSUED         |
| 21/0/2011-1 | 23 AUG 2011   | 1140 LIGHTHOUSE ROAD CAPE OTWAY        | LIQUOR LICENCE FOR ONSITE SALES AND PACKAGE LIQUOR                                                                                                                                                                                                        | 21 DEC 2011        | 1           | UNDER DELEGATION | PERMIT ISSUED         |
| 21/8/2011-1 | 31 AUG 2011   | 345 CORAGULAC BEEAC ROAD WARRION       | TWO (2) LOT SUBDIVISION (RE-ALIGNMENT OF BOUNDARIES)                                                                                                                                                                                                      | 1 DEC 2011         | 80          | UNDER DELEGATION | PERMIT ISSUED         |
| 241/2011-1  | 23 SEP 2011   | 155 WOODROWVALE ROAD ELLIMINYT         | CONSTRUCTION OF A DWELLING                                                                                                                                                                                                                                | 6 DEC 2011         | 21          | UNDER DELEGATION | PERMIT ISSUED         |
| 262/2011-1  | 21 OCT 2011   | 43 RAE STREET COLAC                    | DEVELOPMENT OF THE LAND TO EXTEND THE EXISTING DWELLING                                                                                                                                                                                                   | 15 DEC 2011        | 52          | UNDER DELEGATION | PERMIT ISSUED         |

| APPLIC NO                                            | DATE RECEIVED | LOCATION                          | PROPOSAL                                                                      | DETERMINATION DATE | ACTUAL TIME | AUTHORITY          | DECISION      |
|------------------------------------------------------|---------------|-----------------------------------|-------------------------------------------------------------------------------|--------------------|-------------|--------------------|---------------|
| 266/2011-1                                           | 25 OCT 2011   | 17 BOWDEN STREET<br>BIRREGURRA    | DEVELOPMENT OF THE LAND FOR A SINGLE DWELLING                                 | 9 DEC 2011         | 30          | UNDER DELEGATION   | PERMIT ISSUED |
| 270/2011-1                                           | 25 OCT 2011   | 50 WILSON STREET COLAC            | ERECTION OF SIGNAGE                                                           | 13 DEC 2011        | 12          | UNDER DELEGATION   | PERMIT ISSUED |
| 273/2011-1                                           | 28 OCT 2011   | 61 HESSE STREET COLAC             | BUILDING AND WORKS FOR AN OFFICE                                              | 15 DEC 2011        | 16          | UNDER DELEGATION   | PERMIT ISSUED |
| 274/2011-1                                           | 28 OCT 2011   | 3 MCLELLAN COURT WYE RIVER        | CONSTRUCTION OF TWO RESIDENTIAL DWELLINGS                                     | 7 DEC 2011         | 0           | UNDER DELEGATION   | WITHDRAWN     |
| 284/2011-1                                           | 7 NOV 2011    | 46 POLLACK STREET COLAC           | DEMOLITION OF EXISTING SHED AND CONSTRUCTION OF A NEW SHED                    | 12 DEC 2011        | 34          | UNDER DELEGATION   | PERMIT ISSUED |
| 287/2011-1                                           | 8 NOV 2011    | 160 FOREST STREET SOUTH ELLIMINYT | EXTENSION TO EXISTING GARAGE AND VEGETATION REMOVAL                           | 6 DEC 2011         | 27          | UNDER DELEGATION   | PERMIT ISSUED |
| 294/2011-1                                           | 14 NOV 2011   | 5160 GREAT OCEAN ROAD WONGARRRA   | ADDITIONS TO EXISTING DWELLING & ADDITION OF VERANDAH                         | 21 DEC 2011        | 20          | UNDER DELEGATION   | PERMIT ISSUED |
| 297/2011-1                                           | 15 NOV 2011   | 90 MANNNA GUM DRIVE CAPE OTWAY    | CONSTRUCT A ROCK CLIMBING TOWER IN ASSOCIATION WITH THE EXISTING CARAVAN PARK | 14 DEC 2011        | 19          | PLANNING COMMITTEE | PERMIT ISSUED |
| 312/2011-1                                           | 1 DEC 2011    | 5037 GREAT OCEAN ROAD LAVERS HILL | INSTALL BUSHFIRE BUNKER                                                       | 9 DEC 2011         | 8           | UNDER DELEGATION   | PERMIT ISSUED |
| <b>AVERAGE DAYS TO PROCESS PLANNING APPLICATIONS</b> |               |                                   |                                                                               |                    | <b>35</b>   |                    |               |





|               | Domestic   |                   | Residential* |                  | Commercial |                  | Retail   |                  | Industrial |                  | Hospital/HealthCare |            | Public Buildings |                  | Municipal Totals |                   |
|---------------|------------|-------------------|--------------|------------------|------------|------------------|----------|------------------|------------|------------------|---------------------|------------|------------------|------------------|------------------|-------------------|
|               | No of BP   | Value (\$)        | No of BP     | Value (\$)       | No of BP   | Value (\$)       | No of BP | Value (\$)       | No of BP   | Value (\$)       | No of BP            | Value (\$) | No of BP         | Value (\$)       | No of BP         | Value (\$)        |
| Jan           | 15         | 1,566,668         | 0            | 0                | 3          | 121,755          | 0        | 0                | 0          | 0                | 0                   | 0          | 1                | 46,000           | 19               | 1,734,423         |
| Feb           | 35         | 5,918,526         | 2            | 0                | 8          | 314,660          | 1        | 2,500,000        | 0          | 0                | 0                   | 0          | 5                | 143,611          | 51               | 8,876,797         |
| Mar           | 20         | 3,423,427         | 0            | 0                | 0          | 0                | 0        | 0                | 0          | 0                | 0                   | 0          | 2                | 703,262          | 22               | 4,126,689         |
| Apr           | 41         | 5,016,744         | 0            | 0                | 7          | 335,388          | 0        | 0                | 1          | 29,000           | 0                   | 0          | 2                | 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           | 25         | 2,431,892         | 0            | 0                | 3          | 134,000          | 1        | 5,000            | 1          | 400,000          | 0                   | 0          | 1                | 55,000           | 31               | 3,025,892         |
| Sep           | 26         | 3,167,134         | 0            | 0                | 4          | 258,130          | 0        | 0                | 0          | 0                | 0                   | 0          | 0                | 0                | 30               | 3,425,264         |
| Oct           | 30         | 2,904,536         | 1            | 100,000          | 4          | 284,551          | 1        | 250,000          | 0          | 0                | 0                   | 0          | 3                | 197,601          | 39               | 3,736,688         |
| Nov           |            |                   |              |                  |            |                  |          |                  |            |                  |                     |            |                  |                  |                  |                   |
| Dec           |            |                   |              |                  |            |                  |          |                  |            |                  |                     |            |                  |                  |                  |                   |
| <b>Totals</b> | <b>292</b> | <b>38,615,016</b> | <b>11</b>    | <b>1,340,500</b> | <b>44</b>  | <b>2,945,203</b> | <b>9</b> | <b>3,118,250</b> | <b>3</b>   | <b>1,429,000</b> | <b>0</b>            | <b>0</b>   | <b>27</b>        | <b>3,044,671</b> | <b>386</b>       | <b>50,492,640</b> |



**PC121801-2                    CONSTRUCTION OF TWELVE DWELLINGS AND  
SUBDIVISION OF THE LAND INTO TWELVE LOTS AT 183  
GREAT OCEAN ROAD, APOLLO BAY (PP112/2011-1)**

|             |                                       |           |            |
|-------------|---------------------------------------|-----------|------------|
| AUTHOR:     | Ian Williams                          | ENDORSED: | Jack Green |
| DEPARTMENT: | Sustainable Planning<br>& Development | FILE REF: | F11/1646   |

**Location:** 183 Great Ocean Road, Apollo Bay

**Zoning:** Residential 1 Zone

**Overlay controls:** Design and Development Overlay Schedule 6

**Proposed Amendments:** Nil

**Purpose:**

The application is to construct twelve dwellings and subdivide the land into twelve lots. The application is before the Planning Committee as more than three objections have been received.

**Declaration of Interests**

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

**Summary**

- The proposal is to construct twelve (12) dwellings and subdivide the land into twelve (12) lots.
- Notice of the application was undertaken and nine (9) objections have been received, all of which remain following circulation of amended plans prepared by the applicant in response to the objections. The key concerns are in relation to the scale and design of the development in the context of the surrounding properties.
- Referral of the application was undertaken and conditional consent was received from all of the relevant internal and external parties.
- The key planning considerations are with regard to the scale and design of the proposed development in the significant landscape setting of the Great Ocean Road and environs.
- The overall design does not embrace the key coastal character elements identified in the Apollo Bay and Marengo Neighbourhood Character Study 2003 and which are supported in the Local Planning Policy Framework, the Design and Development Overlay Schedule 6 and the Neighbourhood Character Precinct 1 Brochure.
- In addition, a number of objectives and standards as outlined in Clause 55 have not been met.
- The proposal fails to comply with the long term vision for Apollo bay as outlined in Clause 21.03 Settlement, the Apollo Bay Structure Plan and the Design and Development Plan Overlay Schedule 6.

- Whilst the site is in an area where medium density development is encouraged compared to outer lying parts of Apollo Bay which are in a different Schedule to the DDO, any proposal for medium density housing must strike an appropriate balance between achieving higher densities and respecting neighbourhood character. It is considered that the proposed density does not allow the proposal to respect the neighbourhood character or meet the community's expectations in relation to the future development of Apollo Bay. A lesser intensity of development would more readily achieve this outcome.
- It is recommended on this basis that the application is refused.

### **Background**

The history of the site is as follows:

- Planning permit PP278/2008 was issued at the direction of the Victorian Civil and Administrative Tribunal (VCAT) for construction of five dwellings on the land and for a five lot subdivision. Council had earlier refused to grant a permit for the proposal on the grounds that it did not comply with the objectives and standards of the planning controls applying to the site, however the Tribunal did not agree with the Council's decision. This permit has not been acted upon but remains valid.
- A Cultural Heritage Management Plan was required as part of the previous application for the site and the plan was approved by the appropriate Registered Aboriginal Party, such that Council can make a decision on this application.
- Pre-application consultation was undertaken with the applicant, including a detailed written response to the initial concept which raised many concerns with the proposal. The application was submitted with little variation to the original proposal and the initial concerns were reiterated by the planning officer responsible for the application. Minor amendments were then made to the layout of the proposal and submitted for further consideration. Whilst the officer agreed that adequate information was then available to proceed with the application, the applicant was advised that many of the original concerns still remained.

### **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.

It is recommended Option (b) is supported for the reasons outlined in the report below.

### **Proposal**

The application seeks approval to construct twelve (12) dwellings and subdivide the land into twelve (12) lots. The development will comprise:

- A front block with three dwellings at ground floor level and three dwellings at first floor level, all with outlook towards the ocean.
- A central block with car parking at ground floor level and three dwellings over two levels above. The upper level of each would enjoy ocean views.
- A rear block with three dwellings over two levels facing east and/or north.
- A common property driveway would extend along the north boundary providing access to car parking areas.

### **Site & Surrounds**

The property is located on the west side of the Great Ocean Road, north of the Apollo Bay commercial precinct. The site has a total area of 1419.5 square metres with an angled frontage of 21.59 metres.

A four metre wide easement extends the full length of the north boundary and a 1.83 metre wide easement dissects the site generally north-south and abuts the south boundary at the rear. Both easements are for the benefit of Barwon Water.

The site contains no improvements and does not include any significant vegetation. The property is relatively flat.

Adjoining properties are developed in the following way:

- The abutting property to the south is occupied by four, two storey dwellings.
- There are two adjoining properties to the north. One is occupied by a modest single storey dwelling setback 18m from the Great Ocean Road frontage and the second fronts Murray Street and contains a single storey detached dwelling.
- The property to the rear (west) comprises vacant land in addition to two attached dwellings with frontage directly to Pascoe Street and rear upper level decks and windows with ocean views across the subject site.
- The site is opposite the foreshore reserve.

### **Public Notice**

Notice of the application was given pursuant to Section 52 of the *Planning and Environment Act 1987* by sending notices to the owners and occupiers of adjoining land, placing a sign on the site, and publishing a notice in the Apollo Bay Newsheet.

At the conclusion of the notification period, nine (9) objections were received. The grounds of objection are summarised as follows:

- Size, scale and density of the development is excessive and inconsistent with surrounding properties and the seaside village character of Apollo Bay.
- Visual impact from the street, surrounding properties and public realm given the bulk and mass of the buildings.
- Negative visual impact on the Great Ocean Road that has recently been included on the National Heritage List.
- Overdevelopment of the site.
- Height along south boundary will be excessive and adversely impact on adjoining properties.
- Dark and heavy colour scheme inconsistent with village character and will emphasise mass.
- High coverage of buildings and sealed areas, that is inconsistent with character of the area.
- The scale of the proposal constitutes a commercial development not suitable for the Residential 1 Zone.
- Overshadowing and loss of natural daylight for properties to the south.
- Potential overlooking of surrounding properties.
- Potential impact of site fill and stormwater runoff on adjoining land to the north.
- Inadequate private open space and garden areas creating poor liveability.
- Inadequate car parking on-site for the busy summer period.
- Design of the car parking area looks like an ugly inner city car park.
- Driveway is too narrow for safe access and egress for residents and emergency vehicles.
- Driveway should be located on the south side of the lot to provide greater setback from the four dwellings on the abutting property.

- Increased safety concerns for pedestrians and vehicles within the vicinity of the site particularly during the summer peak period.
- Impact of glare from exterior lighting of driveway and common property on surrounding properties.
- Increased noise levels from a high number of short term tenants with little regard to permanent residents on surrounding properties.
- Loss of views from surrounding properties.
- Adverse impact of large trees overhanging adjoining properties.
- Potential for units to remain empty and unused, attracting vandals.
- The high density development will increase stress on the already inadequate stormwater system. Regular flooding is occurring as the major outfall at the end of Thompson Street is constantly blocked by sand.
- The application incorrectly states that there are no north facing windows on the abutting four dwellings at 181 Great Ocean Road. Each dwelling has north facing living room windows.

In the main the views expressed in the grounds of objections are not too dissimilar to the issues raised by Council in this report. Many of the concerns relate to the bulk and scale, the overall commercial appearance of the development, off site amenity impacts and how the proposal appears not to respect the neighbourhood character. These issues are discussed below in the body of the report.

### **Referrals**

The application was referred in accordance with Sections 52 and 55 of the *Planning and Environment Act 1987* to VicRoads, Powercor, Barwon Water, Tenix (Gas), Telstra, Country Fire Authority, Department of Sustainability and Environment and Corangamite Catchment Management Authority. Internal referrals were made to the Council's Infrastructure and Building Departments.

All parties provided consent to the application with most imposing conditions on any approval. Barwon Water required amended plans to be submitted showing appropriate setbacks from water and sewer mains and VicRoads requires a minimum 5 metre wide crossover at the front of the site.

### **Planning Controls**

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

The State and Local Policy Framework seeks to ensure the objectives of planning in Victoria are fostered through appropriate 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:

#### ***11.05-4 Regional planning strategies and principles***

The objective is *to develop regions and settlements which have a strong identity, are prosperous and are environmental sustainable.*

Key strategies include:

- *Encouraging high-quality urban and architectural design which respects the heritage, character and identity of each settlement.*
- *Ensuring development respects and enhances the scenic amenity, landscape features and view corridors of each settlement.*

**15.01-1 Urban design objective**

*To create urban environments that are safe, functional and provide good quality environments with a sense of place and cultural identity.*

**15.01-2 Urban design principles objective**

*To achieve architectural and urban design outcomes that contribute positively to local urban character and enhance the public realm while minimising detrimental impact on neighbouring properties.*

**15.01-3 Neighbourhood and subdivision design objective**

*To ensure the design of subdivisions achieves attractive, liveable, walkable, cyclable, diverse and sustainable neighbourhoods.*

**15.01-4 Design for safety objective**

*To improve community safety and encourage neighbourhood design that makes people feel safe.*

**15.01-5 Cultural identity and neighbourhood character objective**

*To recognise and protect cultural identity, neighbourhood character and sense of place.*

**15.02-1 Energy and resource efficiency objective**

*To encourage land use and development that is consistent with the efficient use of energy and the minimisation of greenhouse gas emissions.*

**21.03-3 Apollo Bay and Marengo****Overview**

*A Structure Plan for Apollo Bay (including Marengo and Skenes Creek) was adopted by Council (April 2007) and articulates the preferred development future for this key coastal centre. Key issues to emerge from the Structure Plan were that:*

- Apollo Bay, Marengo and Skenes Creek are to remain as distinct coastal settlements with development to be contained within coastal settlement boundaries.*
- Each settlement has a separate identity and local character;*
- A key role of Apollo Bay is to provide a diversity of housing opportunities consistent with its identity and local character;*
- The natural beauty of the area, with its unspoilt beaches set against a dramatic backdrop of rolling hills, providing the overarching character which unites the settlements, to be reflected in new development;*
- The seaside fishing village character of Apollo Bay, focused around a robust working harbour, is highly valued and this character should be preserved and strengthened by new development;*
- Change in Apollo Bay, Marengo and Skenes Creek should take place with a demonstrated commitment to healthy lifestyles and ecological sustainability, and be responsive to the natural environment;*

- *The settlements should continue to provide for high quality living, offering improved community facilities and services, as well as economic development opportunities, for a self sustaining lifestyle.*
- *Water supply is a potential constraint to the future growth of Apollo Bay which can only proceed subject to the demonstrated availability of an adequate water supply.*

### **Objectives**

- *To develop Apollo Bay as an attractive residential community which provides a high quality environment as a significant tourist centre.*
- *To retain Apollo Bay, Marengo and Skenes Creek as distinct coastal settlements with their own local character.*
- *To ensure that the natural beauty of the area is reflected in new development.*
- *To preserve the seaside village character of Apollo Bay.*
- *To ensure that change demonstrates a commitment to sustainability and is responsive to the natural environment.*

### **Strategies**

- *Ensure that the development of Apollo Bay and Marengo occurs generally in accordance with the strategic directions outlined in the Apollo Bay Framework Plan attached to this Clause.*

### **Settlement Character and Form**

- *Consolidate the town centre of Apollo Bay, limit building heights and provide a greater diversity of accommodation at higher densities within and in close proximity to the commercial area.*
- *In the residential areas outside the town centre of Apollo Bay, limit building heights and ensure upper levels are well articulated to respect the character of the area and provide for a more traditional dwelling density to contribute to a diversity of housing choice.*
- *Reinforce and improve the informal character, accessibility and amenity of streetscapes in the residential areas of Apollo Bay, Marengo and Skenes Creek, reflecting the distinct existing and preferred future character of each settlement in new improvements.*
- *Achieve excellent architectural quality in new development or improvements to existing buildings in the town centre, drawing on the existing valued qualities of the centre and setting a new direction in the use of innovative, high quality design.*
- *Promote Apollo Bay and Marengo as leaders in environmental sustainability within the Great Ocean Road Region and improve the ecological integrity of environmental features within and around settlements.*

### **The Size of Settlements**

- *Ensure that urban development results in the efficient utilisation of existing infrastructure and minimises the requirements for new infrastructure.*
- *Encourage infill development of medium density housing and accommodation within walking distance of the commercial area of Apollo Bay, to reduce the pressure to expand the urban area, and provide alternative housing choice.*

Whilst the planning scheme seeks to encourage medium density housing, any proposal must also strike a balance between achieving higher densities and respecting neighbourhood character. It is considered that the proposal due to its density will not respect the neighbourhood character or meet the community's expectations in relation to the future development of Apollo Bay.

The Planning Scheme as outlined in Clause 21.04 (referred to above) together with the Apollo Bay Structure plan outlines a number of strategies. The key thrust of the strategies are to concentrate higher densities closer to the commercial node of Apollo Bay, with maintenance of the more traditional dwelling density in the residential areas further away from the town centre. This is reflected in the different Schedules of the DDO which apply to the central and outer parts of the town.

It is therefore expected in this location that appropriately designed medium density development will be supported, evidenced by the support by VCAT for a five dwelling development on the site in recent years. However, whilst a number of medium density housing developments exist along the frontage of the Great Ocean Road, the current proposal is of a significantly higher intensity than the previous proposal, and is significantly out of character with the scale of nearby development. A large central part of the development is to be three storeys, and the three blocks of buildings will present as a significant bulk, conveying the appearance of apartment style housing, despite open corridors between the buildings.

b. Zone Provisions

The **Residential 1 Zone** applies to the site. Pursuant to the table of uses at Clause 32.01-1, no permit is required to use land for a dwelling.

A permit is required to subdivide land under Clause 32.01-2 and applications must meet the relevant requirements of Clause 56. In this case all Clauses except 56.02-1, 56.03-1 to 56.03-4, 56.05-2, 56.06-1, 56.06-3 and 56.06-6 apply.

Construction and extension of two or more dwellings on a lot requires planning approval and also generates the need to meet the requirements of Clause 55.

c. Overlay Provisions

The **Design and Development Overlay Schedule 6 - Apollo Bay Medium Density Residential Area (DDO6)** applies to the land. Within the overlay, a permit is required to construct a building or construct or carry out works and to subdivide land.

The design objectives in the DDO6 are:

- *To protect the existing low scale coastal character and identity of Apollo Bay.*
- *To achieve a graduated density of residential development between the town centre and the lower density residential areas.*
- *To ensure that development density is consistent with the coastal town character.*
- *To ensure that permeable space is available between dwellings to sustain vegetation.*
- *To ensure that new development maintains space between buildings so that views to the surrounding landscape are retained.*



The DDO6 specifies that buildings must not exceed a height of 9 metres and that all buildings and works should comply with the following standards unless it can be demonstrated that an alternative approach achieves the design objectives of this control:

- *Simple building details.*
- *A mix of contemporary and traditional coastal materials, textures and finishes.*
- *Colours and finishes that compliment those occurring naturally in the area.*
- *Articulated facades, incorporating setbacks to upper levels to reduce building bulk and overshadowing, and shop front windows at street level in commercial areas.*
- *Articulated roof forms on new developments to provide visual interest to the street.*
- *On larger sites, articulated facades to emulate the fine grain (narrow frontage) subdivision pattern in the centre.*
- *Buildings greater than 8 metres in height have a front setback at the upper level of 3 metres.*
- *Water sensitive urban design features incorporated into the design, where practical.*

The decision guidelines of the DDO6 are:

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

The site is within Precinct 1 as identified in the Neighbourhood Character Brochures created as a result of the study. The preferred neighbourhood character for this precinct is:

*The area presents a coherent and recognisable entrance to Apollo Bay that reflects the key elements of the town's built character. The variety of building styles in the area is unified by the consistently large, although varied, setbacks of buildings from the street, and the uninterrupted grassy verges extending into the front yards of the properties.*

*The new dwellings are of a high standard of contemporary design, are set into the landscape and reflect the coastal setting through the use of design elements and details. The strong avenue of cypress on the beach side of the road remains as an icon of the township entrance.*

The preferred character is to be achieved by:

- *Ensuring that new development sits within the landscape setting of the town and retains views to the surrounding landscape from within and around the town.*
- *Providing for the reasonable sharing of views of the ocean, coast and foothills.*
- *Ensuring that views and vistas from public viewing points are not obscured by new development.*
- *Ensuring the retention of expansive, open setbacks to properties fronting the Great Ocean Road.*
- *Ensuring buildings demonstrate a high standard of contemporary design that reflects the coastal setting.*

- *Encouraging the spacing of buildings to allow for permeability of the built form.*

Specific issues and threats identified for this precinct relevant to this application are:

- *Buildings extending close to the street edge.*
- *Buildings built too close together.*
- *Dwellings that do not reflect the coastal setting.*

d. Particular Provisions

Land Adjacent To A Road Zone, Category 1 (Clause 52.29)

A permit is required to create or alter access to a road in a Road Zone, Category 1 and to subdivide land adjacent to a road in a Road Zone, Category 1.

The Great Ocean Road is a Road Zone, Category 1 and the application was referred to VicRoads as required.

More than one dwelling on a lot (Clause 55)

The applicant submitted a response to Clause 55. While the proposal generally meets the minimum recommended standards, it is considered that the development fails to meet the following mandatory objectives/standards:

Neighbourhood Character – *“To ensure that the design respects the existing neighbourhood character or contributes to a preferred neighbourhood character”, and “To ensure that development responds to the features of the site and the surrounding area.*

The Planning Scheme has a number of key themes and strategies which exist for the Apollo Bay township. Such policies are included in the Municipal Strategic Statement, Clause 21.03 Settlement, and the Design and Development Overlays. The purpose of the strategies is to ensure that any future development which occurs within the boundaries of the township meets the preferred neighbourhood character.

One of the key strategies is to ensure that higher densities are proposed within close proximity to the business node and that lower densities are maintained in those parts of Apollo Bay which are further away from the business node. Notwithstanding that the site is within the DDO6 which encourages medium density housing, the proposal fails to meet the objectives and decision guidelines of the overlay (as described earlier in the report) which seek to ensure that despite higher densities, development must still maintain the low scale character and identity of Apollo Bay and be consistent with the coastal town character. The scale and building bulk of the proposal does not sit comfortably with the scale and character of surrounding development, and would not achieve the preferred character being sought by the various controls.

Street Setback - *“To ensure that the setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site.”*

The proposed minimum front setback of 4.5 metres from the Great Ocean Road fails to meet the mandatory objective and the recommended minimum Standard B6 (Clause 55.03-1). The minimum setback to accord with the Standard is 9 metres however a lesser setback may be considered given the abutting property to the north is likely to be redeveloped in the future and the adjoining property to the south has a 4.5 metre setback.

Furthermore, the base standard minimum setback from a Road Zone Category 1 is 6 metres. It is also noted that the dwelling recently constructed at 187 Great Ocean Road has a setback of 9m.

It is noted the proposed setback approved for the five dwelling development on the site by VCAT was a minimum of 4.5 metres, although at one point of the buildings only and increasing to greater than 6 metres.

It is considered that a starting point for a development on this significant site should be a minimum setback of 6 metres, particularly given the significance of the Great Ocean Road and the emphasis given in the Neighbourhood Character Precinct Brochure to expansive front setbacks.

Energy efficiency - *To achieve and protect energy efficient dwellings and residential buildings; and To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy.*

The site layout was modified at the start of the process to improve the availability of north facing light to living areas by the inclusion of skylites in the roof.

As recommended to the applicant, it is still believed that the site orientation provides greater opportunities to maximize northerly aspect, which would also provide stunning hinterland views. The relocation of the driveway to the south boundary provides the most obvious solution which would enable high quality north facing private open space for all ground floor dwellings.

It is therefore considered the proposed development fails to meet the objective for energy efficiency (Clause 55.03-5), a key priority supported by the State and Local Planning Policy Framework.

Open space - *To integrate the layout of development with any public and communal open space provided in or adjacent to the development.*

The proposed site layout includes areas of common property, however most of this area would not be useable in an open space sense. It is considered that opportunities exist to create functional communal open space on site to improve the livability of the site.

Safety - *To ensure the layout of development provides for the safety and security of residents and property.*

The pedestrian access along the south boundary and some of the common area spaces between the buildings fail to meet the objective for safety (Clause 55.03-7) as there would be little opportunity for passive surveillance from the dwellings. A more suitable solution recommended to the applicant is to align the walkway with the driveway (providing a clear delineation to maximize pedestrian safety) and in a location where all dwelling entries are clearly identifiable from the walkway.

Landscaping - *To encourage development that respects the landscape character of the neighbourhood.*

Indicative landscaping has been shown on the site plan, however given the extent of building and hard surface site coverage there is very limited opportunity to create landscape areas that are at a scale reflective of the size of the development. Furthermore, the Neighbourhood Character Precinct Brochure includes the following design response with regard to landscaping:

*“Prepare a landscape plan to accompany all applications for new dwellings showing the use of low level vegetation, trees and other landscape elements to maintain the expansive, open setback areas in front of dwellings, particularly those along the Great Ocean Road”.*

Due to the short front setback and the extensive site coverage, it is difficult to envisage the proposal being capable of meeting this outcome.

*Access - To ensure vehicle access to and from a development is safe, manageable and convenient.*

The Great Ocean Road is categorised as a Road Zone 1. Therefore, vehicle access arrangements must be designed so that the operation of the road is not affected by the proposal. In order to provide adequate area for vehicles to pass on-site and avoid reversing of vehicles onto a main road, Standard B14 of Clause 55 the entrance to the accessway to be designed with a minimum width of 5 metres for a minimum length of 7 metres commencing from the front boundary of the site. The accessway has not been designed in accordance with the standard and has potential to adversely affect traffic management on the Great Ocean Road.

*Parking location - To provide convenient parking for resident and visitor vehicles; and To avoid parking and traffic difficulties in the development and the neighbourhood.*

The car parking layout has been improved from the original proposal, but is still considered to reflect a commercial style development in terms of design.

This approach is inconsistent with the low scale coastal character of the neighbourhood in which it is proposed.

*Parking provision - To ensure that car and bicycle parking for residents and visitors is appropriate to the needs of residents; and To ensure that the design of parking and access areas is practical and attractive and that these areas can be easily maintained.*

The provision of car parking spaces meets the minimum standard for occupants with one car space per 1 or 2 bedroom dwelling and two car spaces for the three bedroom dwellings. No provision for additional visitor parking on site has been provided. Given the location of the site on the Great Ocean Road with very little available on-street parking, there is concern that the proposal will not meet the objective for parking during peak times.

*Noise impacts - To contain noise sources in developments that may affect existing dwellings.*

The applicant submits that the target market for the development is short term holiday accommodation. The proposed twelve dwelling development will inevitably result in an increase in noise for existing dwellings, the extent of which will vary considerably depending on occupancy rates but is likely to be significant during peak times.

*Private open space - To provide adequate private open space for the reasonable recreation and service needs of residents.*

The layout of private open space has been improved through discussions with the applicant, but will provide only the minimum standard suitable for short term stay accommodation only. It is unlikely the development will be attractive to permanent residents.

*Common property - To ensure that communal open space, car parking, access areas and site facilities are practical, attractive and easily maintained; and To avoid future management difficulties in areas of common ownership.*

The site would require considerable site management to ensure the common property areas are maintained to a high standard.

Residential Subdivision (Clause 56)

The applicant submitted a report as required by Clause 56. The areas of concern more specifically relate to the development of the land than the subdivision.

e. Decision guidelines of Clause 65

Matters particularly relevant to the application include:

- *The orderly planning of the area.*
- *The effect on the amenity of the area.*
- *The proximity of the land to any public land.*
- *Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.*
- *The density of the proposed development.*
- *The area and dimensions of each lot in the subdivision.*
- *The movement of pedestrians and vehicles throughout the subdivision and the ease of access to all lots.*
- *The provision of off-street parking.*
- *The provision and location of common property.*
- *The functions of any body corporate.*

**Consideration of the Proposal**

Given the prominent location of this site, it is considered important to achieve a high standard of design that is based on sustainable development principles and consistent with the preferred neighbourhood character that has been clearly defined.

Neighbourhood Character

As noted earlier in the report, the Planning Scheme has a number of key themes and strategies relating to the Apollo Bay township which aim to ensure that any future development within the township meets the preferred neighbourhood character. One of the key strategies is to ensure that higher densities are proposed within close proximity to the business node and that lower densities are maintained in those parts of Apollo Bay which are further away from the business node. Notwithstanding that the site is within the DDO6 which encourages medium density housing, the proposal fails to meet the objectives and decision guidelines of the overlay (as described earlier in the report) which seek to ensure that despite higher densities, development must still maintain the low scale character and identity of Apollo Bay and be consistent with the coastal town character. The scale and building bulk of the proposal does not sit comfortably with the scale and character of surrounding development, and would not achieve the preferred character being sought by the various controls.

Landscape Setting and Views

The proposed development is of a scale and design that would dominate the significant landscape setting. The development would exceed the recommended 7.5 metres in height for the precinct and while this would be restricted to the middle block, this will still be highly visible from the Great Ocean Road and surrounding properties.

The site has significant potential to maximise views to not only the coast line but to the hinterland surrounding Apollo Bay. The proposed layout of the site has not responded appropriately to these landscape features.

The proposed development will have an unreasonable adverse impact on the existing landscape views enjoyed by the surrounding properties, particularly those to the south.

#### Building form and materials

It is considered that the proposal does not represent a high standard of contemporary design that reflects the coastal setting. The form of the building is quite boxy in nature and does not provide adequate articulation to lighten the structure to reflect the low scale coastal setting. All elevations would be dominant in the landscape with little landscaping area to soften the visual impact.

#### Building spacing

While the development would be setback from all boundaries, the minimum setback from the south boundary would result in a dominant built form that would have a significant impact on the adjoining properties to the south.

#### Frontage treatment

The proposed minimum setback of 4.5 metres from the Great Ocean Road is considered inadequate and does not respect the significance of the Great Ocean Road or the location of the site on the town entry. The preferred neighbourhood character is for expansive, open setbacks to properties fronting the Great Ocean Road, which is clearly not the case in the proposed layout.

#### Sustainability

Sustainability is a key theme that comes out of the State and Local Planning Policy Framework, in addition to the Design and Development Overlay 6. The proposal is not considered to address this issue appropriately.

The applicant submits that as the development will be for short term accommodation, there is not the same need for energy efficient design. The liveability and sustainability of the development is of equal importance regardless of the tenancy. It was recommended to the applicant to relocate the driveway to the south boundary combined with pedestrian walkway to improve passive solar design, safety for residents and to create north facing private open space areas.

#### **Council Plan / Other Strategies / Policy**

A draft Apollo Bay Settlement Boundary and Urban Design Review Report was released for public comment in August 2011. There are no issues arising from that report which would influence the current application. All other policies and strategies relevant to the application have been discussed elsewhere 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. The lowest part of the site is just below 4.0m AHD (i.e. above sea level), rising to 5.18m.

Given this height is above the 2.6m AHD benchmark advised by the Corangamite Catchment Management Authority (CCMA) for Apollo Bay (i.e. the flood level taking into account estimated sea flooding at 2100 assuming a 0.8m sea level rise and additional storm surge), and that the site is protected by a significant public infrastructure asset in the Great Ocean Road, it is considered the development would be unlikely to be adversely affected by future sea level rise in the time period specified in the state policy. The application was referred to the CCMA which raised no concerns with the proposal.

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

Public notice of the application was given in accordance with statutory requirements, and objectors were provided a copy of amended plans submitted by the applicant following the receipt of objections, with an invitation to make further comments. No objections were withdrawn following this process.

### **Conclusion**

The overall design does not embrace the key coastal character elements identified in the Apollo Bay and Marengo Neighbourhood Character Study 2003 and supported in the Local Planning Policy Framework, the Design and Development Overlay Schedule 6 and the Neighbourhood Character Precinct 1 Brochure and is not supported.

### **Attachments**

Nil

### **Recommendation(s)**

***That Council's Planning Committee resolve to issue a Refusal to Grant a Planning Permit (PP112/2011) for the construction of twelve dwellings and subdivision of the land into twelve lots at 183 Great Ocean Road, Apollo Bay on the following grounds:***

- 1. The proposal represents an overdevelopment of the site to the detriment of the preferred character of the site and surrounds, including the Great Ocean Road as identified in the Apollo Bay to Marengo Neighbourhood Character Study 2003.***
- 2. The design of the development does not reflect the low scale coastal setting as identified in the Apollo Bay to Marengo Neighbourhood Character Study 2003.***
- 3. The proposal fails to meet all of the objectives and standards of Clause 55.***
- 4. The proposal fails to meet the objectives and relevant decision guidelines of the Design and Development Overlay Schedule 6.***
- 5. The proposal fails to achieve the preferred character and decision guidelines of the Apollo Bay Precinct One Brochure from the Apollo Bay to Marengo Neighbourhood Character Study Review.***

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PC121801-3 DEVELOPMENT OF A WORKSHOP, WASH DOWN FACILITY AND ANCILLARY WORKS FOR A RURAL INDUSTRY AND STORE (FOR TIMBER HARVESTING EQUIPMENT) AT 37-51 DARCY STREET, COLAC - (PP178/2011-1)

| | | | |
|-------------|------------------------------------|-----------|------------|
| AUTHOR: | Kim Linden | ENDORSED: | Jack Green |
| DEPARTMENT: | Sustainable Planning & Development | FILE REF: | F11/1652 |

Location: 37-51 Darcy Street, Colac East

Zoning: Industrial 1 Zone

Overlay controls: Design and Development Overlay (DDO1)

Proposed Amendments: Nil

Purpose:

The application seeks approval to construct a new building (workshop), wash down facility and store for timber harvesting equipment.

The application is before Council as it involves a waiver of the car parking requirement under Clause 52.06 of the Colac Otway Planning Scheme. Ten (10) car spaces are required under the scheme. The proposal involves a reduction to eight (8) car spaces.

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 development of the site for a workshop and wash down facility and ancillary works for a rural industry and store for timber harvesting equipment and a waiver of car parking requirements
- Public notification of the application was undertaken and no objections were received.
- On site car parking will be varied from the requirements of Clause 52.06 of the Colac Otway Planning Scheme. The number of car spaces required is ten (10), but only eight (8) car spaces are to be provided.
- The car parking variation is considered to be acceptable given that the proposal only involves one part time employee.
- The proposal is generally consistent with the provisions of the Design and Development Overlay – Schedule 1 - Industrial Area on the Eastern Edge of Colac (DDO1).
- The proposed built form will be setback more than 20m from the road frontage and have a maximum height of 6.32m, and will result in an appropriate planning outcome.
- For these reasons it is recommended that a planning permit be issued.

Background

The subject site contains a small shed, some machinery/equipment and a concrete foundation. It is enclosed by cyclone wire fencing. The site is currently not in formal use.

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 issues are whether any new buildings will be in keeping with the character of the area and how they meet specific objectives for this part of Colac in relation to siting and design and whether or not the car parking provision and location is adequate.

It is recommended that option (a) is supported.

Proposal

The application seeks approval to construct a new building, wash down facility and store for timber harvesting equipment used in association with logging operations that the applicant undertakes in the Otway Ranges.

The new building, referred to as a 'shed' on the plans will be 24m x 15m and sited in the south-east corner. The building will be used for the maintenance and storage of machinery associated with logging operations. The building will include an office, toilet, shower and tea room.

To the rear of the building, on its eastern side, there will be a vehicle wash down facility comprising of a concrete paved area which will incorporate a trade waste pre-treatment facility for the purposes of reducing trade waste water impacts.

There will be two access ways on to Darcy Street, separated by a distance of 43m. Each access way will be 5.4m wide and will utilise the existing gates. There will be a dedicated car parking area comprising a total of eight (8) car spaces which is to be located along the site frontage.

There will be a large log truck store and turning area located on the majority of the site. The surface treatment for the truck store and turning area will comprise of crushed rock. The entry points will be bitumen sealed. Existing chain wire fencing around the site is to remain.

The hours of operation will be 7.00am to 7.00pm. The applicant has stated that there will only be one part time employee on site and no full time employees.

The existing pine trees located on the southern boundary will all be removed. The proposal includes a landscape strip approximately 2m wide along the front boundary (excluding access ways) and 1m wide along all other boundaries.

Site & Surrounds

The site is located on the eastern side of Darcy Street, Colac East. The site has a total area of approximately 4008 square metres (sqm) and currently contains a small shed and some sundry items comprising machinery and other equipment.

The site comprises of two lots which are legally described as Lot 1 TP 129015 and Lot 1 TP 129016. Lot 1 TP 129015 is a smaller lot of approximately 646sqm and the remaining land, comprising the larger lot, has an area of approximately 3364sqm.

The site is level and has an existing crossover and two entry points. There are mature pine trees located on the southern boundary.

Properties to the south are used for industrial purposes with access from Saunders Street, located to the south of the site. There is some vacant industrial land opposite the site. A railway line is located to the west of the site and a concrete batching plant is located to the north west of the site.

Public Notice

The application has been advertised pursuant to Section 52 of the *Planning and Environment Act 1987*, by sending notices to the owners and occupiers of adjoining land and placing a sign on site. Whilst the Industrial 1 Zone exempts proposals from public notice requirements, this exemption does not apply to permit requirements of the Design and Development Overlay or the application to vary car parking requirements. The applicant has provided a statutory declaration received by Council on 5 December 2011 stating that the advertising has been carried out in accordance with Council's requirements. It is considered that the notification has been carried out correctly. No objections were received in relation to the proposal.

Referrals

The application was referred internally to Council's Infrastructure, Building and Health Departments. No objections were raised by any of the internal referral sections of Council.

It should be noted that Infrastructure has required specific conditions on any permit issued including that the discharge from the wash down facility is not to enter the stormwater network unless prior treatment occurs which is in accordance with the Water Sensitive Urban Stormwater guidelines.

The application was also referred externally to Barwon Water under Section 52 of the *Planning and Environment Act 1987*, to ensure that the proposed wash down facility is acceptable to Barwon Water. Barwon Water has advised that it does not object to the proposal.

Planning Controls

a. State and Local Planning Policy Framework

The following State and Local policies are relevant to the consideration of the proposal:

- Clause 17.03 – Industry
- Clause 19.03 – Design and built form
- Clause 21.03-2 – Colac
- Clause 21.05 – Economic Development

The State and Local Policies seek to ensure that applications are not approved for non-industrial land uses which would prejudice the availability of land for future industrial requirements in industrial zones. The proposal is considered to be consistent with the purpose of the zone and to achieve an architectural and urban design outcome consistent with the industrial zone. The proposed use is considered to be consistent with the Colac East industrial area which is suited to a diverse range of light to general industrial activities. The application has been considered against relevant State and Local Planning Policies and is considered to be consistent with those policies.

b. Zone provisions

The site is zoned **Industrial 1 Zone (IN1Z)**. The purpose of the Industrial 1 Zone is:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To 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.*

Under the 'table of uses' within Clause 33.01-1, the use of the land for industry is a Section 1 use, whereby a permit is not required subject to the conditions being met, including threshold distances for various uses and requiring the use not to affect the amenity of the neighbourhood through, *inter alia*, the transport of materials, appearance of any stored goods, emission of noise, artificial light, vibration odour and the like.

Clause 74 of the Planning Scheme defines 'industry' as:

'Land used for any of the following operations:

- a) any process of manufacture;*
- b) dismantling or breaking up of any article;*
- c) treating waste materials; d) winning clay, gravel, rock, sand, soil, stone, or other materials (other than Mineral, stone, or soil extraction);*
- d) laundering, repairing, servicing or washing any article, machinery, or vehicle, other than on-site work on a building, works or land or any process of testing or analysis;*

If on the same land as any of these operations, it also includes:

- a) storing goods used in the operation or resulting from it;*
- b) providing amenities for people engaged in the operation;*
- c) selling by wholesale, goods resulting from the operation; and*
- d) accounting or administration in connection with the operation."*

The proposal involves the washing of machinery and vehicles and includes storage. It is therefore considered to be consistent with this definition of industry.

As the proposal involves the construction of a building (shed for storage of machinery) and works to construct a wash down facility, a planning permit is triggered by Clause 33.01-4 (Buildings and Works). This clause requires a permit to construct a building or construct or carry out works.

The proposal is generally consistent with the requirements of the Section 1 use conditions in the zoning table. It is not considered to have an adverse impact on the amenity of the surrounding area. The nearest residential development is approximately 150m to the west of the site and is further separated from the subject site by the presence of the railway line located between the site and the residential areas to the west. The proposed wash down facility will be located toward the rear of the site and away from the street frontage and includes waste water management and treatment methods which have been accepted by Barwon Water. Council's Environmental Health Officer has also raised no objection to the proposal.

The decision guidelines to be taken into account when assessing applications for buildings and works in the IN1Z include an assessment of streetscape character, built form, landscape treatment, interface with non-industrial uses, parking and site access, loading and service areas, storage and stormwater. All these aspects are dealt with in detail below.

The proposal is generally considered to be consistent with the zoning of the site and relevant decision guidelines.

c. Overlay provisions

The site is within the Design and Development Overlay – Schedule 1 - Industrial Area on the Eastern Edge of Colac (DDO1).

The relevant provisions of the DDO1 are the decision guidelines contained in Clause 43.02-5 and the specific provisions contained in Schedule 1 to the DDO1. The decision guidelines require an assessment of the bulk, location and appearance of proposed buildings or works on the character of an area. The guidelines also require an assessment of the impact of the design, location and layout of car parking, access and egress, loading and unloading areas. The proposal has been assessed against the decision guidelines and is considered to be in keeping with the character and appearance of the area. The design and appearance, landscaping and car parking are addressed in detail below under the specific provisions of DDO1.

Setback

The DDO1 requires that all buildings and works are set back 20m from the road frontage and only landscaping and visitor car parking and access ways are to be located within the setback area. The application complies with this requirement.

Location of parking and loading areas

The DDO1 requires that staff parking and loading areas be located to the side or rear of any buildings. The proposal includes car parking to be located at the front of the site. This location is considered to be acceptable given the unusual triangular shape of the site and the nature of the use, including the store of heavy vehicles associated with timber harvesting operations. The location of the car parking to the front of the site enables a more efficient use of the site and a practical solution to achieving safe turning area and manoeuvring for the large vehicles which will load and unload machinery on the northern side of the proposed shed, and also enable efficient use of the site for any machinery to be stored.

As the DDO1 requires a 20m setback for buildings the proposed storage shed has been sited toward the rear. The building has also been located in the widest part of the site. The shape of the site and the 20m front setback requirement reduces the amount of available area around or behind the building to site the car parking spaces. In addition, the truck wash down area is to be located at the rear of the building. The location of the truck wash down area is considered to be acceptable and will assist in reducing any visual impact this aspect of the proposal may have on the surrounding area.

Any impact of the car parking area will be softened by the provision of landscaping. The location of the car parking is therefore not considered to result in any adverse visual or other impacts on the site or the locality. A variation to the requirement of DDO1 in relation to the location of the car parking is therefore considered appropriate, and a practical solution to the siting of car parking in this instance.

Plot ratio

The DDO1 requires the plot ratio of buildings and works not to exceed 40%. The proposed works will have a plot ratio of buildings and works of approximately 10%, well under the maximum stipulated.

Landscaping

The DDO1 requires landscaping to be provided in accordance with a landscape plan approved to the satisfaction of the responsible authority. Whilst the existing pine trees on the southern boundary are being removed, they only provide screening to adjoining industrial premises, and their removal provides significantly greater flexibility for siting of the building to maximise vehicle storage and turning areas on the site. The revised site plan received on 29 September 2011 shows some landscaping surrounding the site including on the boundary where the pine trees are to be removed, however the proposed landscaping is not considered to be sufficient in terms of the details provided. A condition is therefore recommended to be placed on any permit issued requiring a revised landscaping plan and additional landscaping details including the height of species at maturity. This will ensure effective screening of the development and better integration of the proposed development into the surrounding area.

d. Particular Provisions

Clause 52.06 Car Parking

The car parking requirement for the proposal have been based on the requirements for industry which attracts a car parking requirement of 2.9 spaces per 100sqm of net floor area. As the floor area of the shed will be 360sqm the requirement is calculated at 10.4 spaces, rounded down to ten (10) car spaces.

The proposal includes the provision of eight (8) car spaces. The car spaces will be located toward the front of the site. The car parking spaces have a minimum dimension measuring 2.6m by 5.0m and would be bitumen sealed. One (1) disabled car space has been provided which measures 3.4m x 5m. The cars would enter the site via the existing crossover which will serve a gate 5.4m wide to the southern side of the street frontage.

The reduction in the parking requirement is considered to be minor, and given the low number of employees proposed to use the premises, there would be considerable parking available for the business. The reduction is supported in this basis.

Large trucks would enter via the second entry located on the northern side of the street frontage. Council's Infrastructure Department has not objected to the continued use of the second access to the site.

Clause 52.07 - Loading and unloading of vehicles

Clause 52.07 seeks to ensure that land is set aside for loading and unloading commercial vehicles to prevent loss of amenity and adverse effect on traffic flow and road safety. No dedicated loading bay has been provided, however trucks will load and unload machinery associated with the logging operations. The types of machinery to be stored and serviced on site include dozers and other tracked machinery. Given the nature of the machinery to be stored on site, the lack of provision of a dedicated loading dock is considered to be acceptable in this instance.

Clause 52.05 – Advertising Signs

Clause 52.05 sets out the advertising controls for various development types including industrial development. The land affected by the overlay controls is in Category 2. There are no signs proposed under this application. It is recommended that a note be included on any permit issued advising that a separate application may be required for any proposed signage.

Consideration of the Proposal

The proposal has been assessed against the relevant criteria and policies as detailed above. The proposed built form is in keeping with the area. The proposed variation to the requirement under DDO1 for car parking to be provided at the rear and side is considered to be acceptable in this instance. The proposed waiver of two car parking spaces is also considered to be acceptable.

Infrastructure conditions will be placed on any permit issued in relation to the management of stormwater. A landscaping condition is also recommended in relation to landscaping to ensure that the quality of proposed landscaping is acceptable to act as a visual screen and to partially compensate for the loss of the screening afforded by the pine trees.

All other conditions recommended to be placed on any permit will ensure the amenity of the area is safeguarded and that access to the site is satisfactory.

In summary, the proposal is generally considered to be consistent with planning policies. Where the proposal represents a departure from policy requirements (car parking provision and location), these departures are considered to be acceptable and to still allow for a development which is consistent with planning objectives for the site and the area.

Council Plan / Other Strategies / Policy

The *Colac Structure Plan 2007* states that the vision for Colac is:

‘Colac will be a thriving town with a vibrant town centre that takes pride in its Lakeside location, is responsive to the housing needs of its residents and offers a variety of opportunities for employment and economic development’.

It is considered that the proposal is consistent with the above vision for Colac and will add to the variety of opportunities for economic development envisioned under the Structure Plan.

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 known environmental problems or risks associated with climate change in relation to this proposal.

Communication Strategy / Consultation Period

Public notification has been undertaken to comply with statutory requirements as detailed earlier in the report.

Conclusion

The proposed development is considered to be in keeping with the character of the site and the surrounds and is consistent with State and Local planning policies.

Moreover, the proposal meets the Design and Development Overlay - Schedule 1 (DDO1) requirements in relation to siting and design of industrial development on the eastern side of Colac. The proposal will utilise a site that has not been in industrial use for some time. Conditions to be imposed in relation to landscaping will ensure the development is enhanced and better integrated into this part of Colac. A waiver of the car parking requirement is considered to be acceptable in this instance as the car parking reduction comprises only two (2) car spaces and there will still be a sufficient number of parking spaces to serve the development.

Attachments

Nil

Recommendation(s)

That Council's Planning Committee resolves to issue a Planning Permit for the development of the land for a workshop, wash down facility and storage of timber harvesting machinery within a Design and Development Overlay (Schedule 1) and a reduction of car parking requirements (from ten spaces to eight) at 37-51 Darcy Street, Colac East subject to the following conditions:

- 1. The layout of the site and the size of the proposed buildings and works as shown on the endorsed plans must not be altered or modified without the written consent of the Responsible Authority.***
- 2. The 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) Appearance of any buildings, works or materials;***
 - c) Emission of noise, artificial light, vibration, smells, fumes, smoke; vapour, steam, soot ash, dust, waste water, waste products, grit or oil;***
 - d) Presence of vermin.***
- 3. Before the development starts, a revised landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The landscaping plan must be generally in accordance with the landscape plan submitted, except that the plan must show:***
 - (a) A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant,***
 - (b) Landscaping and planting within the proposed landscape strips around the perimeter of the site,***
 - (c) Two canopy trees a minimum of two metres tall when planted, within the front landscaped area.***

All species selected must be to the satisfaction of the Responsible Authority. The landscape plan must also indicate that an in-ground irrigation system is to be provided to all landscaped areas.

- 4. The landscaping shall be established within 12 months of commencement of the development hereby permitted and shall be maintained to the satisfaction of the Responsible Authority.***
- 5. External lighting must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land.***
- 6. Noise levels emanating from the premises must not exceed those required to be met under State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade), No. N-1.***
- 8. All security alarms or similar devices installed on the land must be of a silent type in accordance with any current standard published by Standards Australia International Limited and be connected to a security service.***
- 9. 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 seal-coat or surfaced with crushed rock or gravel to the satisfaction of the Responsible Authority.***
 - (d) Drained and maintained to the satisfaction of the Responsible Authority.***
 - (e) 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.

- 10. The surface of the car park area must be treated to the satisfaction of the Responsible Authority to prevent dust causing loss of amenity to the neighbourhood.***
- 11. Concrete kerbs or other barriers must be provided to the satisfaction of the Responsible Authority to prevent direct vehicle access to an adjoining road other than by a vehicle crossing.***
- 12. No fewer than eight (8) car parking spaces must be provided on the land for the use and or development including one (1) space clearly marked for the disabled.***
- 13. Loading and unloading of all goods, materials and items must be carried out within the site and to the satisfaction of the Responsible Authority.***
- 14. Access onto and within the property must be constructed to the satisfaction of the Responsible Authority.***

15. ***Vehicular crossings must be constructed to the road to suit the proposed driveways to the satisfaction of the Responsible Authority.***
16. ***An application to construct a vehicle crossing must be lodged and approved by the Responsible Authority prior to the commencement of works.***
17. ***The driveway must be constructed to an all weather surface to the satisfaction of the Responsible Authority.***
18. ***Discharge from wash down facility is NOT to enter the stormwater network unless prior treatment occurs which brings the waste water to storm water standards in line with Water Sensitive Urban Stormwater guidelines. In this case, such a treatment facility is to be designed by a suitably qualified engineer and approved to the satisfaction of the Responsible Authority.***

Expiry of the permit

19. ***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.

Permit notes:

1. ***Prior to commencing the works on the site, you are required by Condition 4 to submit a revised landscaping plan to council for endorsement as part of this Planning Permit application.***
2. ***You are advised that a Building Permit is required for the proposed new building.***
3. ***A full fire safety service of the building is also required to be undertaken.***
4. ***Barwon Water has advised that all communication between the person acting on this permit should quote reference number L007706 when dealing with Barwon Water.***
5. ***Separate planning approval may be required for any proposed advertising signage.***

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**PC121801-4                    CONSTRUCTION OF A SINGLE DWELLING AND REMOVAL OF TWO NATIVE TREES AT 35 KARINGAL DRIVE, WYE RIVER - (PP206/2011-1)**

|             |                                    |           |            |
|-------------|------------------------------------|-----------|------------|
| AUTHOR:     | Patrick Cauchi                     | ENDORSED: | Jack Green |
| DEPARTMENT: | Sustainable Planning & Development | FILE REF: | F11/1686   |

**Location:** 35 Karingal Drive, Wye River  
**Zoning:** Township Zone  
**Overlay controls:** Significant Landscape Overlay Schedule 2  
Design Development Overlay Schedule 2  
Neighbourhood Character Overlay Schedule 1  
Erosion Management Overlay Schedule 1  
Wildfire Management Overlay

**Proposed Amendments:** Nil

**Purpose:**

The application seeks planning approval to construct a single dwelling and to remove two native trees. The application is before Council for consideration as the proposed development is above 8 metres in height.

**Declaration of Interests**

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

**Summary**

- The proposal is to construct a two storey dwelling with a maximum height of 8.5m above natural ground level and to remove two native trees.
- Referral and public notice of the application was undertaken and no objections have been received.
- The key planning considerations concern the siting and height of the dwelling and the proposed vegetation removal.
- Given the significant site constraints, the siting and height of the dwelling is considered to be an appropriate design response as the proposal will contribute to the preferred neighbourhood character.
- The proposed removal of two trees is considered to be the minimum extent necessary to enable construction of a dwelling on the site and will not adversely impact on the landscape character of the locality.
- It is therefore recommended that a planning permit be issued subject to conditions.

**Background**

No record exists of any previous planning permit applications for the site.

**Issues / Options**

Council has the options of:

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

The key issue is whether the development height being over 8 metres is justified and if the street setback is considered adequate.

It is recommended that Option (a) is supported for the reasons outlined in the report below.

**Proposal**

The application seeks approval to construct a two storey detached dwelling with a maximum height of 8.5 metres above natural ground level and to remove two native trees.

The dwelling is proposed to be sited close to the property frontage at an angle to the street alignment to utilise the existing site cut for vehicle access and to minimise tree removal, site excavation and fire risk. The front wall of the dwelling would be setback 2m from the lot frontage at the closest point but due to the angle of the building, the setback would increase thereafter. A front deck would be sited within 1m of the lot frontage and the eave of the upper level roof line would extend to the lot frontage at one point. The highest point of the dwelling would be at this easterly point with a maximum height of 8.5m, which then reduces to single storey with the slope of the land.

Vehicles would park within a tandem carport at ground floor level adjoined by an entry foyer, stairs and laundry. The upper level would comprise the remainder of the dwelling with two bedrooms, open kitchen, dining, living area and separate study/rumpus room.

The two native trees to be removed are established eucalyptus trees located in the centre of the site. The remaining ten native trees of varying maturity will be retained.

**Site & Surrounds**

The site is an irregular shaped lot of 1275sqm located on the west side of Karingal Drive, adjacent to a bend in the road. The lot has an angled frontage to Karingal Drive with a total length of 33.5m. The property has a relatively high coverage of native vegetation and slopes steeply from the rear (west) down to the east corner fronting Karingal Drive (overall fall of 17m). It is likely the site originally contained a dwelling as evidenced by the existing driveway and levelled area located toward the centre of the site.

A nature reserve is located on the adjoining land to the north-east. The adjoining property to the south-west is occupied by a two storey fibro dwelling sited toward the Karingal Drive frontage. The land to the rear is heavily vegetated private land within the Rural Conservation Zone. The properties opposite the site in Karingal Drive slope away from the road at a similar gradient to the subject site.

**Public Notice**

The applicant was required to give notice of the application in accordance with Section 52 of the *Planning and Environment Act 1987*, by sending a copy of the notice to adjoining owners and occupiers and by placing a sign on the land for a period of 14 days. No objections were received.

### Referrals

The application was referred internally to the Environment, Infrastructure and Building Departments and externally to the Country Fire Authority. 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 Policy Framework seeks to ensure the objectives of planning in Victoria are fostered through appropriate 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 - Settlement
- Clause 13.03-2 - Erosion and landslip
- Clause 13.05 - Wildfire
- Clause 15 - Built environment and heritage
- Clause 15.01-5 - Cultural identity and neighbourhood character and sense of place
- Clause 21.03 - Settlement
- Clause 21.03-7 - Wye River and Separation Creek
- Clause 21.04-5 - Erosion

The proposal is considered to be generally consistent with the broader principles of the State and Local Planning Policy Framework. The proposed dwelling and tree removal is considered to be an appropriate design response for the site which has many constraints.

#### b. Zone Provisions

The site is zoned **Township Zone (TZ)**. No permit is required under the zone provisions to use the land for a dwelling, to construct or carry out works normal to a dwelling, or to remove vegetation.

#### c. Overlay Provisions

The **Significant Landscape Overlay Schedule 2 (SLO2)** applies to the site which relates to the coastal towns of Skenes Creek, Kennett River, Wye River and Separation Creek. A permit is required to construct a building or construct or carry out works and to remove vegetation.

This overlay implements the key objective of Clause 21.03-7 of the Colac Otway Planning Scheme which is to protect the nationally significant Great Ocean Road Region landscape and the distinctive landscape qualities and coastal setting of Wye River and Separation Creek townships. The decision guidelines are:

#### ***Buildings and Works***

- *The impact of the development on the nationally significant Great Ocean Road Region landscape.*
- *Whether the landscaping plan accompanying the application, details existing vegetation, vegetation to be removed, new plantings incorporating native and indigenous species and avoids the use of exotic species.*
- *Whether the vehicle access and storage proposed has been designed to minimise excavation, loss of vegetation and dominance of car storage facilities.*

- *The impact of the proposed development on the conservation of trees.*
- *The impact of the proposed development on natural ground levels and drainage patterns which may have a detrimental impact on the health and viability of surrounding trees.*
- *Whether there is an adequate buffer strip along roads and between private gardens.*

#### **Tree Removal**

- *The impact of the changes to the landscapes on the valued characteristic of the nationally significant Great Ocean Road Region landscape.*
- *The species of vegetation, its age, health and growth characteristics.*
- *The location of the vegetation on the land and its contribution to the lot garden area, neighbourhood and streetscape character.*
- *Whether the tree is isolated or part of a grouping.*
- *The availability of sufficient unencumbered land to provide for replacement planting.*
- *The impact of the tree on the structural integrity of existing buildings including foundations.*
- *Whether there are other options for further planting on the site.*
- *Vegetation management requirements to reduce fire hazard, prevent erosion and maintain flood control measures.*

The **Design and Development Overlay Schedule 4 (DDO4)** applies to the site. A permit is not required to construct a building or carry out works under this provision or to remove vegetation.

The **Neighbourhood Character Overlay Schedule 1 - Coastal Towns: Skenes Creek, Kennett River, Wye River and Separation Creek (NCO1)** applies to the site. A permit is required to construct a building or construct or carry out works. The site is within Precinct 1.

The overlay states the preferred character of this precinct will “*continue to be characterised by dominant native bush that forms a consistent canopy, linking to the adjacent bushland. The dwelling scale, bulk and siting will respond to the site and topography, allowing space and setbacks to maintain native bush, both as canopy and understorey. Buildings will be set beneath the canopy, and appropriately sited and designed so as to allow for the sharing of views to the coast where available, and to be hidden from view from the Great Ocean Road. The informality of the streetscapes will be retained by the lack of front fencing, frequent unmade roads and remnant vegetation.*”

The NCO1 sets out modifications to Clause 54 standards as discussed under the particular provisions.

The decision guidelines for the NCO1 are as follows:

- *“The effect of the building or works on the nationally significant Great Ocean Road Region landscape.*
- *Whether the extension or modification to a building contributes to the township vision and preferred character of the area.*
- *Whether the siting, bulk, form and appearance of any building or works will contribute to the township vision and preferred character of the township.*

- *Whether the building is sited to provide large setbacks from front, side and rear boundaries.*
- *Whether the building respects the predominantly low scale forms in the area.*
- *Whether the building materials contribute to the preferred neighbourhood character.”*

The **Erosion Management Overlay Schedule 1 (EMO1)** applies to the site. The primary purpose of this overlay is to protect areas prone to erosion, landslip or other land degradation processes, by minimising land disturbances and inappropriate development. A permit is required to construct a building or construct or carry out works and to remove vegetation. The applicant submitted a Geotechnical Assessment of Landslide Risk and a Land Capability Assessment Report as required by the EMO1.

The **Bushfire Management Overlay (BMO)** applies to the site following an amendment by the State Government in November 2011 to introduce new bushfire provisions into planning schemes across the state. However because the application was lodged with Council prior to 18 November 2011, under transitional provisions associated with the amendment, the application must be assessed under the previous provisions of the Wildfire Management Overlay (WMO). A permit is required to construct a building or construct or carry out works under the WMO. The applicant submitted a Wildfire Management Plan prepared by Ecotide following pre-application consultation with the Country Fire Authority. The application was referred to the CFA as required under the WMO. The authority has provided consent to the application subject to conditions requiring compliance with the wildfire management plan dated 24 August 2011.

d. Particular Provisions

A planning permit is not required for the proposed native vegetation removal under **Clause 52.17** as the lot size is less than 0.4 hectares.

The applicant was required to submit a response to **Clause 54 – One Dwelling on a lot** of the Colac Otway Planning Scheme, which includes the modifications to the performance standards as specified in the Neighbourhood Character Overlay Schedule 1. The Standards that are not able to be met are detailed below:

Street Setback

The objective relating to street setbacks is *“To ensure that the setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site.”*

The NCO1 standard A3 states that walls of buildings should be setback at least 7 metres from the front street.

The proposed setback of the front wall from the Karingal Drive frontage is 2 metres at its closest point (eastern corner of the building). This is discussed later in the report.

Building Height

The objective for building height is *“To ensure that the height of buildings respects the existing or preferred neighbourhood character.”*

The NCO1 standard A4 states *“The maximum building height should not exceed 8 metres or two storeys, whichever is the lesser.”*

The east (front) corner of the proposed dwelling would have a maximum height of 8.5 metres, with the remainder of the building below this height. This is discussed later in the report.

#### Side and Rear Setback

The objective for side and rear setbacks is *“To ensure that the height and setback of a building from a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings.”*

The NCO1 standard A10 states that *“A new building should be setback from the side or rear boundary a minimum of 3 (side) or 5 (rear) metres plus 0.3m for every metre of height over 3.6m up to 6.9m, plus 1 metres for every metre of height over 6.9m.”*

The proposed building setback from the north-east (side) boundary would range from 1.9 metres to 3.4 metres.

### **Consideration of the Proposal**

#### Dwelling siting

While the proposed dwelling siting (front and side setbacks) fails to meet the recommended standards, it is considered that the proposal will meet the mandatory objective for front setback and side and rear setbacks and is appropriate in this instance for the following reasons:

- The minimum wall setback of 2 metres is at one point only of the building, with the remaining walls setback considerably more due to the angle of the building.
- The road alignment of Karingal Drive adjacent to the proposed dwelling is setback 5.5 metres from the property frontage, wider than along other parts of the street due to the change in direction of the road at this point. This would result in a minimum setback of 7.5 metres for the dwelling from the road alignment.
- The ground floor level of the building at this most easterly corner will comprise an open carport with relatively small upright posts, thereby giving the effect of a floating structure that is encouraged in this sensitive environment.
- Siting of the dwelling further to the rear would increase fire risk and native tree removal.
- The proposed dwelling siting has been designed to maximise use of the existing site cut (angled driveway and levelled area), while minimising the need for additional site excavation on an otherwise very steep site.
- The abutting land on the north-east site where the proposed side setback is a minimum of 1.9 metres is a nature reserve and will not be developed. The proposed setback will still provide adequate area to contain all site works with no adverse impact on the adjoining property.

#### Building height

The proposed maximum building height of 8.5 metres is considered acceptable in this instance given the dwelling has been designed to work with the existing contours of the site and only a small portion of the east corner of the building exceeds the 8 metre recommended height limit.

The existing trees in the front (south) corner of the site will screen the building from Karingal Drive to the south and the mature trees around the bend of Karingal Drive will help screen the dwelling from further east.

The combination of building materials and design is consistent with the preferred neighbourhood character and it is therefore considered that the proposal will comply with the mandatory objective for building height and is appropriate for the site.

#### Tree removal

The proposed removal of two existing trees from the site to accommodate the proposed dwelling is considered appropriate and a reasonable expectation for this land within the Township Zone. Ten mature native trees will be retained on the site, most of which are located to the rear of the property adjacent to the heavily treed land to the rear. The applicant submits that the understorey will be cleared to accord with Country Fire Authority requirements. No additional planting is proposed which is considered appropriate given the vegetation to be retained and the need to minimise fire risk.

The proposed dwelling will not be visible from the Great Ocean Road and will not have an adverse impact on the significant coastal landscape.

#### Land stability

The Geotechnical Assessment prepared by Provincial Geotechnical Pty Ltd concludes:

*“Our assessment has found that there are risks to life and of damage to property on the subject site, due to conceivable landslip event. The risk associated with building on the site is low to moderate and in quantitative terms, the risk to life is below the recommended “acceptable risk” defined as  $1 \times 10^{-6}$  by the AGS Guidelines.*

*Based on our assessments of the risks, we have concluded that there are no geotechnical reasons to prevent the issue of a permit to build on this site, subject to engineering design demonstrating acknowledgement of a low to moderate landslip risk on this site”.*

The land capability assessment recommends that a new wastewater management system can be built to meet the needs of a residence on the proposed vacant allotment with specific conditions to be met. The site characteristics are similar to that of many properties within Wye River and other coastal towns that are able to satisfactorily accommodate wastewater systems.

If the application is supported, conditions will be placed on the planning permit to ensure the recommendations contained within both reports are implemented.

#### **Council Plan / Other Strategies / Policy**

The Council policies or strategies relevant to the proposal have been discussed separately 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**

A pre-application meeting was held with the applicant prior to lodgement of the application. Public notice of the application was given in accordance with statutory requirements as described earlier in the report.

**Conclusion**

Overall it is considered the proposal will have a positive contribution to the preferred character of the Wye River residential area and will not result in any detriment to the amenity of the surrounding area or any persons. The site has significant constraints and the proposed design response is considered to be an appropriate solution for the site. Based on this assessment, it is recommended that a planning permit be granted with conditions.

**Attachments**

Nil

**Recommendation(s)**

***That Council Planning Committee resolve to grant a Planning Permit to construct a single dwelling and to remove two native trees at 35 Karingal Drive, Wye River subject to the following conditions:***

- 1. The layout of the site and the size of the proposed buildings and works as shown on the endorsed plans must not be altered or modified without the written consent of the Responsible Authority.***
- 2. The proponent must follow the recommendations contained in the Land Capability Assessment Report undertaken by Provincial Geotechnical Pty Ltd, Report Number B0002 dated 12 March 2010 and the Geotechnical Assessment of Landslide Risk undertaken by Provincial Geotechnical Pty Ltd, Report Number B0003 dated 12 March 2010.***
- 3. Prior to works commencing on site, the applicant must mark out a 'construction zone' with temporary vegetation protection barriers, such as high visibility flagging tape. This construction zone must be the minimum area necessary to undertake the construction of the dwelling and appurtenances.***
- 4. No trenching, soil excavation, storage or dumping of tools, equipment or waste is to occur on native vegetation without the written consent of the Responsible Authority.***
- 5. Vegetation must be felled inside the construction zone to avoid damaging remaining vegetation outside this area.***
- 6. Sediment movement and erosion must be controlled onsite, and not have opportunity to move offsite or away from the immediate construction area.***
- 7. All environmental weeds as outlined in "Environmental Weeds of the Colac Otway Shire" brochure must be controlled on the property at all times and prevented from spreading to neighbouring land to the satisfaction of the responsible authority.***
- 8. No environmental weeds as referred to in "Environment Weeds of the Colac Otway Shire" brochure will be planted on or allowed to invade the site.***
- 9. An all waste septic tank disposal system is to be constructed concurrently with the new dwelling, such that all liquid waste must at all times be contained within the curtilage of the title. Such system must be designed and installed to the satisfaction of the Responsible Authority.***
- 10. Access onto and within the property must be constructed to the satisfaction of the Responsible Authority.***
- 11. A vehicular crossing must be constructed to the road to suit the proposed driveway to the satisfaction of the Responsible Authority.***

12. ***An application to construct a vehicle crossing must be lodged and approved by the Responsible Authority prior to the commencement of works.***
13. ***The driveway should enter the roadway perpendicular to the roads centre line and be in a safe location for users, pedestrians, cyclists and motorists by consideration of both vertical and horizontal sight distance unless otherwise approved by the Responsible Authority.***
14. ***The driveway must be constructed to an all weather surface to the satisfaction of the Responsible Authority with driveway cuts to be avoided where possible.***
15. ***All run off from stormwater, including overflow from water storage, must be taken to a legal point of discharge to the satisfaction of the Responsible Authority.***
16. **Country Fire Authority Conditions**  
***Water Supply, Access and Vegetation Management Requirements***
  - 16.1 ***The wildfire management plan as supplied with the application dated 24 August 2011 must be endorsed as part of the Permit.***
  - 16.2 ***CFA's conditions for water supply, access and vegetation management shall be as detailed in the consultant's report.***

**Expiry of Permit**

17. ***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.***

**Permit Notes:**

- ***The holder of this permit must obtain the necessary Building and Health (Septic Tank) Approvals prior to the commencement of any buildings and works.***
- ***Under r.804 of the Victorian Building Regulations 2006 if a site assessment for the purpose of determining the bushfire attack level for the site has been considered as part of the planning application, a relevant building surveyor must accept this site assessment. The planning site assessment is currently undertaken using the Wildfire Management Overlay Applicant's Workbook 2010. This BAL level is the minimum construction standard CFA believes necessary to achieve an adequate level of wildfire safety for the prescribed vegetation management conditions.***
- ***Construction of buildings must be to a minimum Bushfire Attack Level (BAL) of BAL – 40 in accordance with the relevant sections of AS3959-2009.***

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