



Colac Otway  
SHIRE

**AGENDA**

PLANNING COMMITTEE MEETING  
OF THE  
COLAC-OTWAY SHIRE  
COUNCIL

14 NOVEMBER 2012

at 10:30 AM

COPACC, Gellibrand Street Colac

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

COLAC-OTWAY SHIRE PLANNING COMMITTEE MEETING

14 NOVEMBER 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, Gellibrand Street Colac on 14 November 2012 at 10.30 am.

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## **AGENDA**

### **1. OPENING PRAYER**

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

**AMEN**

### **2. PRESENT**

### **3. APOLOGIES**

### **4. MAYORAL STATEMENT**

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

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

Council meetings enable Councillors to debate matters prior to decisions being made. I ask that we all behave in a courteous manner.

An audio recording of this meeting is being made for the purpose of ensuring the minutes of the meeting are accurate. 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. It is an offence to make an unauthorised recording of the meeting.

### **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 12/09/12.

### Recommendation

*That Council confirm the above minutes.*

## OFFICERS' REPORTS

### Sustainable Planning and Development

- PC121411-1 PLANNING COMMITTEE MEETINGS SCHEDULED FOR 2013
- PC121411-2 PLANNING & BUILDING STATISTICAL REPORT
- PC121411-3 USE OF LAND AS A MEDICAL CENTRE AND A REDUCTION IN THE CAR PARKING REQUIREMENT AT 44-46 NELSON STREET, APOLLO BAY (PP116/2012)
- PC121411-4 AMENDMENT TO EXISTING PERMIT - USE OF THE LAND AS A MEDICAL CENTRE AND A REDUCTION IN THE CAR PARKING REQUIREMENT AT 51-53 HESSE STREET COLAC (PP44/2010-2)

**Rob Small**  
Chief Executive Officer

**PC121411-1                      PLANNING COMMITTEE MEETINGS SCHEDULED FOR  
2013**

AUTHOR:	Katrina Kehoe	ENDORSED:	Jack Green
DEPARTMENT:	Sustainable Planning & Development	FILE REF:	F11/1530

**Purpose:** To confirm the Planning Committee Meeting dates and times for 2013.

16 January 2013	10.30am (third Wednesday)
13 February 2013	10.30am
13 March 2013	10.30am
10 April 2013	10.30am
8 May 2013	10.30am
12 June 2013	10.30am
10 July 2013	10.30am
14 August 2013	10.30am
11 September 2013	10.30am
9 October 2013	10.30am
13 November 2013	10.30am
11 December 2013	10.30am

All Planning Committee meetings are programmed to be held in Meeting Rooms 1 & 2 at COPACC and normally are held on the second Wednesday of each month unless otherwise advised.

#### **Declaration of Interests**

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

#### **Background**

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

At the Councillor Induction on 31 October 2012, Councillors were given the opportunity to consider a schedule of dates for 2013 for both Ordinary Council and Planning Committee meetings.

Meetings will continue to be held on the second Wednesday of the month. This evens out reporting and administrative workloads and meetings for Councillor workshops are required on that date in any event.

#### **Issues / Options**

In the event that there are no planning reports ready for consideration that require a resolution by Council at the time for agenda preparation, the Planning Committee meeting for that month will not be required and notification of this will be placed in the Colac Herald. Councillors will be advised through a memo and the internal diary process.

#### **Proposal**

It is proposed that the first Planning Committee Meeting for 2013 be held on Wednesday 16 January 2013, 10.30am at Colac Otway Performing Arts and Culture Centre, Colac with future Meetings to be held on the second Wednesday of each month at the same venue.

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

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

**Financial & Other Resource Implications**

Not applicable

**Risk Management & Compliance Issues**

Not applicable

**Environmental Consideration / Climate Change**

Not applicable

**Communication Strategy / Consultation Period**

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

**Conclusion**

That Council's Planning Committee confirm the meeting dates, time and venue for the 2013 Planning Committee meetings.

**Attachments**

Nil

**Recommendation(s)**

***That Council confirm the meeting dates, times and venues of 2013 Planning Committee meetings, if required, as:***

- ***Wednesday, 16 January 2013 at 10.30am, at COPACC, Colac***
- ***Wednesday, 13 February 2013 at 10.30am, at COPACC, Colac***
- ***Wednesday, 13 March 2013 at 10.30am, at COPACC, Colac***
- ***Wednesday, 10 April 2013 at 10.30am, at COPACC, Colac***
- ***Wednesday, 8 May 2013 at 10.30am, at COPACC, Colac***
- ***Wednesday, 12 June 2013 at 10.30am, at COPACC, Colac***
- ***Wednesday, 10 July 2013 at 10.30am, at COPACC, Colac***
- ***Wednesday, 14 August 2013 at 10.30am, at COPACC, Colac***
- ***Wednesday, 11 September 2013 at 10.30am, at COPACC, Colac***
- ***Wednesday, 9 October 2013 at 10.30am, at COPACC, Colac***
- ***Wednesday, 13 November 2013 at 10.30am, at COPACC, Colac***
- ***Wednesday, 11 December 2013 at 10.30am, at COPACC, Colac***

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**PC121411-2 PLANNING & BUILDING STATISTICAL REPORT**

|             |                                    |           |            |
|-------------|------------------------------------|-----------|------------|
| AUTHOR:     | Janole Cass                        | ENDORSED: | Jack Green |
| DEPARTMENT: | Sustainable Planning & Development | FILE REF: | F12/6339   |

**Summary**

This report provides statistics relating to the months of September & October 2012.

Planning Statistics

24 Planning Permit Applications were received for the period 1 September 2012 – 30 September 2012.

20 Planning Permit Applications were determined for the period 1 September 2012 – 30 September 2012.

18 Planning Permit Applications were received for the period 1 October 2012 – 31 October 2012.

20 Planning Permit Applications were determined for the period 1 October 2012 – 31 October 2012.

Building Statistics

Please note that the Building Commission website has been updated to August 2012.

**Attachments**

1. Planning Statistical Report - October 2012
2. Planning Statistical Report - September 2012

**Recommendation(s)**

***That Council's Planning Committee note the Statistical reports for September and October 2012.***

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## Planning Statistical Report October 2012

| APPLIC NO  | DATE RECEIVED | LOCATION                           | PROPOSAL  | DETERMINATION DATE | ACTUAL TIME | AUTHORITY | DECISION                       |
|------------|---------------|------------------------------------|---|--------------------|-------------|-----------|--------------------------------|
| 327/2011-2 | 20-SEP-12     | 985 SKENES CREEK ROAD TANYBRYN     | CONSTRUCT A REPLACEMENT DWELLING - AMENDMENT  | 22-OCT-12          | 32          | DELEGATE  | AMENDED PERMIT ISSUED          |
| 109/2012-1 | 16-MAY-12     | 40 HESSE STREET COLAC              | DEVELOPMENT OF THREE (3) DWELLINGS AND A THREE (3) LOT SUBDIVISION                                      | 4-OCT-12           | 33          | DELEGATE  | PLANNING APPLICATION LAPSED    |
| 128/2012-1 | 12-JUN-12     | 71-75 MAIN STREET BIRREGURRA       | DISPLAY OF ABOVE VERANDAH INTERNALLY ILLUMINATED SIGN   | 1-OCT-12           | 32          | DELEGATE  | PERMIT ISSUED                  |
| 129/2012-1 | 20-JUN-12     | 155 RIDGE ROAD KAWARREN            | USE OF LAND FOR CAMPING, MUSIC AND LIFESTYLE FESTIVAL   | 9-OCT-12           | 0           | DELEGATE  | PLANNING APPLICATION LAPSED    |
| 153/2012-1 | 17-JUL-12     | 24 AIREYS STREET ELLIMINYT         | CONSTRUCT A DWELLING & SHED AND ASSOCIATED WORKS  | 3-OCT-12           | 58          | DELEGATE  | PERMIT ISSUED                  |
| 155/2012-1 | 17-JUL-12     | 63 CAMPBELL STREET COLAC           | SUBDIVISION OF LAND INTO TWO (2) LOTS   | 9-OCT-12           | 65          | DELEGATE  | PERMIT ISSUED                  |
| 156/2012-1 | 17-JUL-12     | 4/86-88 MURRAY STREET COLAC        | DISPLAY OF BUSINESS IDENTIFICATION SIGNAGE  | 7-OCT-12           | 0           | DELEGATE  | PLANNING APPLICATION LAPSED    |
| 159/2012-1 | 20-JUL-12     | 31 HUGH MURRAY DRIVE COLAC EAST    | BUILDINGS AND WORKS COMPRISING THE CONSTRUCTION OF A BUILDING (SHED) AND ASSOCIATED WORKS               | 9-OCT-12           | 39          | DELEGATE  | PERMIT ISSUED                  |
| 172/2012-1 | 27-JUL-12     | 14 ANDERSON STREET BIRREGURRA      | REMOVAL OF THE RESTRICTIVE COVENANT (BUILDING AND EFFLUENT ENVELOPES)                                   | 1-OCT-12           | 7           | DELEGATE  | PERMIT ISSUED                  |
| 185/2012-1 | 21-AUG-12     | 215 SWAN MARSH ROAD PIRRON YALLOCK | CONSTRUCTION OF AN EXTENSION TO AN EXISTING DWELLING  | 1-OCT-12           | 25          | DELEGATE  | PERMIT ISSUED                  |
| 189/2012-1 | 4-SEP-12      | 35 MEREDITH PARK ROAD IRREWARRA    | CONSTRUCTION OF SHED ANCILLIARY TO EXISTING DWELLING  | 22-OCT-12          | 35          | DELEGATE  | PERMIT ISSUED                  |
| 190/2012-1 | 30-AUG-12     | 1/82 WALLACE STREET COLAC          | TWO (2) LOT SUBDIVISION   | 1-OCT-12           | 32          | DELEGATE  | PERMIT ISSUED                  |
| 192/2012-1 | 6-SEP-12      | 32 GREAT OCEAN ROAD LAVERS HILL    | BUILDINGS AND WORKS COMPRISING THE CONSTRUCTION OF A DECK AND VERANDAH                                  | 16-OCT-12          | 0           | DELEGATE  | PLANNING APPLICATION WITHDRAWN |
| 194/2012-1 | 7-SEP-12      | 119-243 HART STREET COLAC          | CONSTRUCTION OF A BUILDING ASSOCIATED WITH AN EDUCATION CENTRE  | 5-OCT-12           | 26          | DELEGATE  | PERMIT ISSUED                  |
| 202/2012-1 | 17-SEP-12     | 91-149 FOREST STREET COLAC         | CONSTRUCTION OF A GUARD HOUSE AND ASSOCIATED BUILDINGS AND WORKS  | 16-OCT-12          | 7           | DELEGATE  | PERMIT ISSUED                  |
| 146/2012-1 | 3-APR-12      | 311 GREAT OCEAN ROAD APOLLO BAY    | EXTENSION TO EXISTING RECEPTION AREA & DEMOLISH EXISTING BBQ ANNEX & REPLACE WITH NEW BBQ ANNEX/SHELTER | 30-OCT-12          | 46          | DELEGATE  | PERMIT ISSUED                  |

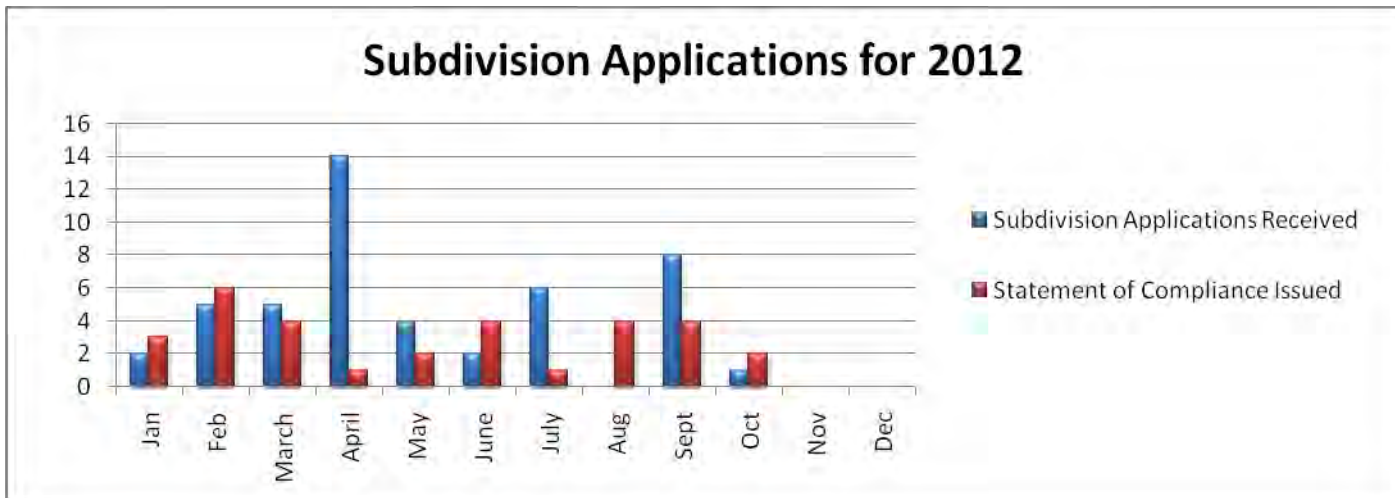
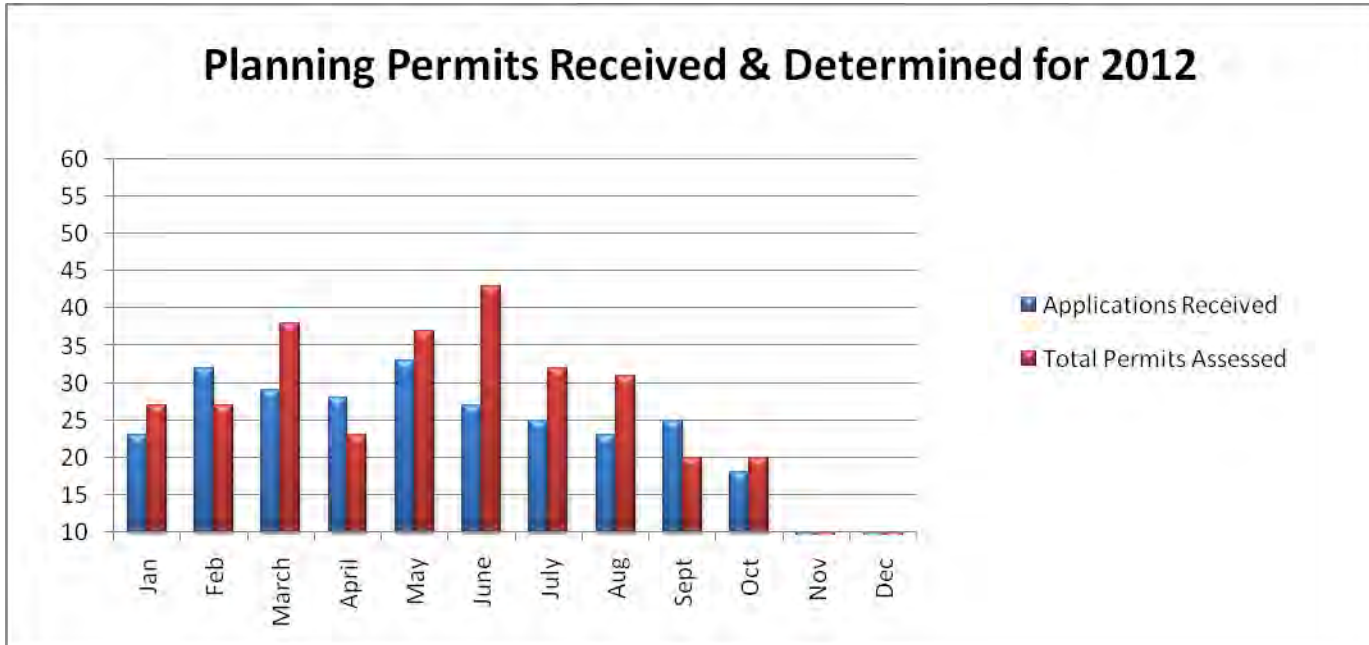


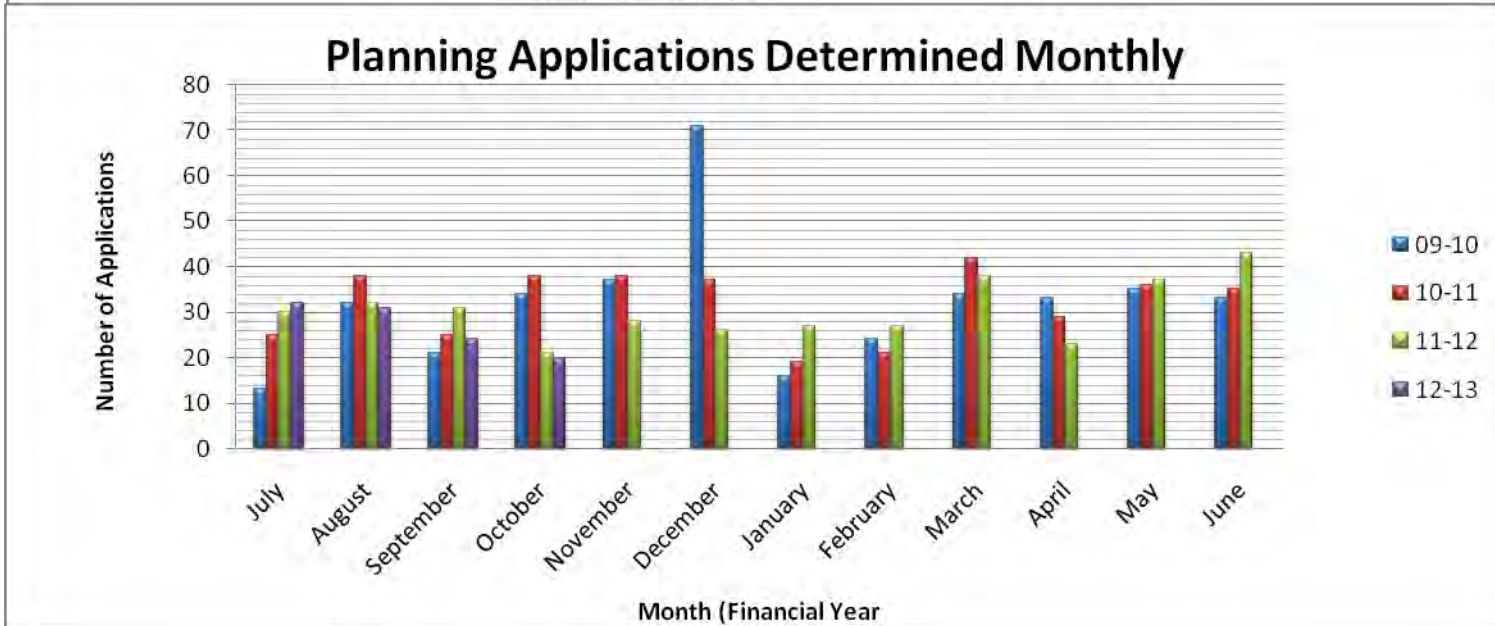
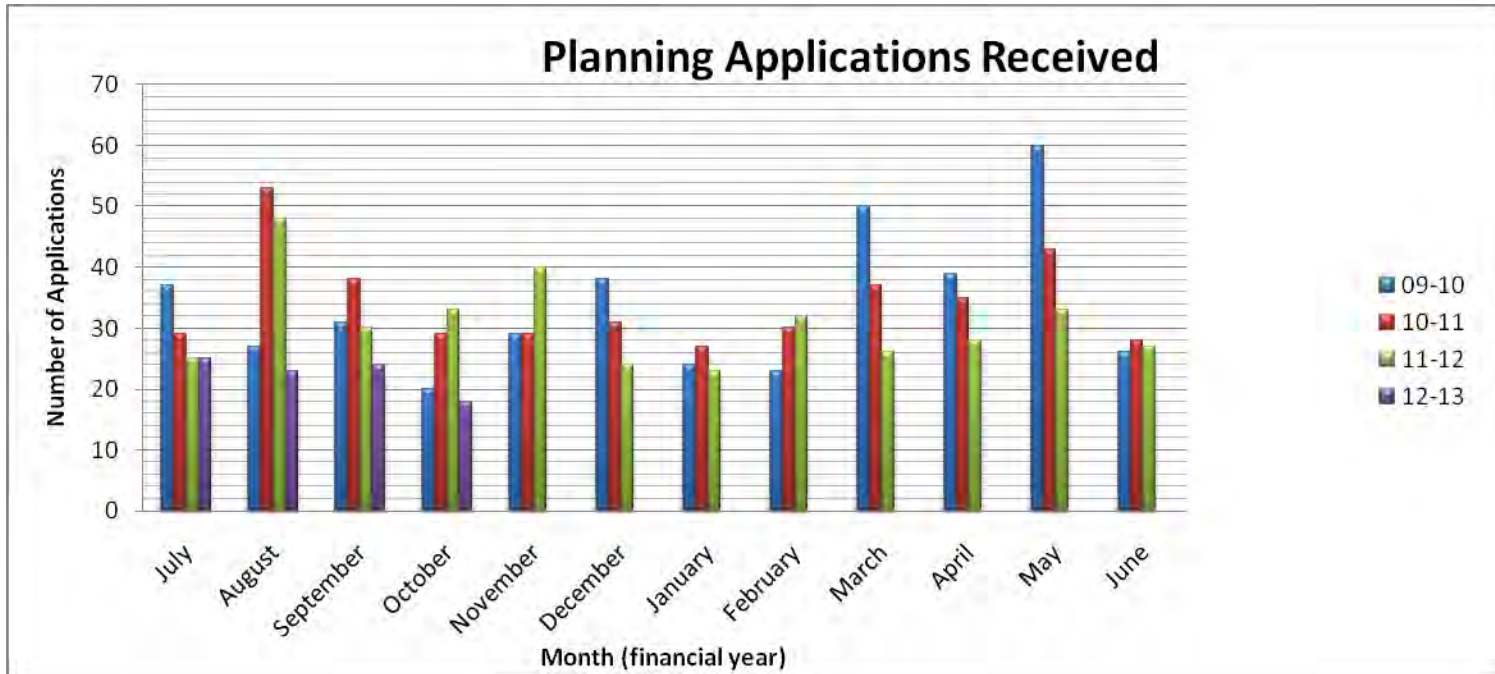
| APPLIC NO  | DATE RECEIVED | LOCATION                           | PROPOSAL  | DETERMINATION DATE | ACTUAL TIME | AUTHORITY | DECISION                    |
|------------|---------------|------------------------------------|---|--------------------|-------------|-----------|-----------------------------|
| 157/2012-1 | 18-JUL-12     | 23 MITCHELL GROVE SEPARATION CREEK | CONSTRUCT AN EXTENSION AND ALTERATION TO AN EXISTING DWELLING | 30-OCT-12          | 80          | DELEGATE  | PERMIT ISSUED               |
| 87/2012-1  | 30-APR-12     | 105 MAIN STREET BEEAC              | TWO (2) LOT SUBDIVISION                                       | 26-OCT-12          | 123         | DELEGATE  | PERMIT ISSUED               |
| 162/2012-1 | 24-JUL-12     | 25 RAILWAY LINE ROAD KAWWARREN     | CONSTRUCTION OF A DWELLING                                    | 1-OCT-12           | 0           | DELEGATE  | PLANNING APPLICATION LAPSED |
| 196/2012-1 | 5-SEP-12      | 570 DUNLOPS ROAD BIRREGURRA        | REMOVAL OF NATIVE VEGETATION                                  | 29-OCT-12          | 54          | DELEGATE  | PERMIT NOT REQUIRED         |
|            |               |                                    |   |                    |             |           |                             |
|            |               |                                    |   |                    |             |           |                             |
|            |               |                                    |   |                    |             |           |                             |
|            |               |                                    |   |                    |             |           |                             |
|            |               |                                    |   |                    |             |           |                             |
|            |               |                                    |   |                    |             |           |                             |
|            |               |                                    |   |                    |             |           |                             |
|            |               |                                    |   |                    |             |           |                             |
|            |               |                                    | <b>AVERAGE DAYS TO PROCESS PLANNING APPLICATIONS</b>          |                    | <b>34</b>   |           |                             |

## Planning Statistical Report September 2012

| APPLIC NO  | DATE RECEIVED | LOCATION                         | PROPOSAL  | DETERMINATION DATE | ACTUAL TIME | AUTHORITY          | DECISION              |
|------------|---------------|----------------------------------|---|--------------------|-------------|--------------------|-----------------------|
| 278/2002-2 | 3-NOV-11      | 39 CAWOOD STREET APOLLO BAY      | CONSTRUCTION OF A BUNGALOW - AMENDMENT  | 19-SEP-12          | 294         | DELEGATE           | AMENDED PERMIT ISSUED |
| 239/2009-3 | 3-SEP-12      | 160 LIDGERWOODS LANE BIRREGURRA  | CONSTRUCTION OF A DWELLING - AMENDMENT  | 27-SEP-12          | 24          | DELEGATE           | AMENDED PERMIT ISSUED |
| 34/2011-1  | 18-FEB-11     | 30-32 PASCOE STREET APOLLO BAY   | DEVELOPMENT OF THE LAND FOR A SHOP (IGA SUPERMARKET), A REDUCTION TO THE CAR PARKING AND LOADING REQUIREMENTS, THE SELLING OF PACKAGED LIQUOR, A VARIATION TO THE CARRIAGEWAY EASEMENT & USE OF 32 PASCOE ST FOR CARPARKING | 14-SEP-12          | 25          | PLANNING COMMITTEE | NOTICE OF DECISION    |
| 114/2011-1 | 12-MAY-11     | 160 TIGER LANE SKENES CREEK      | RE-SUBDIVISION OF THREE (3) EXISTING LOTS AND USE OF LAND FOR DWELLING  | 7-SEP-12           | 279         | DELEGATE           | PERMIT ISSUED         |
| 230/2011-1 | 15-SEP-11     | 505 BLUE JOHANNA ROAD JOHANNA    | USE AND DEVELOPMENT OF THE LAND FOR A DWELLING AND ASSOCIATED WORKS AT 505 BLUE JOHANNA ROAD, TWO (2) LOT RESUBDIVISION AND CREATION OF A CARRIAGEWAY EASEMENT AT 505 AND PART 555 BLUE JOHANNA ROAD JOHANNA                | 10-SEP-12          | 297         | DELEGATE           | PERMIT ISSUED         |
| 295/2011-1 | 14-NOV-11     | 266 HAROLDS TRACK WYE RIVER      | DEVELOPMENT OF A TELECOMMUNICATIONS FACILITY (35M HIGH MONOPOLE WITH 3M ANTENNA) AND ASSOCIATED WORKS.  | 13-SEP-12          | 79          | PLANNING COMMITTEE | NOTICE OF DECISION    |
| 313/2011-1 | 5-DEC-11      | 75 BULLIVANT ROAD IRREWARRA      | USE & DEVELOPMENT OF THE LAND FOR A DWELLING & SHED   | 10-SEP-12          | 119         | DELEGATE           | REFUSAL TO GRANT      |
| 14/2012-1  | 20-JAN-12     | 16 DEHNERTS TRACK BEECH FOREST   | DEVELOPMENT OF THE LAND FOR A SINGLE DWELLING   | 10-SEP-12          | 165         | DELEGATE           | REFUSAL TO GRANT      |
| 24/2012-1  | 8-FEB-2012    | 300 BARHAM RIVER ROAD APOLLO BAY | USE OF LAND FOR PUMPING STATION AND ASSOCIATED NATIVE VEGETATION REMOVAL  | 13-SEP-12          | 54          | PLANNING COMMITTEE | NOTICE OF DECISION    |
| 34/2012-1  | 15-FEB-12     | 12 DURIMBIL AVENUE WYE RIVER     | CONSTRUCTION OF AN EXTENSION TO A DECK ASSOCIATED WITH AN EXISTING DWELLING   | 3-SEP-12           | 102         | DELEGATE           | PERMIT ISSUED         |
| 43/2012-1  | 5-MAR-12      | 120 BARHAM RIVER ROAD APOLLO BAY | USE OF THE LAND AND THE BUILDINGS FOR A UTILITY INSTALLATION (WATER STORAGE)  | 13-SEP-12          | 61          | PLANNING COMMITTEE | NOTICE OF DECISION    |

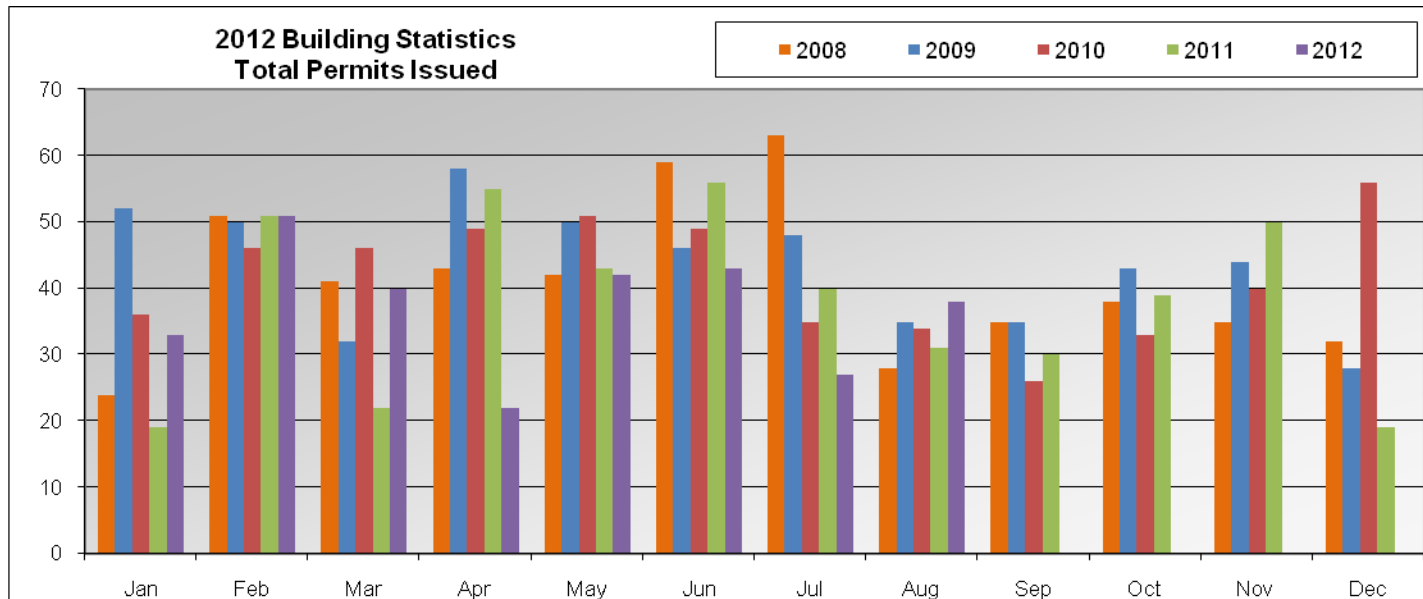
| APPLIC NO  | DATE RECEIVED | LOCATION                           | PROPOSAL   | DETERMINATION DATE | ACTUAL TIME | AUTHORITY | DECISION           |
|------------|---------------|------------------------------------|--|--------------------|-------------|-----------|--------------------|
| 92/2012-1  | 1-MAY-12      | 37 HUGH MURRAY DRIVE COLAC EAST    | BUILDINGS AND WORKS COMPRISING THE CONSTRUCTION OF A STORAGE SHED  | 19-SEP-12          | 46          | DELEGATE  | PERMIT ISSUED      |
| 96/2012-1  | 3-MAY-12      | 3239 GREAT OCEAN ROAD GLENAIRE     | USE AND DEVELOPMENT OF THE LAND FOR A SINGLE DWELLING  | 10-SEP-12          | 46          | DELEGATE  | REFUSAL TO GRANT   |
| 114/2012-1 | 23-MAY-12     | 260 OLD YEO ROAD YEO               | USE AND DEVELOPMENT OF THE LAND FOR A REPLACEMENT DWELLING   | 7-SEP-12           | 59          | DELEGATE  | NOTICE OF DECISION |
| 135/2012-1 | 19-JUN-12     | 100 CORAGULAC BEEAC ROAD CORAGULAC | BUILDINGS AND WORKS COMPRISING THE CONSTRUCTION OF AN AGRICULTURAL BUILDING (ROTARY DAIRY SHED) AND ASSOCIATED WORKS, INCLUDING THE CONSTRUCTION OF EFFLUENT PONDS | 21-SEP-12          | 34          | DELEGATE  | PERMIT ISSUED      |
| 150/2012-1 | 12-JUL-12     | 200 COLLINS ROAD IRREWARRA         | CONSTRUCTION OF EXTENSIONS TO THE EXISTING DWELLING AND SHED   | 7-SEP-12           | 36          | DELEGATE  | PERMIT ISSUED      |
| 171/2012-1 | 6-AUG-12      | 47 SEAVIEW DRIVE APOLLO BAY        | CONSTRUCTION OF A DWELLING   | 10-SEP-12          | 35          | DELEGATE  | PERMIT ISSUED      |
| 173/2012-1 | 8-AUG-12      | 35-39 MAIN STREET BIRREGURRA       | REMOVAL OF NATIVE VEGETATION (FOUR TREES)  | 3-SEP-12           | 28          | DELEGATE  | PERMIT ISSUED      |
| 179/2012-1 | 14-AUG-12     | 152 POUND ROAD ELLIMINYT           | INSTALLATION OF A RAINWATER TANK   | 7-SEP-12           | 1           | DELEGATE  | PERMIT ISSUED      |
| 182/2012-1 | 18-AUG-12     | 3360 GREAT OCEAN ROAD GLENAIRE     | CONSTRUCTION OF SHED, WATER TANK & ASSOCIATED WORKS  | 10-SEP-12          | 23          | DELEGATE  | PERMIT ISSUED      |
|            |               |                                    |  |                    |             |           |                    |
|            |               |                                    |  |                    |             |           |                    |
|            |               |                                    | <b>AVERAGE DAYS TO PROCESS PLANNING APPLICATIONS</b>   |                    | <b>90</b>   |           |                    |

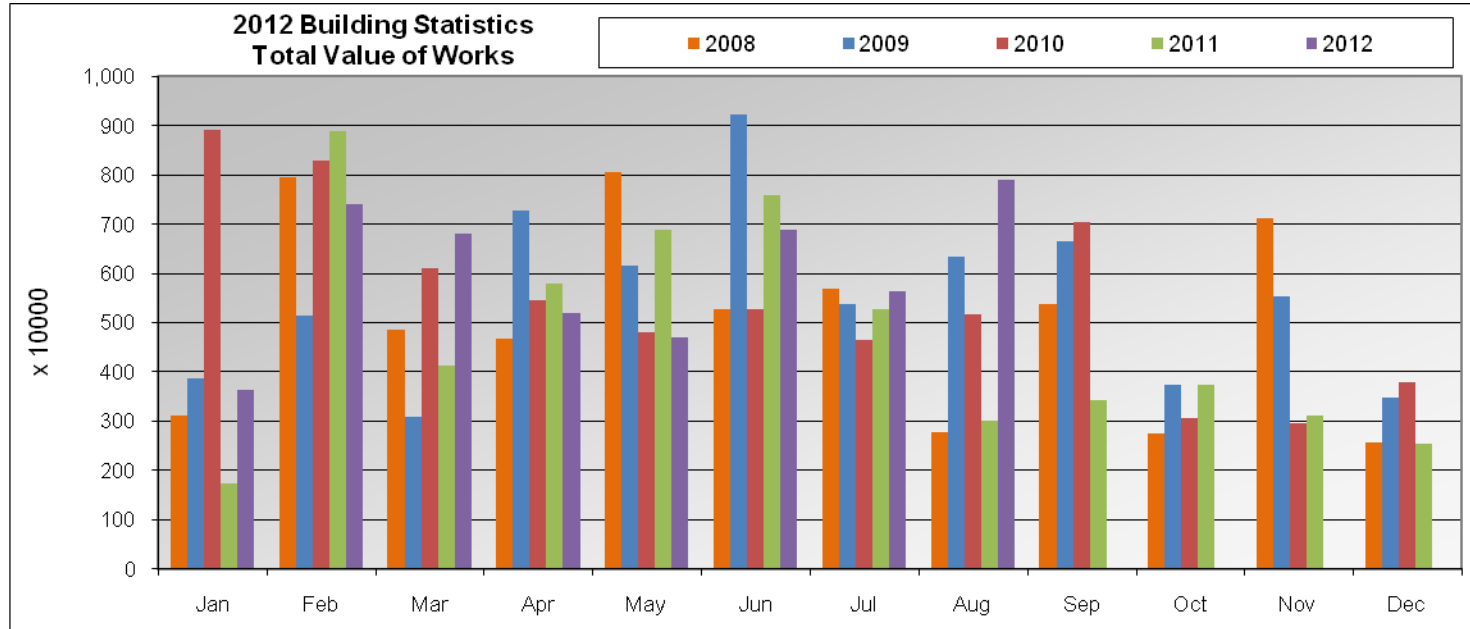




|               | Domestic   |                   | Residential* |                  | Commercial |                  | Retail   |                | Industrial |                   | Hospital/HealthCare |                | Public Buildings |                  | Municipal Totals |                   |
|---------------|------------|-------------------|--------------|------------------|------------|------------------|----------|----------------|------------|-------------------|---------------------|----------------|------------------|------------------|------------------|-------------------|
|               | 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           | 23         | 2,632,772         | 0            | 0                | 4          | 356,809          | 2        | 410,000        | 1          | 27,000            | 0                   | 0              | 3                | 210,173          | 33               | 3,636,754         |
| Feb           | 36         | 4,147,416         | 0            | 0                | 7          | 229,380          | 2        | 66,500         | 4          | 2,910,222         | 0                   | 0              | 2                | 56,000           | 51               | 7,409,518         |
| Mar           | 30         | 4,901,928         | 0            | 0                | 4          | 143,000          | 2        | 30,000         | 2          | 520,000           | 0                   | 0              | 2                | 1,217,137        | 40               | 6,812,065         |
| Apr           | 18         | 1,600,096         | 1            | 15,666           | 2          | 368,000          | 0        | 0              | 1          | 3,200,000         | 0                   | 0              | 0                | 0                | 22               | 5,183,762         |
| May           | 29         | 3,543,672         | 2            | 135,000          | 3          | 152,362          | 2        | 161,500        | 3          | 328,554           | 0                   | 0              | 3                | 368,000          | 42               | 4,689,088         |
| Jun           | 35         | 4,637,580         | 1            | 1,200,000        | 4          | 1,008,450        | 1        | 10,000         | 0          | 0                 | 0                   | 0              | 2                | 26,200           | 43               | 6,882,230         |
| Jul           | 21         | 2,453,226         | 0            | 0                | 2          | 46,000           | 0        | 0              | 2          | 214,000           | 1                   | 100,000        | 1                | 2,813,840        | 27               | 5,627,066         |
| Aug           | 32         | 4,675,264         | 0            | 0                | 3          | 53,168           | 0        | 0              | 2          | 3,068,750         |                     | 0              | 1                | 93,800           | 38               | 7,890,982         |
| Sep           |            |                   |              |                  |            |                  |          |                |            |                   |                     |                |                  |                  |                  |                   |
| Oct           |            |                   |              |                  |            |                  |          |                |            |                   |                     |                |                  |                  |                  |                   |
| Nov           |            |                   |              |                  |            |                  |          |                |            |                   |                     |                |                  |                  |                  |                   |
| Dec           |            |                   |              |                  |            |                  |          |                |            |                   |                     |                |                  |                  |                  |                   |
| <b>Totals</b> | <b>224</b> | <b>28,591,954</b> | <b>4</b>     | <b>1,350,666</b> | <b>29</b>  | <b>2,357,169</b> | <b>9</b> | <b>678,000</b> | <b>15</b>  | <b>10,268,526</b> | <b>1</b>            | <b>100,000</b> | <b>14</b>        | <b>4,785,150</b> | <b>296</b>       | <b>48,131,465</b> |

\*Multi-Development





**PC121411-3                    USE OF LAND AS A MEDICAL CENTRE AND A  
REDUCTION IN THE CAR PARKING REQUIREMENT AT 44-  
46 NELSON STREET, APOLLO BAY (PP116/2012)**

|             |                                       |           |            |
|-------------|---------------------------------------|-----------|------------|
| AUTHOR:     | Carl Menze                            | ENDORSED: | Jack Green |
| DEPARTMENT: | Sustainable Planning<br>& Development | FILE REF: | F12/4774   |

**Location:** 44-46 Nelson Street, Apollo Bay

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

**Overlay controls:** Design and Development Overlay Schedule 6 (DDO6)

**Proposed Amendments:** Nil

**Purpose:**

The proposal seeks approval for the use of the subject land as a Medical Centre and a reduction in the car parking requirement.

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

It is recommended that a Planning Permit be issued subject to conditions.

**Declaration of Interests**

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

**Summary**

- An application has been submitted for the use of the land at 44-46 Nelson Street, Apollo Bay as a Medical Centre and a reduction in the car parking requirement. The site currently contains a dwelling which is also used as a Home Occupation (Chiropractor). The proposal would result in the entire building being used as a medical centre, with no residential use remaining.
- The use of the site as a Medical Centre is a Section 2 Use (Permit required) under the provisions of the Residential 1 Zone.
- It is proposed that only one (1) practitioner would work from the premises at any given time. It is proposed that both a Chiropractor and a Massage Therapist would operate from the premises.
- A total of four (4) external parking spaces are proposed on-site; two (2) staff parking spaces beside the building and two (2) patient spaces in the frontage. The proposal generates a requirement of five (5) spaces.
- Public notification of the application was undertaken, with no objections being received.
- The reduction of one (1) parking space is considered acceptable given the number of on-site parking spaces proposed and the likely parking demand generated by the proposal.
- It is considered that the use of the site as a Medical Centre would be acceptable in terms of the character and amenity of the area.



- Given the above, it is recommended that the application be supported subject to conditions.

### **Background**

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

The applicant has been using part of the existing dwelling as a 'Home Occupation' Chiropractor Clinic. The existing 'Home Occupation' operates one day a week and utilises one room in the existing dwelling. The current hours of operation are from 11:00 to 14:00 and from 15:00 to 18:00. The existing home occupation does not require planning approval pursuant to Clause 52.11 of the Colac Otway Planning Scheme.

### **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 the proposed use of the premises is acceptable in this location, taking account of the character and amenity of the area, and whether a reduction of car parking spaces is appropriate.

It is recommended that Option (a) is supported.

### **Proposal**

The proposal seeks planning approval for the use of the land as a Medical Centre and a reduction in the car parking requirement. A Chiropractor and Massage Therapist are proposed to operate from the premises, with only one (1) practitioner present at any given time. A receptionist would also be present on site when the Chiropractor is operating from the premises.

The Medical Centre is to operate seven (7) days a week between the hours of 8am and 7pm. A total of four (4) car parking spaces are proposed on-site.

The proposal will convert the existing dwelling into a Medical Centre with all rooms being used for that purpose. Two (2) separate treatment rooms are proposed in the front of the building, whilst a third room is to be used as a storage room. The existing lounge room is to be utilised as a waiting room. The applicant also proposes a small retail element selling chiropractic pillows, foot support and natural medicines which is considered to be ancillary to the main use of the site as a medical centre. An administrative office, toilet and bathroom are also proposed within the building.

There are no proposed changes to the external appearance of the existing building.

The applicant does not propose to erect any business identification signage on the premises, instead relying on a notice in the local news sheet and word of mouth to achieve desired business growth. Under the provisions of Clause 52.05 (Advertising Signs) a permit is required to display business identification signage. Therefore, if the applicant wishes to erect signage at a later date a planning permit will be required.

### **Site & Surrounds**

The subject site is located on the north side of Nelson Street, Apollo Bay. The site is rectangular in shape, with a total site area of 1395sqm. The site contains a single storey weatherboard dwelling which is set back 6.8m from the street frontage, 6m from the west property boundary and 5.5m from the east property boundary.

A crossover is located at the west end of the site's frontage, which leads to a driveway which runs between the dwelling and the west property boundary. The site is formally landscaped with a good coverage of small to medium sized shrubs and small trees. There are no large or significant trees located on the land.

It should be noted that the application site address is 44-46 Nelson Street and the adjacent site is numbered 46 Nelson Street. The address of the application site has been confirmed by the title relating to the subject lot. Any planning permit issued would include specific reference to the lot number as described on the title.

The surrounding area is generally characterised by single storey dwellings set on modest sized allotments within a relatively level topography. Properties are generally informally landscaped with a mixture of small to medium exotic trees. The adjacent site to the west (No. 46 Nelson Street) is vacant, whilst the adjacent property to the east (No. 42 Nelson Street) is developed with a single storey weatherboard dwelling.

### **Public Notice**

Public notice of the application was given in accordance with Section 52 of the Planning and Environment Act by sending letters to adjoining owners/occupiers and by placing a sign on-site.

No objections have been received.

### **Referrals**

The application was referred to Council's Health Department which raised no concerns with the proposal. It was also referred to Council's Infrastructure Department, which raised no concerns with the proposal and required no specific conditions.

### **Planning Controls**

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

The State and Local Planning Policy Framework seeks to ensure that the objectives of planning in Victoria are fostered through appropriate land use and development planning policies and practices which integrate relevant environmental, social, and economic factors in the interests of net community benefit and sustainable development. The following policies are relevant to the consideration of this application.

- Clause 11.05 – Regional Development
- Clause 15.01-1 – Urban Design
- Clause 17.01-1 – Business
- Clause 18.02-5 – Car Parking
- Clause 19.02-1 – Health facilities
- Clause 21.02-2 – Land Use Vision
- Clause 21.03-3 – Apollo Bay and Marengo

The above policies and the Apollo Bay Structure Plan support the co-location, multiple use and sharing of facilities, and seek to minimise the effects of commercial development on the amenity of the neighbouring area. The policies encourage the efficient provision of car parking and promote high quality urban design outcomes.

The proposal is considered to accord with the principles of the State and Local Planning Policy Frameworks. The proposed use assists in meeting the community's need for health services facilities.

The site is appropriately located within close proximity to the town centre being within walking distance to other commercial, recreational and commercial facilities.

b. Zone provisions

The purpose of the Residential 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 residential development at a range of densities with a variety of dwellings to meet the housing needs of all households.*
- *To encourage residential development that respects the neighbourhood character.*
- *In appropriate locations, to allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs.*

A Medical Centre is a Section 2 Use (Permit required) pursuant to Clause 32.01-1 of the Colac Otway Planning Scheme.

c. Overlay Provisions

The objectives of the Design and Development Overlay Schedule 6 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.*

Planning approval is not required for a change of use under the provisions of this overlay control.

d. Particular Provisions – Clause 52.06 Car Parking

Pursuant to Clause 52.06, a permit is required to:

- *“Reduce (including reduce to zero) the requirement to provide the number of car parking spaces required under this clause”*

A Medical Centre attracts a car parking rate of:

- *Five (5) for the first person providing health services plus*
- *Three (3) for every other person providing health services*

Whilst a total of two (2) practitioners would operate from the site, only one (1) practitioner would operate at any given time. As such, the proposal attracts a car parking requirement of five (5) spaces.

The proposal provides a total of four (4) on-site parking spaces, therefore resulting in a shortfall of one (1) car parking space.

## **Consideration of the Proposal**

### Use as a Medical Centre

The applicant currently operates as a chiropractor from the premises, in accordance with the 'Home Occupation' provisions of the Planning Scheme. However the proposal seeks to use the entire building as a medical centre and would include internal alterations which will mean no part of the building would be used for residential purposes. Therefore planning approval is required for the use of the land as a 'Medical Centre'.

The site is located within a residential area which is in close proximity to the Apollo Bay town centre. It is considered that the use of the proposed Medical Centre would be at an intensity which would not have a detrimental impact upon the general amenity of the area. Only one (1) practitioner is to operate from the premises at any given time. The proposal does not require any external alterations to the existing dwelling, and therefore there would be no impact upon the streetscape of the area other than the potential for four (4) vehicles to be parked within the driveway. It is considered that the proposed parking and access arrangements will not have a detrimental impact on the existing streetscape character.

The proposed hours of operation are from 8am to 7pm seven days a week, which are considered to be reasonable within a residential setting. The applicant has advised that only one patient would be seen at a time. It is noted that two (2) patient car parking spaces are designated on the submitted plans.

It is imperative that any permit issued include a condition limiting the number of practitioners to one (1) at any time. This will ensure the use of the Medical Centre is kept to a low intensity which will be sympathetic with its residential setting. It is also recommended that the hours of operation be controlled by conditions, given the residential location of the site.

### Car Parking Reduction

As noted earlier, a Medical Centre attracts a car parking rate of five (5) spaces for the first person providing health services, plus three (3) spaces for every other person providing health services, under the provisions of Clause 52.06 of the Planning Scheme. Given four (4) parking spaces are proposed on-site, and only one practitioner would operate from the site at any time, the proposal results in a shortfall of one (1) parking space.

The Colac and Apollo Bay Parking Strategy 2011 only focussed on the central activity centre of Apollo Bay. The subject site is not located within this area and therefore the Parking Strategy is not a relevant document for consideration in relation to this proposal.

The applicant has indicated that the Chiropractor would see an average of 15 patients per day, with a maximum of 24 per day. This is based on his experience as a practicing Chiropractor currently operating from the site one day per week.

It is envisaged that the Massage Therapist would see an average of four (4) patients per day and a maximum of six (6).

The proposed intensity is considered low, with the potential maximum number of patients/clients being 24 per day when the Chiropractor operates from the premises. Considering the proposed operating hours are from 8am to 7pm (11 hours), the average would be two (2) patients per hour.

The provision of four (4) on-site parking spaces, resulting in a reduction of one (1) space, is considered acceptable in this instance given the likely parking demand generated by the proposal and the availability of on-street parking within the area.

### Parking Layout and Access

All parking spaces have sufficient minimum dimensions being 3.25m x 6.8m.

The staff car parking spaces would be obstructed by the patient car parking which is acceptable given staff will need to be present on-site prior to the arrival of any patients.

All the parking spaces would be provided along the driveway which runs adjacent to the site's western property boundary. The driveway would need to be extended in width within the frontage to provide two patient parking spaces.

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

#### **Leadership and Governance**

#### Council Plan – 3. Land Use and Development

##### *Objective:*

*“Council will engage, plan and make decisions about land use and development that takes into account the regulatory role of Council, its diverse geography, social, community, economic and environmental impacts for current and future generations.”*

The Apollo Bay Structure Plan's objective for the residential areas surrounding the main commercial area is:

*“Consolidate the town centre of Apollo Bay and provide greater diversity of housing and accommodation at higher densities within close proximity to the commercial area.”*

Whilst the proposal is not for residential or accommodation purposes, it is located within the area immediately surrounding the Apollo Bay commercial area. This area is generally within a 400m walking distance of the town centre. The '400m walking distance' is a long standing planning principle, where higher densities and a mixture of uses are generally encouraged to promote sustainable land use and development. In this instance the use of the subject land as a Medical Centre is considered appropriate given its close proximity to the main commercial centre and the fact that the proposal would not materially alter the character of the area.

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

There are no financial implications arising from this report.

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

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

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

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

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

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

### **Conclusion**

It is considered that the proposal would not cause detriment to the existing streetscape and general amenity of the site and surrounds.

The waiver of one (1) car parking space is considered acceptable given the likely parking demand generated by the proposal and the substantial on-site parking provided. As such, it is considered that a permit could reasonably be issued for the proposed use and the reduction in the car parking requirement.

**Attachments**

Nil

**Recommendation(s)**

***That Council's Planning Committee resolves to issue a Planning Permit for the use of the land as a medical centre and a reduction in the car parking requirement at 44-46 Nelson Street, Apollo Bay subject to the following conditions:***

**Amended plans**

1. ***Prior to the commencement of the use hereby permitted, three (3) copies of amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application but modified to show:***
  - a) ***A site plan showing the boundaries and dimensions of the site, adjoining roads annotated with the road name, the location and width of vehicle and pedestrian access points from the road, the location and width of the naturestrip, and the location of any drain, street lighting and street furniture within the naturestrip adjacent to the site, and the location of buildings on adjacent sites.***

**Endorsed Plans**

2. ***The use as shown on the endorsed plans must not be altered or modified without the written consent of the Responsible Authority.***

**Restrictions on Use**

3. ***No more than one (1) practitioner may operate from the site at any time.***
4. ***The use hereby permitted shall only operate between 8:00am to 7:00pm on any given day.***

**General Amenity**

5. ***Prior to the occupation of the development hereby permitted, the areas set aside for the parking of vehicles as shown on the endorsed plans must be:***
  - a. ***constructed;***
  - b. ***properly formed to such levels that they can be used in accordance with the plans;***
  - c. ***drained;***

- d. clearly designated as staff or patient parking in accordance with the endorsed plans; and*
- e. clearly marked to indicate each car space to the satisfaction of the Responsible Authority.*

*All car spaces must be kept available for these purposes at all times.*

- 6. The use hereby permitted 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 building, works or materials*
  - c. Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil*
  - d. Presence of vermin.*

**Expiry**

- 7. This permit will expire if the use is not started within two (2) years of the date of this permit. The Responsible Authority may extend the period referred to if a request is made in writing before the permit expires, or within three months afterwards.**

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**PC121411-4                    AMENDMENT TO EXISTING PERMIT - USE OF THE LAND  
AS A MEDICAL CENTRE AND A REDUCTION IN THE CAR  
PARKING REQUIREMENT AT 51-53 HESSE STREET  
COLAC (PP44/2010-2)**

|             |                                       |           |            |
|-------------|---------------------------------------|-----------|------------|
| AUTHOR:     | Kim Linden                            | ENDORSED: | Jack Green |
| DEPARTMENT: | Sustainable Planning<br>& Development | FILE REF: | F12/4774   |

**Location:** 51-53 Hesse Street Colac

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

**Overlay controls:** Nil

**Proposed Amendments:** None applicable.

**Purpose:**

This application seeks approval for an amendment to the original permit, issued on 7 June 2010, for the use of the subject land as a medical centre.

That permit, which restricted the use to one (1) medical practitioner, was approved without any on-site parking provision. A full waiver of the car parking requirement, which equated to five spaces, was granted on the basis of parking credits for the previous use of the site as an office. The current application seeks to amend the original permit issued, to allow for an additional medical practitioner on site, and to waive the requirement to provide one of the three additional parking spaces generated by the additional practitioner. Two parking spaces would be provided on-site as part of the proposed amendment.

This application is before the Planning Committee as the application seeks to reduce the number of car spaces required for the proposed second medical practitioner.

**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 an amendment to the permit issued under ref. PP44/2010-1 for a medical centre, which restricts the use of the subject site to one medical practitioner only. The proposed amendment seeks permission for a second practitioner to operate from the premises and also seeks a reduction in the additional car parking requirement associated with the second practitioner.
- The site currently contains a single-storey building used as a medical centre. A chiropractor operates from the site, in accordance with the original permit. A full waiver of the car parking requirement, which equated to five spaces, was granted when the original permit was issued on the basis of parking credits for the previous use of the site as an office.
- The current application seeks an amendment to allow one (1) additional practitioner, a podiatrist, to work from the premises.



- The additional practitioner would generate a requirement for three parking spaces. A total of two (2) car parking spaces would be provided on site as part of this amendment.
- Public notification of the application was undertaken with no objections being received.
- The reduction of one (1) car parking space is considered acceptable, given the provision of two spaces on site, the minor nature of the reduction and the availability of on-street parking in the area.
- The permit is required under Clause 52.06 – Car Parking of the Colac Otway Planning Scheme given the proposed reduction in car parking provision and also under section 72 of the *Planning and Environment Act* as the proposal seeks to amend an existing permit.
- It is recommended that the proposed amendment be approved.

### **Background**

The permit approved on 7 June 2010, which allowed the use of the site as a medical centre, included a condition restricting the number of practitioners on site to one (1) only.

It was assessed that the use as originally proposed only required a planning permit because it did not meet the section 1 use (permit not required) condition in Clause 34.01-1 of the Business 1 Zone (B1Z). This condition only allows office frontages over 2m if they adjoin customer service areas. The premises, which has a frontage of approximately 7.6m, did not comply with this requirement. The use therefore constituted a section 2 use (permit required) under the zoning provisions.

Under the car parking provisions then in force, five parking spaces were required for each practitioner in a medical centre. A full waiver of the car parking requirement, which equated to five spaces, was granted when the permit was issued on the basis of parking credits for the previous use of the site as an office. Endorsed plans for the existing permit do not show any car parking provision. The report for the original permit states that, as the lack of parking was considered acceptable on the basis of the parking credit, it was considered that the proposal did not involve a waiver of parking under Clause 52.06 – Car Parking of the Planning Scheme.

### **Issues / Options**

Council has the options of:

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

The key issue relates to the additional car parking demand arising from the additional medical practitioner and the proposed reduction in the car parking requirement.

### **Proposal**

The proposal is to allow for a second medical practitioner (podiatrist) to operate from the site. The application seeks an amendment to condition 2 on the existing permit, which restricts the number of medical practitioners on site to one (1) only.

The proposal includes a request to reduce the car parking requirement for the additional medical practitioner. The current application includes the provision of two (2) car parking spaces on the existing driveway which runs along the northern boundary of the property. The car spaces are to be provided in a tandem arrangement. The two car spaces measure 3.5m wide and 22.5m in total length, being 3.5m x 11.25m each.

Justification has been provided in relation to the reduction in car parking requirement by the applicant as part of the application.

The applicant has also advised that the premises would operate between 8.00am and 8.00pm Monday to Friday.

The total number of staff on site will be three including chiropractor, podiatrist and receptionist. The parking requirement, as set out in the Planning Scheme, is based on the number of practitioners operating from a premises. This standard allows for administrative staff and patient/client parking.

The applicant has stated that there will be no change to the current advertising signage on site at this stage.

There are no changes to the exterior of the building proposed as part of the application.

### **Site & Surrounds**

The site is located on the western side of Hesse Street in Colac. It is legally described as CP: 167371 V/F: 9819/000 Parish of Colac. The site totals approximately 144 square metres in area. It currently contains a single-storey brick building built to the front boundary. It has a stepped entry area to Hesse Street forming the principal place of entry to the building and a disabled access ramp located on the northern side of the building. Alongside the disabled access ramp, to the north of the ramp, is a driveway which is approximately 12.5m in length. Whilst an existing situation, the driveway was not shown as a parking area on the previously endorsed plans.

The subject site is currently used for a chiropractor's business (Otway Chiropractic) for one (1) medical practitioner, in accordance with planning permit ref. PP44/2010-1 issued on 7 June 2010. The existing building has two advertising signs: one large above verandah sign located almost along the full frontage of the building on Hesse Street and one smaller fascia sign located on the south side of the building.

The surrounding area is comprised of commercial premises and forms the commercial centre of Colac. Murray Street is located approximately 70m to the north of the site.

### **Public Notice**

Notice of the application was given pursuant to Section 52 of the *Planning and Environment Act*, by way of the following:

- A notice placed on-site;
- Notices posted to all owners and occupiers adjoining the site.

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

### **Referrals**

The application was referred internally to Council's Infrastructure Department, which did not object to the proposal subject to a condition restricting the use of the on-site car parking to staff use.

### **Planning Controls**

The site is located within the Business 1 Zone (B1Z). It is not affected by any overlays.

A permit is required under Clause 52.06 (Car Parking) of the Colac Otway Planning Scheme as the proposal involves a reduction in the car parking requirement under the clause.

A permit is also required for the amendment to the condition currently restricting the number of practitioners on site to one, under Section 72 of the *Planning and Environment Act 1987*.

a) State and Local Planning Policy

The relevant provisions are as follows:

- Clause 17 – Economic Development
- Clause 17.01-1 – Business
- Clause 17.01 - Commercial
- Clause 18.02-5 – Car Parking
- Clause 21.03-2 - Colac
- Clause 19.02-1 – Health Facilities
- Clause 21.02-2 – Land Use Vision

The proposal is considered to be consistent with the broader principles of the State and Local Planning Policy Frameworks, as it proposes to improve the economic viability of an existing commercial property. The proposed increase of one medical practitioner on the site would complement the existing use and the broader commercial centre of Colac. The proposal is considered to be consistent with the objective of ensuring an adequate supply of car parking that is appropriately designed and located.

b) Zoning

The site is zoned Business 1 Zone (B1Z). The purpose of this zone is:

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

The existing use as a medical centre falls within the category of 'office' under the Planning Scheme. The use of the site as a medical centre has been established under the previous permit issued. This allowed for one (1) medical practitioner; specifically for a chiropractor. As the site is already in use as a medical centre, there is no trigger for a permit under the table of uses.

There are no proposed works which trigger a need for a permit under the zoning provisions.

c) Relevant Particular Provisions - Clause 52.06 (Car Parking)

Clause 52.06-2 requires that prior to the number of patrons, seats or practitioners at an existing use being increased, the car parking spaces required under Clause 52.06-5 must be provided on the land or as approved under Clause 52.06-3 to the satisfaction of the responsible authority.

A medical centre has a car parking requirement of five (5) spaces for the first person providing health services plus three (3) for every other person providing health services under the provisions of Clause 52.06.

The existing practitioner generated a demand for five (5) car spaces. Credit was granted for the required spaces when issuing the permit, due to the parking credits for the previous use of the site as an office, and no car parking was approved on site.

The proposed additional medical practitioner creates a demand for three (3) car parking spaces under Clause 52.06. The proposal includes the provision of two (2) car parking spaces in the existing driveway located on the northern side of the subject site. Whilst this driveway is existing, no parking was shown in this area on the plans endorsed as part of the original permit. The proposal therefore requires a reduction of one (1) parking space for the additional medical practitioner.

The applicant included the following as part of the application in support of the proposed reduction in car parking provision on site:

*“There will be one additional practitioner working alongside the current practitioner.....and existing receptionist/assistant.*

*In addition, to the current patient flow of a maximum of 4 patients per hour (1 per 15 minutes), there will be a maximum of an additional 2 patients per hour with the second practitioner (making a maximum 6 patients per hour when both practitioners are operating at once).*

*The planned operating hours will be between 8.00am and 8.00pm, Monday to Friday. However, the days which both practitioners will be working simultaneously will only be on Mondays and Wednesdays.”*

The applicant has stated further in support of the revised site plan showing the parking in more detail that:

*“The primary use of the two car parks on site will be for the use of the practitioners. On the days where there is only one staff member working (which is stipulated in the original application), then the spare space will be available for a patient to use. The car park spaces will be tandem and the surface treatment is gravel. The dimensions of the driveway are 3.5 metres wide and 22.5 metres long.”*

The *Colac and Apollo Bay Car Parking Strategy* adopted by Council in December 2011 states that there is an oversupply of car parking in Colac. The study states that over the entire commercial centre, the peak demand for on-street parking occupancy during the week is 58%. The study states, however, that the subject part of Hesse Street where the site is located has a reasonably high usage, with 85-100% utilisation of car parking spaces in this section of the street.

As noted in the applicant's supporting documentation both practitioners will only be working simultaneously on Mondays and Wednesdays, with a maximum of 6 patients per hour on those days. This is when peak demand will occur.

It is considered that, on balance, the proposed reduction of car parking provision by one car space would have a negligible impact on parking demand in the immediate vicinity of the subject site given the availability of on-street parking in the area. Directly opposite the subject site, the parking spaces have been identified in the study as having 50-75% utilisation. There are also large off-street car parking areas within walking distance of the subject site, which could also cater for any additional demand.

The proposed use of the driveway for car parking has been supported by Council's Infrastructure Department, subject to a condition that the proposed tandem staff car parking arrangement must be indicated as staff parking only so that non-staff cars do not become trapped.

The proposed reduction in car parking spaces by one (1) space is therefore considered to be acceptable in view of the availability of on-street parking in the area. It is recommended that condition 2 be amended to restrict the premises to two (2) medical practitioners. In addition, it is recommended that a new condition be placed on any amended permit in relation to the provision of two (2) car parking spaces, requiring that this parking be marked as staff parking only.

It is not considered necessary to add a new condition controlling the hours of operation given the location of the site in a Business Zone, where it is surrounded by properties in commercial use. This condition was not imposed when the medical centre was originally permitted and would only be necessary if the premises was close to sensitive land uses such as in a residential area.

### **Consideration of the Proposal**

The key issue is the proposed reduction in the car parking requirement set out in Clause 52.06. The proposal involves the reduction of required car spaces by one (1) space. Clause 52.06 allows a permit to be issued to *“reduce (including reduce to zero) the requirement to provide the number of car parking spaces required under this clause”*.

As noted earlier, a medical centre has a car parking requirement of five (5) spaces for the first person providing health services plus three (3) for every other person providing health services under the provisions of Clause 52.06. When the permit for the first medical practitioner was issued credit was given for five (5) car parking spaces. This current application shows two (2) parking spaces would be provided on-site and, as such, the proposal would result in a shortfall of one (1) parking space.

The provision of two (2) on-site parking spaces resulting in a reduction of one (1) space is considered acceptable in this instance, given the availability of on-street parking within the area.

The parking layout and access arrangements have been assessed by Council's Infrastructure Department and are considered to be acceptable. All parking spaces have sufficient minimum dimensions. The staff car parking spaces will be required to be designated as being staff parking only. All the parking spaces would be provided along the existing driveway which runs along the northern boundary of the site.

The minor reduction in car parking provision could be accommodated in available on-street parking in this location. This assessment is consistent with the findings of the *Colac and Apollo Bay Car Parking Strategy* adopted by Council in December 2011.

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

#### Council Plan – 3. Land Use and Development

#### *Objective:*

*“Council will engage, plan and make decisions about land use and development that takes into account the regulatory role of Council, its diverse geography, social, community, economic and environmental impacts for current and future generations.”*

The Colac Structure Plan's vision for Colac is as follows:

*“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.”*

Whilst the proposal is not for residential or accommodation purposes, it offers opportunity for employment and local economic development in the Colac commercial area. In this instance, the intensification of the use of the subject land with one more medical practitioner on site is considered acceptable given its close proximity to the main commercial centre of Colac, and the fact that the proposal would not result in any adverse parking or traffic impacts on the area.

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

The proposal raises no financial or resourcing implications for Council.

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

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

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

There are no relevant environmental or climate change considerations for this proposal.

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

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

#### **Conclusion**

It is considered that the proposed amendment would not cause detriment to the general amenity of the site and surrounds. Specifically, there would be no significant impact on car parking provision in the area. The application is therefore considered acceptable. The waiver of one (1) car parking space associated with the additional medical practitioner is considered appropriate given the likely parking demand generated by the proposal and the on-site staff parking provided.

It is also recommended that the description on the permit be amended to ‘Use of Land as a Medical Centre and Reduction in the Car Parking Requirement’.

#### **Attachments**

Nil

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

***That Council Planning Committee resolve to grant an Amendment to Planning Permit PP44/2010 for Use of the Land as a Medical Centre (Chiropractic) at 51-53 Hesse Street COLAC (CP: 167371 V/F:9819/000, Parish of Colac) to allow for a second medical practitioner on site and a reduction in car parking subject to a change to the description on the permit to Use of Land as a Medical Centre and Reduction in the Car Parking Requirement and subject to the following conditions:***

- 1. The use and or development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.***
- 2. No more than two (2) practitioners shall work from the premises at any one time and this shall not be altered without the written consent of the Responsible Authority.***
- 3. The two (2) car parking spaces shown on the endorsed plans, which must only be used for staff car parking, must be provided prior to the second practitioner***

*operating from the premises. The parking spaces must be clearly designated on site as staff parking spaces and must be kept available without obstruction for that purpose when the medical centre is open.*

**Expiry of the permit:**

**4. This permit will expire if one of the following circumstances applies:**

- *The development and use are not started within two (2) years of the date of this permit.*
- *The development is not completed within four years of the date of this permit.*

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

**THIS PERMIT HAS BEEN AMENDED AS FOLLOWS:**

| <i>Date of amendment</i>      | <i>Brief description of amendment</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|-------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <i>[insert relevant date]</i> | <p><b>Amendments:</b></p> <ul style="list-style-type: none"> <li>• <i>Change description of development to delete reference to practitioner type and include reduction in the car parking requirement.</i></li> <li>• <i>Amend condition 2 to allow for two (2) medical practitioners on site.</i></li> <li>• <i>Insert new condition 3 relating to car parking.</i></li> <li>• <i>Renumber expiry condition.</i></li> <li>• <i>New endorsed plan showing provision for two (2) car parking spaces.</i></li> </ul> |

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