



**Colac Otway  
SHIRE**

**AGENDA**

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

**9 OCTOBER 2013**

**at 10:30 AM**

**COPACC Meeting Rooms**

All Council and Committee meetings are audio recorded, with the exception of matters identified as confidential items in the Agenda. This includes the public participation sections of the meetings. Audio recordings of meetings are taken to facilitate the preparation of the minutes of open Council and Committee meetings and to ensure their accuracy. In some circumstances a recording will be disclosed to a third party. Those circumstances include, but are not limited to, circumstances, such as where Council is compelled to disclose an audio recording because it is required by law, such as the Freedom of Information Act 1982, or by court order, warrant, or subpoena or to assist in an investigation undertaken by the Ombudsman or the Independent Broad-based Anti-corruption Commission.

Council will not use or disclose the recordings for any other purpose. It is an offence to make an unauthorised recording of the meeting..

**COLAC-OTWAY SHIRE PLANNING COMMITTEE MEETING**

**9 OCTOBER 2013**

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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 9 October 2013 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.

All Council and Committee meetings are audio recorded, with the exception of matters identified as confidential items in the Agenda. This includes the public participation sections of the meetings.

Audio recordings of meetings are taken to facilitate the preparation of the minutes of open Council and Committee meetings and to ensure their accuracy.

In some circumstances a recording will be disclosed to a third party. Those circumstances include, but are not limited to, circumstances, such as where Council is compelled to disclose an audio recording because it is required by law, such as the Freedom of Information Act 1982, or by court order, warrant, or subpoena or to assist in an investigation undertaken by the Ombudsman or the Independent Broad-based Anti-corruption Commission.

Council will not use or disclose the recordings for any other purpose. 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 14/08/13.**

**Recommendation**

***That Council confirm the above minutes.***

**OFFICERS' REPORTS**

**Sustainable Planning and Development**

PC130910-1	PLANNING & BUILDING STATISITCAL REPORT
PC130910-2	USE AND DEVELOPMENT OF THE LAND FOR A DWELLING, AND ASSOCIATED WORKS INCLUDING SITE CUT AT 240 TUXION ROAD, APOLLO BAY (PP240/2012-1).
PC130910-3	CONSTRUCTION OF A SINGLE-STOREY BUILDING, REDUCTION IN THE CAR PARKING REQUIREMENT AND WAIVER OF THE LOADING BAY REQUIREMENT, DISPLAY OF THREE SIGNS, AND SUBDIVISION OF THE LAND IN TWO (2) LOTS AT 224-236 MURRAY STREET, COLAC (PP205/2013-1)
PC130910-4	CONSTRUCTION OF AN EXTENSION TO AN EXISTING DWELLING AT 33 VISTA AVENUE SKENES CREEK
PC130910-5	BUILDINGS AND WORKS COMPRISING ALTERATIONS AND ADDITIONS TO A MINOR SPORTS AND RECREATION FACILITY AT 118-134 HEARN STREET & 175 QUEEN STREET, COLAC (PP184/2013)

**Rob Small**  
**Chief Executive Officer**

PC130910-1

**PLANNING & BUILDING STATISTICAL REPORT**

AUTHOR:	Tammy Kavanagh	ENDORSED:	Jack Green
DEPARTMENT:	Sustainable Planning & Development	FILE REF:	F11/2683

**Summary**

This report provides statistics relating to the month of September 2013

**Planning Statistics**

33 Planning Permit Applications were received for the period 1 August 2013 – 31 August 2013.

23 Planning Permit Applications were considered for the period 1 August 2013 – 31 August 2013.

22 Planning Permit Applications were received for the period 1 September 2013 – 30 September 2013.

21 Planning Permit Applications were considered for the period 1 September 2013 – 30 September 2013.

**Building Statistics**

Please note that the Victorian Building Authority data has been updated to July 2013

**Attachments**

1. Planning and Building Statistical Report August 2013
2. Planning and Building Statistical Report September 2013

**Recommendation(s)**

***That Council's Planning Committee notes the statistical reports for August and September 2013.***

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## PLANNING STATISTICAL REPORT – AUGUST 2013 – (DETERMINATIONS)

| APPLICATION NUMBER | DATE RECEIVED | LOCATION                            | PROPOSAL                                                                                                                                                                          | STATUTORY DAYS | DATE DETERMINED | DETERMINATION & AUTHORITY        |
|--------------------|---------------|-------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|-----------------|----------------------------------|
| 31/2011-3          | 31 JUL 2013   | 7 HUGH MURRAY DRIVE COLAC EAST      | BUILDINGS & WORKS COMPRISING THE CONSTRUCTION OF A SHED AND OFFICE – AMENDMENT                                                                                                    | 6              | 6 AUG 2013      | PERMIT ISSUED<br><b>DELEGATE</b> |
| 118/2011-2         | 8 APR 2013    | 360 BOUNDARY ROAD FORREST           | USE & DEVELOPMENT OF A DWELLING AND CONSTRUCTION OF STABLES AND SHED – AMENDMENT                                                                                                  | 10             | 26 AUG 2013     | PERMIT ISSUED<br><b>DELEGATE</b> |
| 145/2012-1         | 29 JUN 2012   | 3 FERNY GROVE KENNET RIVER          | EXTENSION TO TWO STOREY DWELLING & USE OF THE PART OF THE DWELLING FOR HOME OCCUPATION                                                                                            | 15             | 2 AUG 2013      | PERMIT ISSUED<br><b>DELEGATE</b> |
| 254/2012-1         | 2 NOV 2012    | 179 HART STREET ELLIMINYT           | THREE (3) LOT SUBDIVISION                                                                                                                                                         | 13             | 15 AUG 2013     | PERMIT ISSUED<br><b>DELEGATE</b> |
| 2/2013-1           | 2 JAN 2013    | 12 KARINGAL DRIVE WYE RIVER         | BUILDINGS & WORKS COMPRISING EXTENSION TO DWELLING                                                                                                                                | 49             | 28 AUG 2013     | PERMIT ISSUED<br><b>DELEGATE</b> |
| 24/2013-1          | 12 FEB 2013   | 44 RIVERSIDE DRIVE WYE RIVER        | CONSTRUCTION OF A NEW DWELLING AND NATIVE VEGETATION REMOVAL                                                                                                                      | 39             | 30 AUG 2013     | PERMIT ISSUED<br><b>DELEGATE</b> |
| 50/2013-1          | 14 MAR 2013   | 140 MAIN STREET BEEAC               | PARTIAL CHANGE OF USE OF OUTBUILDING TO MOTOR VEHICLE REPAIRS (EXCLUDING PANEL BEATING AND SPRAY PAINTING) AND SERVICING (RETROSPECTIVE) AND ALTERATIONS TO THE CROSSOVER TO RDZ1 | 63             | 9 AUG 2013      | NOTICE OF DECISION<br>ISSUED     |
| 62/2013-1          | 28 MAR 2013   | 73 GRANT STREET FORREST             | EXTENSIONS TO DWELLING AND OUTBUILDING AND REMOVAL OF NON-NATIVE VEGETATION                                                                                                       | 74             | 27 AUG 2013     | PERMIT ISSUED<br><b>DELEGATE</b> |
| 67/2013-1          | 3 APR 2013    | 25 GLENN STREET WARRION             | CONSTRUCTION OF A SHED                                                                                                                                                            | 60             | 12 AUG 2013     | PERMIT ISSUED<br><b>DELEGATE</b> |
| 78/2013-1          | 15 APR 2013   | 18 THE BOULEVARDE WYE RIVER         | CONSTRUCTION OF A DOUBLE STOREY DWELLING AND ASSOCIATED SITE CUT AND VEGETATION REMOVAL (6 TREES)                                                                                 | 50             | 27 AUG 2013     | PERMIT ISSUED<br><b>DELEGATE</b> |
| 98/2013-1          | 9 MAY 2013    | 1890 CRESSY ROAD OMBERSLEY          | BUILDINGS AND WORKS COMPRISING EXTENSION TO DWELLING AND DOUBLE GARAGE                                                                                                            | 57             | 1 AUG 2013      | PERMIT ISSUED<br><b>DELEGATE</b> |
| 111/2013-1         | 20 MAY 2013   | 1B OLD COACH ROAD SKENES CREEK      | BUILDINGS AND WORKS COMPRISING ROOFED EXTENSION TO DECK                                                                                                                           | 58             | 15 AUG 2013     | PERMIT ISSUED<br><b>DELEGATE</b> |
| 124/2013-1         | 31 MAY 2013   | 650 PRINCES HIGHWAY LARPENT         | BUILDINGS AND WORKS COMPRISING EXTENSION AND ALTERATIONS TO DWELLING                                                                                                              | 43             | 30 AUG 2013     | PERMIT ISSUED<br><b>DELEGATE</b> |
| 126/2013-1         | 3 JUN 2013    | 727 CORANGAMITE LAKE ROAD CORAGULAC | RE-CLADDING OF PARISH HALL AND CONSTRUCTION OF DISABLED ACCESS RAMP                                                                                                               | 56             | 13 AUG 2013     | PERMIT ISSUED<br><b>DELEGATE</b> |
| 127/2013-1         | 5 JUN 2013    | 5700 GREAT OCEAN ROAD YUULONG       | CONSTRUCTION OF A REPLACEMENT GARAGE                                                                                                                                              | 30             | 15 AUG 2013     | PERMIT ISSUED<br><b>DELEGATE</b> |

| APPLICATION NUMBER | DATE RECEIVED | LOCATION                           | PROPOSAL                                                 | STATUTORY DAYS | DATE DETERMINED | DETERMINATION & AUTHORITY        |
|--------------------|---------------|------------------------------------|----------------------------------------------------------|----------------|-----------------|----------------------------------|
| 129/2013-1         | 7 JUN 2013    | 1680 CORANGAMITE LAKE ROAD DREEITE | BUILDINGS AND WORKS COPRISING THE CONSTRUCTION OF A SHED | 60             | 7 AUG 2013      | PERMIT ISSUED<br><b>DELEGATE</b> |
| 136/2013-1         | 18 JUN 2013   | 123 MAIN STREET BEEAC              | CONSTRUCTION OF A SINGLE STOREY DWELLING                 | 51             | 8 AUG 2013      | PERMIT ISSUED<br><b>DELEGATE</b> |
| 139/2013-1         | 18 JUN 2013   | 175 BROMFIELD STREET COLAC         | DISPLAY OF TWO (2) BUSINESS IDENTIFICATION SIGNS         | 48             | 5 AUG 2013      | PERMIT ISSUED<br><b>DELEGATE</b> |
| 140/2013-1         | 18 JUN 2013   | 2 QUEEN STREET COLAC               | REMOVAL OF FENCE AND CONSTRUCTION REPLACEMENT FENCE      | 13             | 5 AUG 2013      | PERMIT ISSUED<br><b>DELEGATE</b> |
|                    |               |                                    |                                                          |                |                 |                                  |

AVERAGE STATUTORY DAYS TO DETERMINE PLANNING APPLICATIONS

42

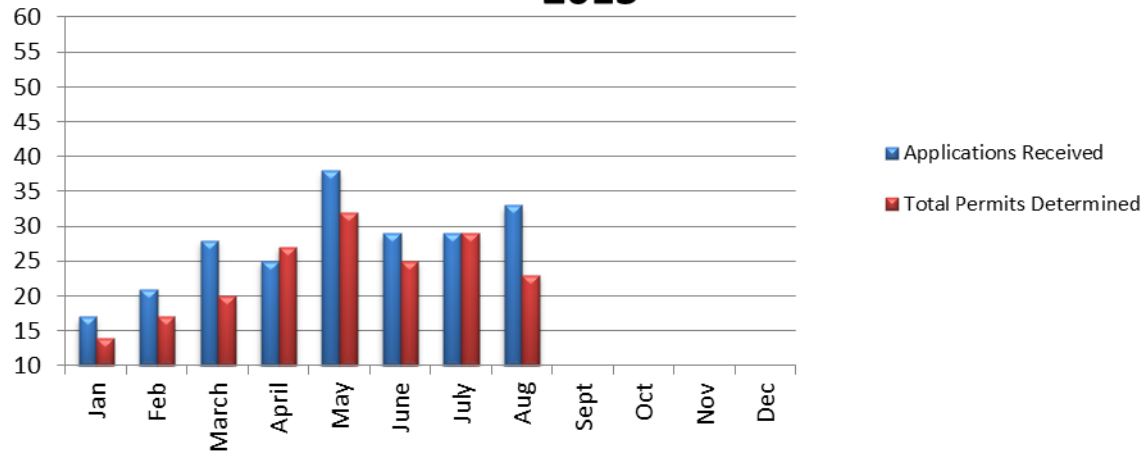
**PLANNING STATISTICAL REPORT – AUGUST 2013 (PERMITS NOT REQUIRED, WITHDRAWN & LAPSED APPLICATIONS)**

| APPLICATION NUMBER | DATE RECEIVED | LOCATION                                | PROPOSAL                                                                    | STATUTORY DAYS | DATE DETERMINED | DETERMINATION & AUTHORITY |
|--------------------|---------------|-----------------------------------------|-----------------------------------------------------------------------------|----------------|-----------------|---------------------------|
| 256/2012-1         | 29 NOV 2013   | 6 DUNOON ROAD WYE RIVER                 | CONSTRUCTION OF A DWELLING AND NATIVE VEGETATION REMOVAL                    | 0              | 1 AUG 2013      | LAPSED                    |
| 66/2013-1          | 3 APR 2013    | 200 CARLISLE GELLIBRAND ROAD GELLIBRAND | CONSTRUCTION OF SMALL DAM FOR BENEFIT OF STOCK, ENVIRONMENT & FIRE FIGHTING | 30             | 13 AUG 2013     | WITHDRAWN                 |
| 137/2013-1         | 16 JUN 2013   | 109 BROMFIELD STREET COLAC              | ADULT SEX BOOKSHOP                                                          | 2              | 15 AUG 2013     | WITHDRAWN                 |
| 164/2013-1         | 17 JUL 2013   | 485 RIFLE BUTTS ROAD WHOOREL            | PROPOSED POOL & POOL HOUSE                                                  | 0              | 21 AUG 2013     | PERMIT NOT REQUIRED       |

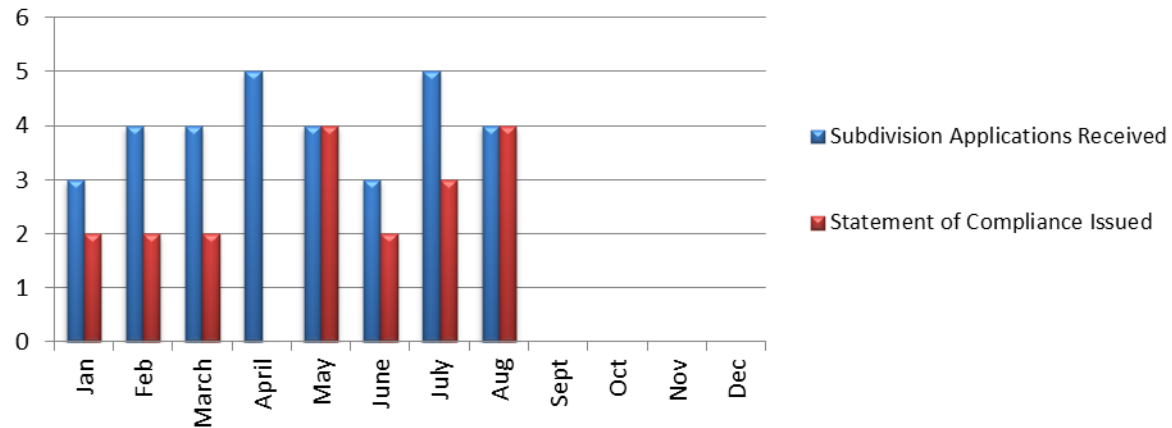
TOTAL AVERAGE STATUTORY DAYS (ALL APPLICATIONS)

36

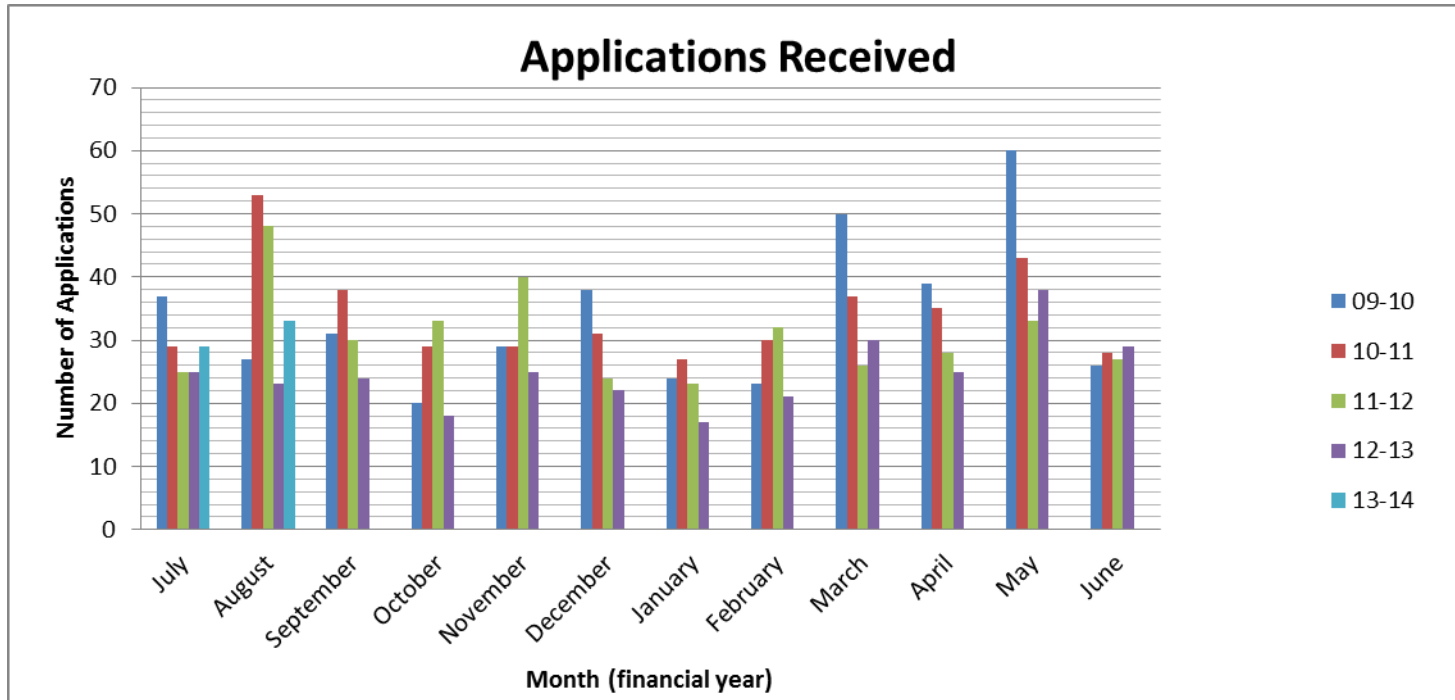
### Planning Permits Received & Determined for 2013

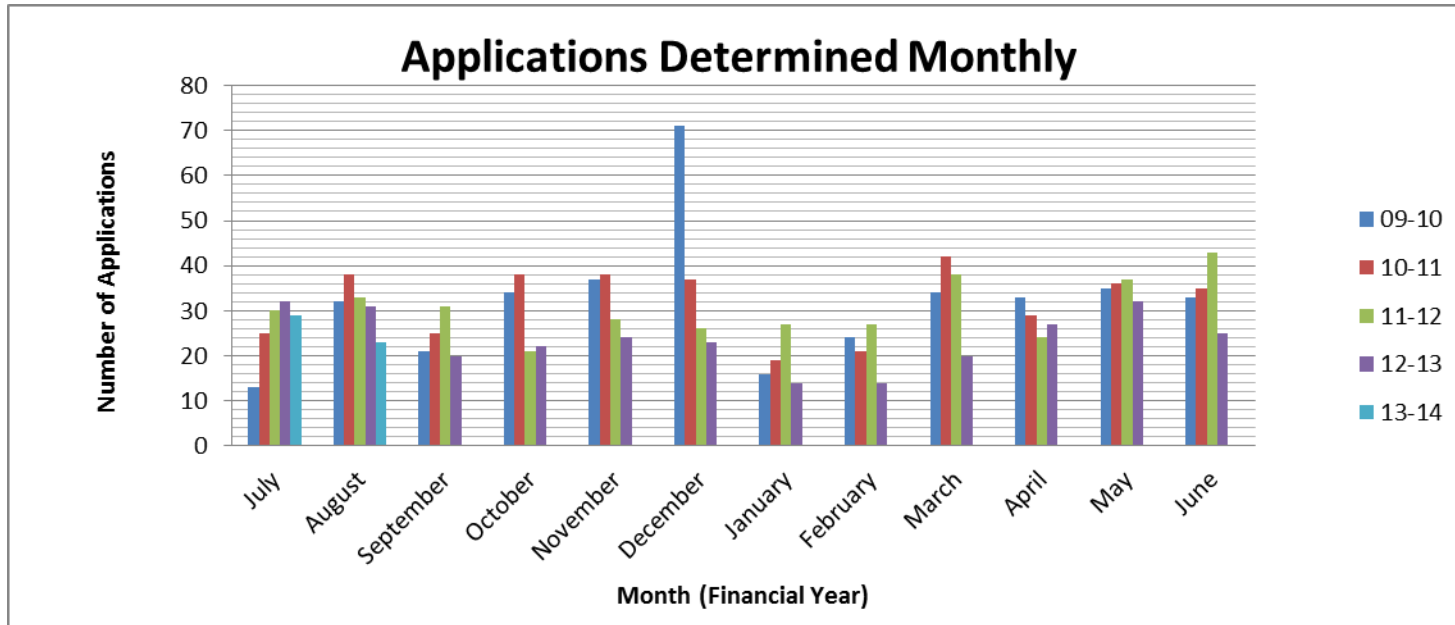


### Subdivision Applications for 2013



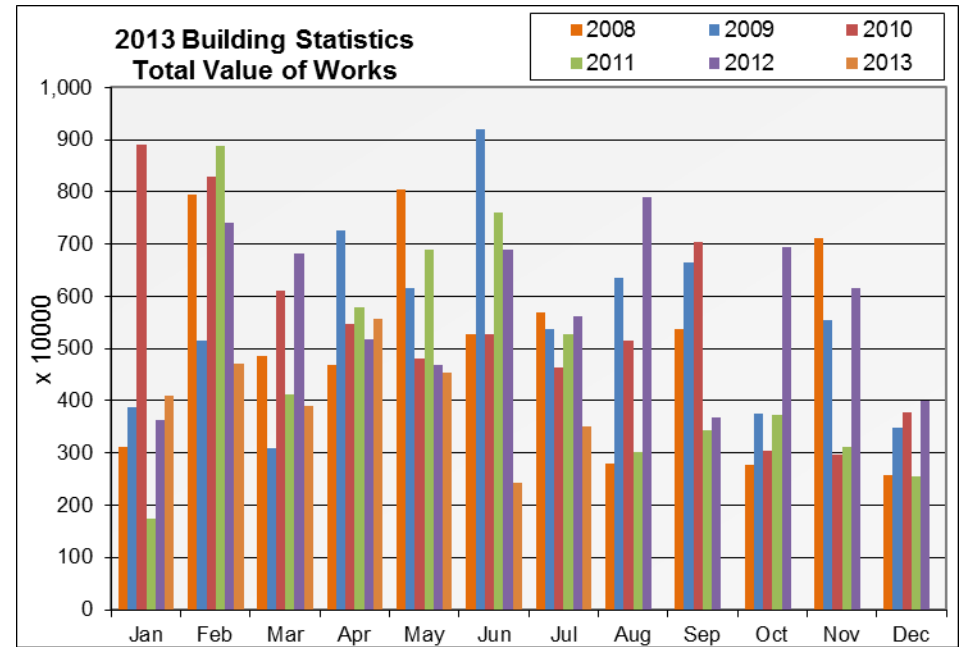
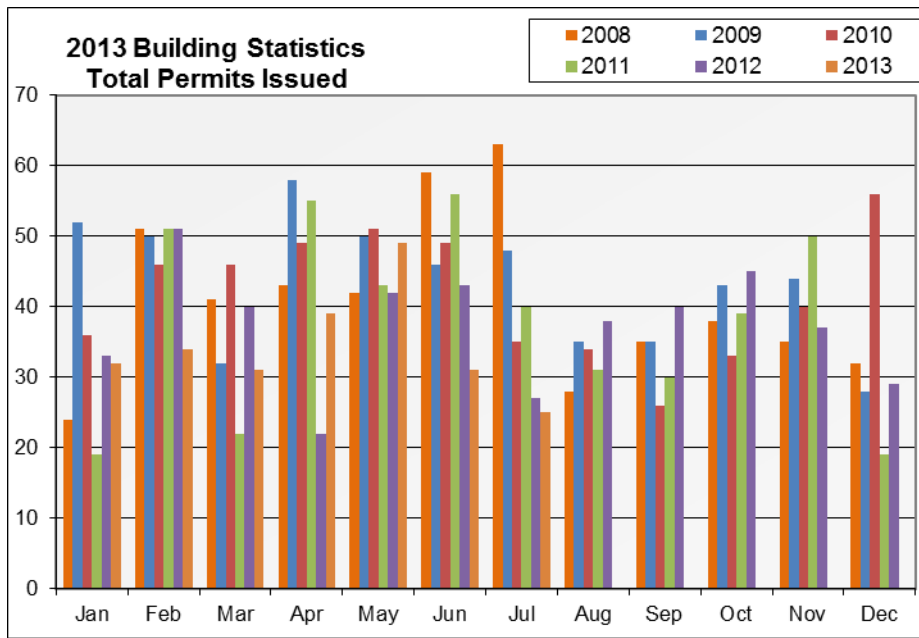






|               | Domestic   |                   | Residential* |                  | Commercial |                  | Retail   |                | Industrial |                | Hospital/HealthCare |            | Public Buildings |                | Municipal Totals |                   |
|---------------|------------|-------------------|--------------|------------------|------------|------------------|----------|----------------|------------|----------------|---------------------|------------|------------------|----------------|------------------|-------------------|
|               | 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           | 21         | 3,757,719         | 0            | 0                | 5          | 117,068          | 1        | 2,000          | 1          | 39,745         | 0                   | 0          | 4                | 177,495        | 32               | 4,094,027         |
| Feb           | 31         | 4,341,165         | 1            | 280,929          | 1          | 10,000           | 1        | 69,000         | 0          | 0              | 0                   | 0          | 0                | 0              | 34               | 4,701,094         |
| Mar           | 26         | 3,132,341         | 0            | 0                | 3          | 504,374          | 0        | 0              | 1          | 150,000        | 0                   | 0          | 1                | 118,320        | 31               | 3,905,035         |
| Apr           | 31         | 3,658,781         | 1            | 1,400,419        | 3          | 256,200          | 1        | 29,000         | 1          | 150,000        | 0                   | 0          | 2                | 61,400         | 39               | 5,555,800         |
| May           | 38         | 3,559,921         | 2            | 463,410          | 6          | 228,823          | 0        | 0              | 0          | 0              | 0                   | 0          | 3                | 290,000        | 49               | 4,542,154         |
| Jun           | 20         | 1,578,822         | 2            | 353,483          | 6          | 214,810          | 2        | 246,420        | 0          | 0              | 0                   | 0          | 1                | 30,000         | 31               | 2,423,535         |
| Jul           | 21         | 2,399,630         | 1            | 55,000           | 3          | 1,060,000        | 0        | 0              | 0          | 0              | 0                   | 0          | 0                | 0              | 25               | 3,514,630         |
| Aug           |            |                   |              |                  |            |                  |          |                |            |                |                     |            |                  |                |                  |                   |
| Sep           |            |                   |              |                  |            |                  |          |                |            |                |                     |            |                  |                |                  |                   |
| Oct           |            |                   |              |                  |            |                  |          |                |            |                |                     |            |                  |                |                  |                   |
| Nov           |            |                   |              |                  |            |                  |          |                |            |                |                     |            |                  |                |                  |                   |
| Dec           |            |                   |              |                  |            |                  |          |                |            |                |                     |            |                  |                |                  |                   |
| <b>Totals</b> | <b>188</b> | <b>22,428,379</b> | <b>7</b>     | <b>2,553,241</b> | <b>27</b>  | <b>2,391,275</b> | <b>5</b> | <b>346,420</b> | <b>3</b>   | <b>339,745</b> | <b>0</b>            | <b>0</b>   | <b>11</b>        | <b>677,215</b> | <b>241</b>       | <b>28,736,275</b> |

\*Multi-Development



## PLANNING STATISTICAL REPORT – SEPTEMBER 2013 – (DETERMINATIONS)

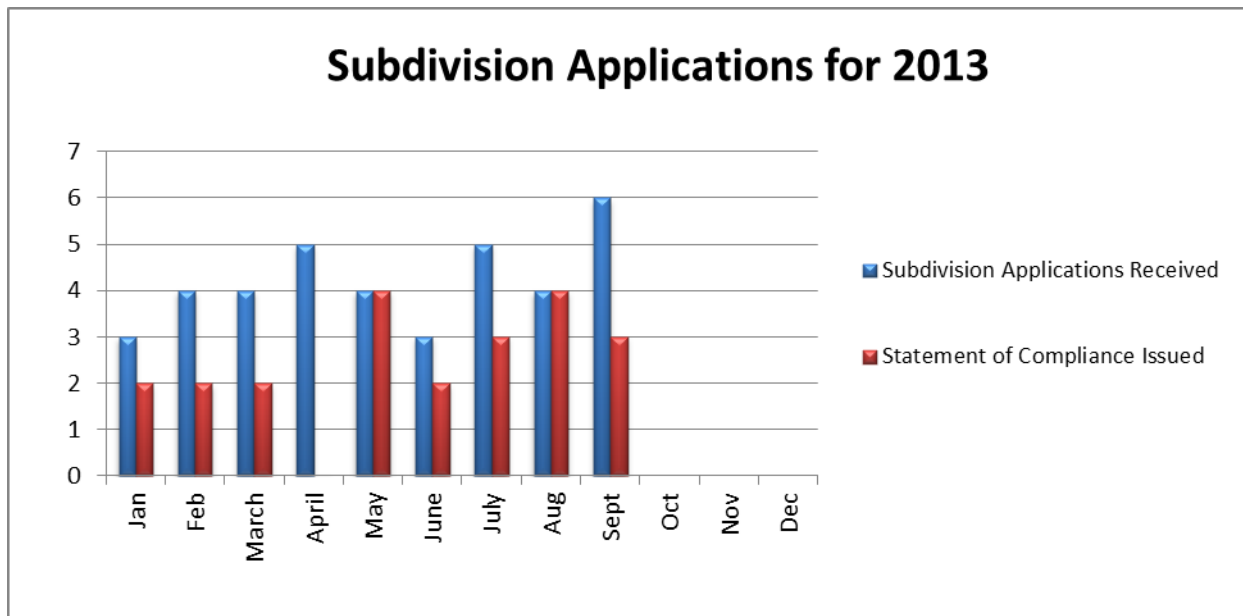
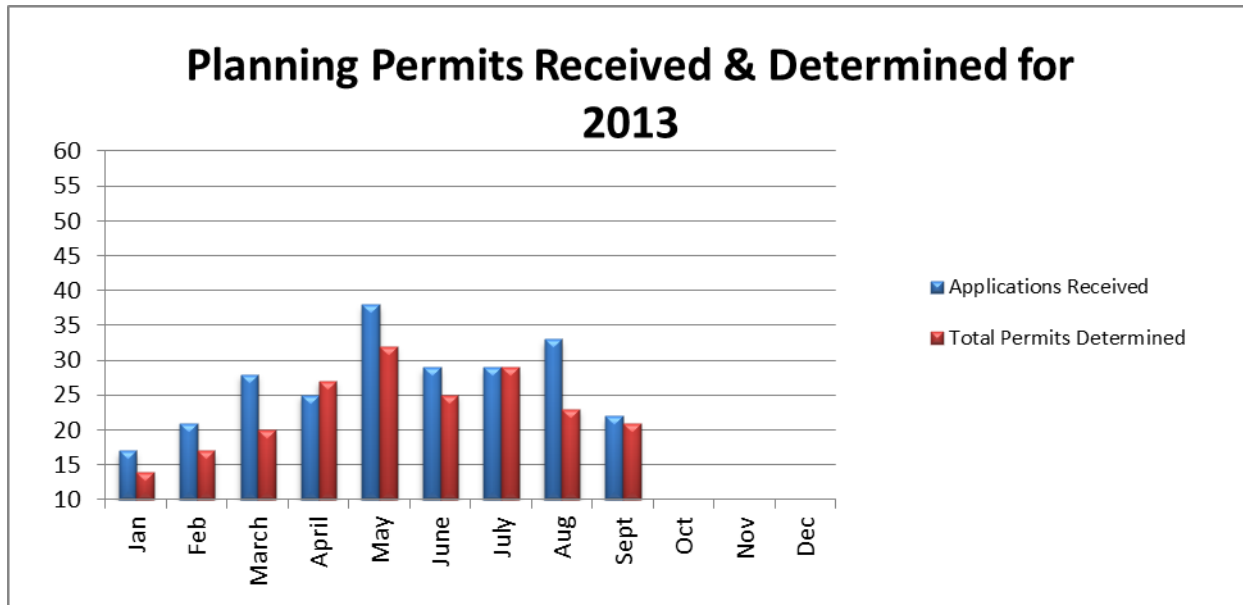
| APPLICATION NUMBER | DATE RECEIVED | LOCATION                           | PROPOSAL                                                                                                                                                                          | STATUTORY DAYS | DATE DETERMINED | DETERMINATION & AUTHORITY           |
|--------------------|---------------|------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|-----------------|-------------------------------------|
| PP119/2006-4       | 13 DEC 2012   | 100 MAGGIOS ROAD BARONGAROOK       | CONSTRUCTION OF A DWELLING, TWO (2) SHEDS AND A SWIMMING POOL                                                                                                                     | 163            | 6 SEP 2013      | PERMIT ISSUED<br><b>DELEGATE</b>    |
| PP339/2008-2       | 11 JUN 2013   | 190 RED JOHANNA ROAD JOHANNA       | USE AND DEVELOPMENT OF THE LAND FOR A DWELLING – AMENDMENT TO PP339/08 TO ALLOW THE CONSTRUCTION OF AN OUTBUILDING                                                                | 40             | 5 SEP 2013      | PERMIT ISSUED<br><b>DELEGATE</b>    |
| PP271/2012-1       | 21 DEC 2012   | 35 JOHNSONS ROAD BARONGAROOK       | BUILDINGS AND WORKS COMPRISING EXTENSION TO DWELLING                                                                                                                              | 215            | 11 SEP 2013     | REFUSAL TO GRANT<br><b>DELEGATE</b> |
| PP35/2013-1        | 25 FEB 2013   | 11 STURT COURT WYE RIVER           | BUILDINGS AND WORKS COMPRISING EXTENSIONS AND ALTERATIONS TO DWELLING                                                                                                             | 2              | 9 SEP 2013      | PERMIT ISSUED<br><b>DELEGATE</b>    |
| PP50/2013-1        | 14 MAR 2013   | 140 MAIN STREET BEEAC              | PARTIAL CHANGE OF USE OF OUTBUILDING TO MOTOR VEHICLE REPAIRS (EXCLUDING PANEL BEATING AND SPRAY PAINTING) AND SERVICING (RETROSPECTIVE) AND ALTERATIONS TO THE CROSSOVER TO RDZ1 | 63             | 11 SEP 2013     | PERMIT ISSUED<br><b>DELEGATE</b>    |
| PP97/2013-1        | 13 MAY 2013   | 2 OLD TUXION ROAD APOLLO BAY       | USE OF THE LAND FOR AGRICULTURE                                                                                                                                                   | 93             | 4 SEP 2013      | PERMIT ISSUED<br><b>DELEGATE</b>    |
| PP108/2013-1       | 17 MAY 2013   | 1-13 GREAT OCEAN ROAD KENNET RIVER | CONSTRUCTION OF ANCILLARY BUILDING (CAMP KITCHEN) AT CAMPING AND CARAVAN PARK                                                                                                     | 55             | 9 SEP 2013      | PERMIT ISSUED<br><b>DELEGATE</b>    |
| PP121/2013-1       | 27 MAY 2013   | 18 RIDGE DRIVE KENNET RIVER        | BUILDINGS AND WORKS COMPRISING EXTENSION TO DWELLING                                                                                                                              | 96             | 3 SEP 2013      | PERMIT ISSUED<br><b>DELEGATE</b>    |
| PP132/2013-1       | 11 JUN 2013   | 85 BUSHBYS ROAD BARONGAROOK        | BUILDINGS AND WORKS COMPRISING CONSTRUCTION OF A DWELLING                                                                                                                         | 56             | 3 SEP 2013      | PERMIT ISSUED<br><b>DELEGATE</b>    |
| PP173/2013-1       | 26 JUL 2013   | 10 BREAKWATER ROAD APOLLO BAY      | BUILDINGS AND WORKS COMPRISING CONSTRUCTION OF A PERGOLA, RETRACTABLE SUNSHADE                                                                                                    | 38             | 3 SEP 2013      | PERMIT ISSUED<br><b>DELEGATE</b>    |
| PP150/2011-1       | 10 JUN 2013   | 7-9 GAMBIER STREET APOLLO BAY      | BUILDING AND WORKS COMPRISING THE CONSTRUCTION OF MANAGER'S RESIDENCE ANCILLARY TO BACKPACKER'S LODGE                                                                             | 111            | 16 SEPT 2013    | PERMIT ISSUED<br><b>DELEGATE</b>    |
| PP29/2013-1        | 15 FEB 2013   | 232 FOREST STREET SOUTH ELLIMINYT  | USE AND DEVELOPMENT OF THE LAND FOR A DWELLING                                                                                                                                    | 70             | 24 SEPT 2013    | PERMIT ISSUED<br><b>DELEGATE</b>    |
| PP95/2013-1        | 10 MAY 2013   | 13 JOHNSTONE CRESCENT COLAC        | BUILDINGS AND WORKS COMPRISING CONSTRUCTION OF FRONT FENCE AND INSTALLATION OF SOLAR PANELS                                                                                       | 60             | 17 SEPT 2013    | PERMIT ISSUED<br><b>DELEGATE</b>    |
| PP172/2013-1       | 26 JUL 2013   | 175 YAUGHER ROAD FORRESET          | BUILDINGS AND WORKS COMPRISING THE CONSTRUCTION OF AN OPEN HAYSHED                                                                                                                | 56             | 20 SEPT 2013    | PERMIT ISSUED<br><b>DELEGATE</b>    |
| PP187/2013-1       | 15 AUG 2013   | 224-236 MURRAY STREET COLAC        | PARTIAL DEMOLITION OF SHED AND WORKS TO REINSTATE END WALL TO SHED                                                                                                                | 25             | 23 SEPT 2013    | PERMIT ISSUED<br><b>DELEGATE</b>    |

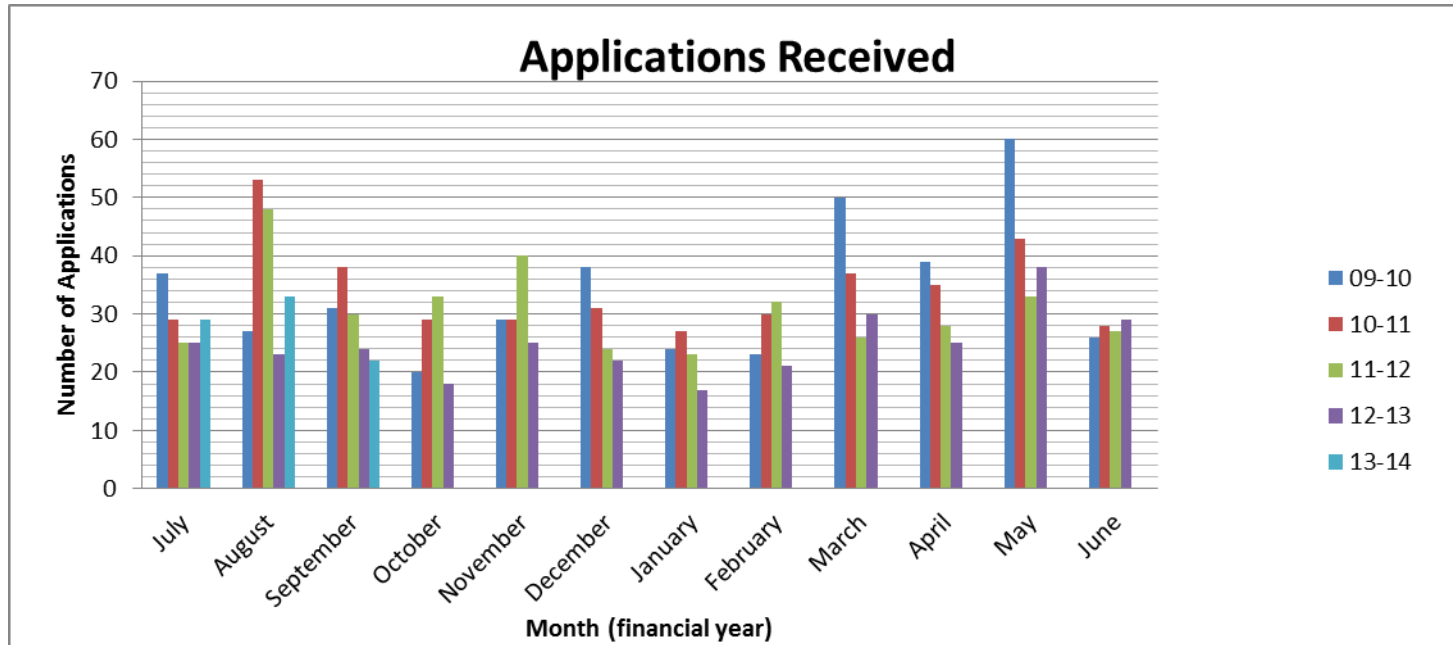
| APPLICATION NUMBER | DATE RECEIVED | LOCATION                     | PROPOSAL                                      | STATUTORY DAYS | DATE DETERMINED | DETERMINATION & AUTHORITY        |
|--------------------|---------------|------------------------------|-----------------------------------------------|----------------|-----------------|----------------------------------|
| PP171/2013         | 25 JUL 2013   | 715 EURACK ROAD EURACK       | CONSTRUCTION OF AGRICULTURAL BUILDING         | 38             | 30 SEPT 2013    | PERMIT ISSUED<br><i>DELEGATE</i> |
| PP223/2013-1       | 25 SEPT 2013  | 265/281 MURRAY STREET COLAC  | DISPLAY OF BUSINESS IDENTIFICATION SIGNAGE    | 5              | 30 SEPT 2013    | PERMIT ISSUED<br><i>DELEGATE</i> |
| PP241/2007-3       | 24 SEPT 2013  | 400 RED JOHANNA ROAD JOHANNA | DEVELOPMENT AND USE AS A DWELLING – AMENDMENT | 6              | 30 SEPT 2013    | PERMIT ISSUED<br><i>DELEGATE</i> |

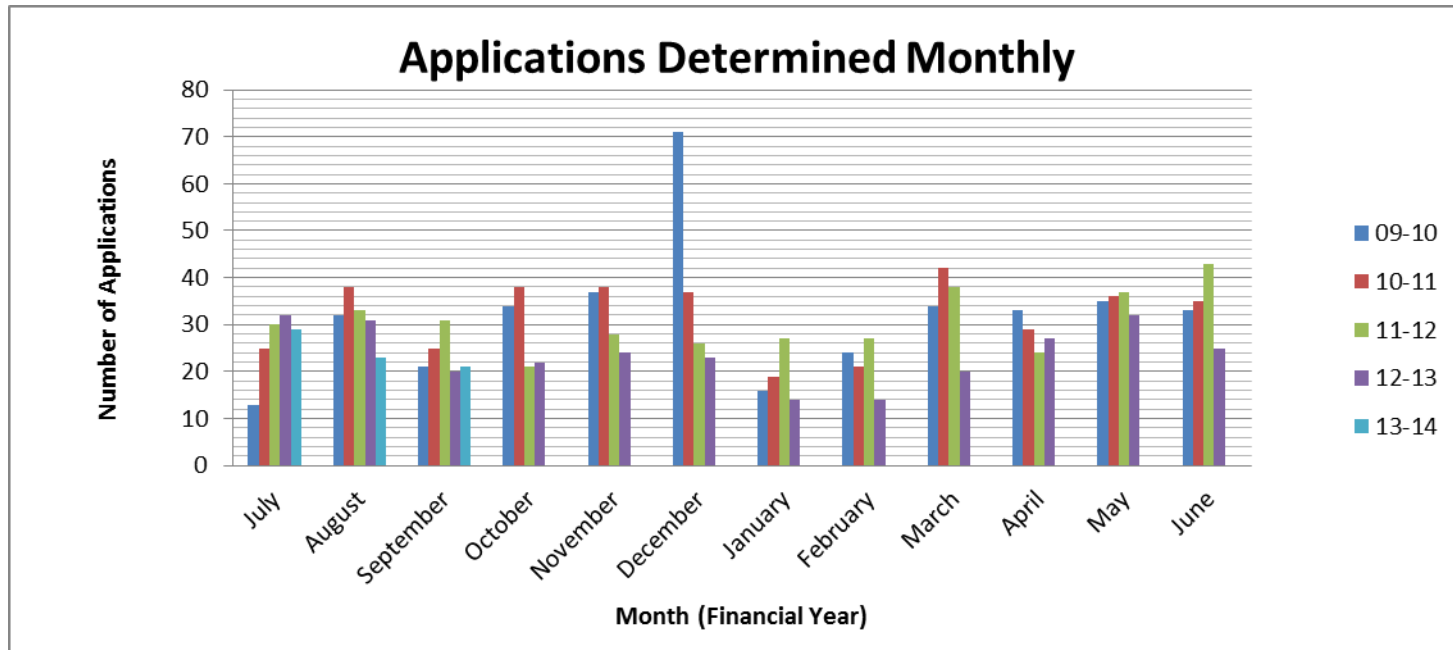
|                                                           |  |  |  |    |  |  |
|-----------------------------------------------------------|--|--|--|----|--|--|
| AVERAGE STATUTORY DAYS TO DETERMINE PLANNING APPLICATIONS |  |  |  | 66 |  |  |
|-----------------------------------------------------------|--|--|--|----|--|--|

**PLANNING STATISTICAL REPORT – AUGUST 2013 (PERMITS NOT REQUIRED, WITHDRAWN & LAPSED APPLICATIONS)**

| APPLICATION NUMBER | DATE RECEIVED | LOCATION                                    | PROPOSAL                                                                                                                                                                                         | STATUTORY DAYS | DATE DETERMINED | DETERMINATION & AUTHORITY |
|--------------------|---------------|---------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|-----------------|---------------------------|
| PP82/2010-2        | 11 JUN 2013   | 730 COLAC LAVERS HILL ROAD BARONGAROOK WEST | REBUILD TO PREVIOUSLY ENDORSED PLANNING PERMIT AND ENABLE ALL ASBESTOS TO BE REMOVED TO APPROVE DUMP SITE                                                                                        | 0              | 2 SEPT 2013     | WITHDRAWN                 |
| PP99/2005-4        | 01 APRIL 2012 | 1/118-128 BROMFIELD STREET COLAC            | USE AND DEVELOP FOUR (4) RETAIL SHOPS & ASSOCIATED ILLUMINATED SIGNAGE – AMENDMENT TO THE LOADING BAY AREA AT THE REAR ONTO RAE STREET AND THE REMOVAL OF THREE (3) ON STREET CAR PARKING SPACES | 29             | 6 SEPT 2013     | WITHDRAWN                 |
| PP198/2013-1       | 23 AUG 2013   | 70 ACKERLEYS ROAD EAST BARONGAROOK WEST     | CONSTRUCTION OF A VERANDAH ON EXISTING DWELLING                                                                                                                                                  | 0              | 23 SEPT 2013    | PERMIT NOT REQUIRED       |
|                    |               |                                             |                                                                                                                                                                                                  | 58             |                 |                           |



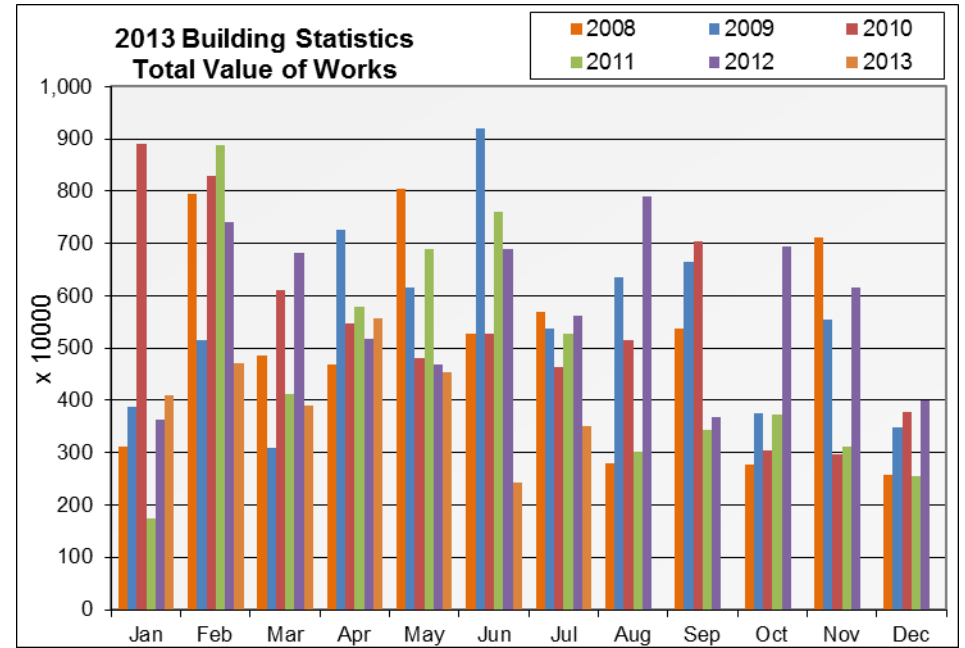
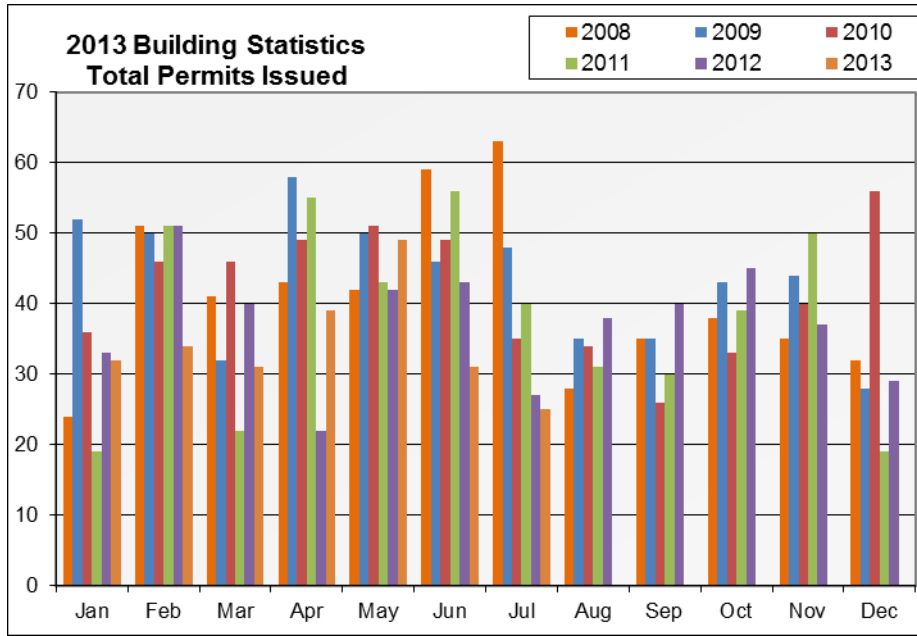




|               | Domestic   |                   | Residential* |                  | Commercial |                  | Retail   |                | Industrial |                | Hospital/HealthCare |            | Public Buildings |                | Municipal Totals |                   |
|---------------|------------|-------------------|--------------|------------------|------------|------------------|----------|----------------|------------|----------------|---------------------|------------|------------------|----------------|------------------|-------------------|
|               | 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           | 21         | 3,757,719         | 0            | 0                | 5          | 117,068          | 1        | 2,000          | 1          | 39,745         | 0                   | 0          | 4                | 177,495        | 32               | 4,094,027         |
| Feb           | 31         | 4,341,165         | 1            | 280,929          | 1          | 10,000           | 1        | 69,000         | 0          | 0              | 0                   | 0          | 0                | 0              | 34               | 4,701,094         |
| Mar           | 26         | 3,132,341         | 0            | 0                | 3          | 504,374          | 0        | 0              | 1          | 150,000        | 0                   | 0          | 1                | 118,320        | 31               | 3,905,035         |
| Apr           | 31         | 3,658,781         | 1            | 1,400,419        | 3          | 256,200          | 1        | 29,000         | 1          | 150,000        | 0                   | 0          | 2                | 61,400         | 39               | 5,555,800         |
| May           | 38         | 3,559,921         | 2            | 463,410          | 6          | 228,823          | 0        | 0              | 0          | 0              | 0                   | 0          | 3                | 290,000        | 49               | 4,542,154         |
| Jun           | 20         | 1,578,822         | 2            | 353,483          | 6          | 214,810          | 2        | 246,420        | 0          | 0              | 0                   | 0          | 1                | 30,000         | 31               | 2,423,535         |
| Jul           | 21         | 2,399,630         | 1            | 55,000           | 3          | 1,060,000        | 0        | 0              | 0          | 0              | 0                   | 0          | 0                | 0              | 25               | 3,514,630         |
| Aug           |            |                   |              |                  |            |                  |          |                |            |                |                     |            |                  |                |                  |                   |
| Sep           |            |                   |              |                  |            |                  |          |                |            |                |                     |            |                  |                |                  |                   |
| Oct           |            |                   |              |                  |            |                  |          |                |            |                |                     |            |                  |                |                  |                   |
| Nov           |            |                   |              |                  |            |                  |          |                |            |                |                     |            |                  |                |                  |                   |
| Dec           |            |                   |              |                  |            |                  |          |                |            |                |                     |            |                  |                |                  |                   |
| <b>Totals</b> | <b>188</b> | <b>22,428,379</b> | <b>7</b>     | <b>2,553,241</b> | <b>27</b>  | <b>2,391,275</b> | <b>5</b> | <b>346,420</b> | <b>3</b>   | <b>339,745</b> | <b>0</b>            | <b>0</b>   | <b>11</b>        | <b>677,215</b> | <b>241</b>       | <b>28,736,275</b> |



\*Multi-Development



PC130910-2

**USE AND DEVELOPMENT OF THE LAND FOR A DWELLING, AND ASSOCIATED WORKS INCLUDING SITE CUT AT 240 TUXION ROAD, APOLLO BAY (PP240/2012-1).**

|             |                                    |           |            |
|-------------|------------------------------------|-----------|------------|
| AUTHOR:     | Ian Williams                       | ENDORSED: | Jack Green |
| DEPARTMENT: | Sustainable Planning & Development | FILE REF: | F12/9612   |

**Location:** 240 Tuxion Road, Apollo Bay

**Zoning:** Rural Conservation Zone

**Overlay controls:** Erosion Management Overlay (EMO1)  
Bushfire Management Overlay (BMO)  
Significant Landscape Overlay (SLO3)

**Proposed Amendments:**

The site would be affected by proposed Amendment C70. An increase in coverage of the Environmental Significance Overlay (ESO4) over the northern and southern parts of the application site is proposed under this Amendment. The car parking area, the end of the driveway and part of the dwelling would be within one section of the proposed ESO4. The Amendment relates to areas and sites of biodiversity value that have been identified and mapped throughout the Colac Otway Shire by the Department of Environment and Primary Industries (formerly the Department of Sustainability and Environment - DSE). The Amendment proposes to update the mapping for biodiversity values and assets across the Shire and the relevant overlays of the Colac Otway Planning Scheme relating to biodiversity protection and enhancement.

However, as the Amendment has not been approved, it is not considered to currently have sufficient weight to materially influence the decision on this application.

**Purpose**

This application seeks planning permission to use and develop the land for a dwelling and outbuilding. Significant site cut is also proposed as part of the associated works.

Consideration of this application by the Planning Committee is required as the height of the proposed development would be above 8m.

**Declaration of Interests**

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

**Summary**

- Planning permission is sought to use and develop the land for a dwelling and outbuilding, together with associated works including significant site cut of up to approximately 4m.

- The site is located within the Rural Conservation Zone and is subject to the Erosion Management Overlay (EMO1), Bushfire Management Overlay (BMO) and Significant Landscape Overlay (SLO3).
- The CFA has not objected to the application, subject to the inclusion of conditions on any permit issued.
- Public notice of the application was given and one objection was received. The objection was on the grounds that the proposed shed would be likely to be used as a dwelling.
- The key issues in this case relate to the potential impact of the proposed development on the significant landscape of the area, having regard also to any potential environmental benefits that could be achieved at the site through appropriate management.
- On balance it is considered that the principle of a dwelling on this site is acceptable, however, it is considered that the design and bulk of the proposed dwelling, together with the solid built form of the proposed shed, would conflict with the purpose of the Rural Conservation Zone and dominate the natural landscape setting, being in contrast with the scenic beauty of the immediate area and the preferred character for the Apollo Bay Hills precinct.
- It is considered that the scale, bulk and design of the proposed development are inappropriate for this area, and that the development would be detrimental to the coastal hills of Apollo Bay. The proposed development would lack integration with the landscape character and would be detrimental to the non urban landscape.

### **Background**

There are no previous planning permit applications on record for the subject site. The site is a vacant parcel of land.

### **Issues/Options**

Council has the options of:

- Supporting the application through the issue of a Notice of Decision to Grant a Planning Permit subject to conditions.
- Supporting the application with changes.
- Refusing to grant a permit.

The key issues relating to this application are whether the design, scale and bulk of the proposed development would be consistent with the prevailing coastal landscape setting; whether the proposal is consistent with the purposes of the Rural Conservation Zone; and whether the proposal complies with the preferred direction as specified within the Apollo Bay Structure Plan.

### **Proposal**

Planning permission is sought for the construction of a two-storey dwelling and a shed at 240 Tuxion Road, Apollo Bay. As well as being a private dwelling, part of the proposed dwelling would be used as a bed and breakfast/guesthouse.

The description of development refers only to the dwelling, as 'outbuildings' are included within the definition of a 'dwelling' in the Planning Scheme and 'bed and breakfast' is a section 1 use for which a permit is not required.

The proposed dwelling would be located within the northern corner of the site, approximately 22.5m from the northern site boundary with Tuxion Road and approximately 44m from the western site boundary. The dwelling would be located at approximately 215m AHD (the adjacent section of Tuxion Road to the north is approximately 225-227m AHD).

The proposed dwelling would have a total depth (north to south) of approximately 19m and a width (east to west) of approximately 28m. The maximum height of the dwelling would be 8.9m above natural ground level.

The main entrance to the dwelling would be located on the northern side, adjacent to a deck/verandah. On the upper floor plan, the dwelling would contain living and dining rooms and two bedrooms. A conservatory is proposed to the north eastern side of the dwelling and a large south facing balcony (4.0m by 12.3m) to the southern side. Access to the lower ground floor would be provided via an internal staircase located adjacent to the entry hall. The lower ground floor would contain a cellar, laundry and two guest bedrooms.

The north-west dwelling aspect would present towards Tuxion Road. This facade would be single-storey, with a slate grey roof, natural stone walls and timber sash windows. The conservatory would also be visible from the road and would be timber-framed. The height of the roof of the dwelling above natural ground level on the northern side would be approximately 6.2m. The southwest and southeast elevations would present as two-storey and would also be finished in natural stone with a slate roof. The height of the roof of the dwelling, excluding the chimney, would be approximately 7.6m. The chimney on the south west elevation would be to a height of approximately 8.9m above natural ground level.

The proposed shed would be located approximately 57m to the east of the proposed dwelling and 20m from the northern property boundary. The proposed shed would be approximately 22.2m wide and approximately 8m deep, with a height of approximately 8m. The shed would contain a garage, studio and workshop with wash basin and shower at ground floor level. The shed would also contain a sub-ground floor area, measuring 21.6m by 3.6m, which would be used as a store, and loft space 4.8m by 3.1m. The shed would be finished with timber barn doors, timber sash windows, synthetic grey slate tiles and stone walls in a style to match the proposed dwelling. The applicant has confirmed that the proposed shed would not be used for habitation purposes.

Access to the proposed dwelling and shed would be off Tuxion Road via a gravel driveway positioned on the northern side of the dwelling. The gravel access would be approximately 4m wide. Due to an existing drainage channel within the site, the proposal also includes the provision of a timber bridge (4.5m wide by 28m long by 3m high).

Three rainwater tanks are proposed to the southwest of the dwelling. The wastewater treatment system associated with the dwelling would be located to the south of the shed. The proposal does not require the removal of any vegetation.

The proposal requires approximately 4m of site cut for the dwelling, approximately 3m for the car parking area to the rear of the dwelling, approximately 2m for the shed and approximately 2.8m for the driveway.

### **Site & Surrounds**

The site is located approximately 3.5km from the Apollo Bay town centre. The site comprises one title, being an irregularly shaped parcel of land located on the south side of Tuxion Road. There are no restrictions on title. The site contains a vegetated gully through the central section and has a frontage of approximately 550m to Tuxion Road. The land slopes from north to south, with an approximate fall from 232.5m AHD in the north to 147.5m AHD in the south. With the exception of the vegetated gully, the site does not contain any significant notable features. The absence of vegetation is in contrast to the land located to the east. The site is located within the Rural Conservation Zone and is set amongst existing rural properties used for agriculture, hobby farming and tourist accommodation.

The site forms part of the Apollo Bay Hills Precinct and is distinctive as a location where a number of different landscape elements intersect. The edges and interrelationships between these elements create a landscape setting of national significance. The 'preferred character' of this precinct is the retention of the dramatic intersection of landscape 'edges' which could be further emphasised by increasing indigenous planting for subtle emphasis. The site is not in an area of cultural heritage sensitivity.

### **Public Notice**

Public notice of the application was required in accordance with Section 52 of the *Planning and Environment Act 1987*.

The applicant undertook public notification by means of letters to adjoining and surrounding owners/occupiers, and by the display of a notice on the site. The applicant has provided a Statutory Declaration in relation to notification. It is considered that the advertising has been carried out in accordance with Council's requirements.

At the conclusion of the notification period, one objection had been received. The grounds of objection relate to the possibility that the proposed shed is likely to be used as a dwelling in the future.

### Comment

Within a response to the objection, the applicant has confirmed that the intended use of the shed is as a non-habitable outbuilding ancillary to the dwelling. The shed is intended for storage and other uses ancillary to the dwelling, and it is intended to use the garage area for storage of a vehicle and caravan. The studio/workshop would be used for antique furniture restoration work and storage, and the loft area used for painting and sculpting. The subfloor level would be used for general storage. The owner acknowledges that the shed is not typical in its construction but sees this as preferable to constructing a steel framed industrial/agricultural style shed in a visually prominent position.

Notwithstanding the comments of the applicant, it is also noted that an outbuilding ancillary to a dwelling cannot be used as a dwelling in its own right. Under the provisions of the Rural Conservation Zone, a dwelling is a section 2 (permit required) use and is subject to the condition that it is the only dwelling on the lot.

### **Referrals**

The application was referred to the Country Fire Authority (CFA) under Section 55 and the Department of Environment and Primary Industries (DEPI) under Section 52 of the Planning and Environment Act.

The application was also referred internally to Council's Infrastructure, Environment and Health departments.

The following is a summary of the responses received:

- The CFA has not objected to the application, subject to the inclusion of conditions should Council determine to issue a permit.
- The Department of Environment and Primary Industries (DEPI) has not responded to the referral. This was a s52 notification, rather than a s55 statutory referral, and DEPI has had more than 28 days to respond. It is therefore considered that a decision can reasonably be made without a response from DEPI.
- Council's Infrastructure Department has not objected to this proposal, subject to permit conditions.

- Council's Environment Department has reviewed the application and advised that the proposed re-vegetation would amount to approximately 50% of the land parcel and this re-vegetation would be concentrated within the gullies and along the boundaries. Stock exclusion fencing is also proposed for these areas.

Council's Environment Department concludes that if these actions are coupled with appropriate weed control works, then there would be a significant net environmental benefit which would meet and even exceed the requirements of the zone. In view of this, Council's Environment Department raised no objection to the proposal subject to permit conditions, should Council consider the proposal acceptable.

- Council's Health Department has advised that the proposed location of the effluent field is considered to be unacceptable. The application has not adequately demonstrated that the location of the proposed effluent field would comply with EPA guidelines, which require effluent disposal fields to be at least 60 metres distant from a watercourse in the case of a primary treatment plant and at least 30 metres distant in the case of a septic system producing a 20ppm dissolved solids 300 ppm BOD. Should Council consider this application acceptable in principle, then a Land Capability Report would need to be required by permit condition.

### **Planning Controls**

The site is located within the Rural Conservation Zone and is subject to the Erosion Management Overlay (EMO1), Bushfire Management Overlay (BMO) and Significant Landscape Overlay (SLO3). A planning permit is required under the following clauses of the Colac Otway Planning Scheme:

- Clause 35.06-1 – Rural Conservation Zone – Use of the land for a dwelling.
- Clause 35.06-5 – Rural Conservation Zone – Buildings and works.
- Clause 42.03-2 – Significant Landscape Overlay – Buildings and works.
- Clause 44.01-1 – Erosion Management Overlay – Buildings and works.
- Clause 44.06-1 – Bushfire Management Overlay – Buildings and works associated with 'Accommodation'.

#### a) State and Local Planning Policy Frameworks

The State and Local Planning Policy Frameworks seek 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 11.05 – Regional Development
- Clause 12 – Environmental and Landscape Values
- Clause 13 – Environmental Risks
- Clause 19.03-2 – Water Supply, Sewerage and Drainage
- Clause 21.02 – Vision
- Clause 21.03 – Settlement
- Clause 21.04 – Environment
- Clause 21.04-8 – Landscape Character

The overview of the 'Settlement' section of the Municipal Strategic Statement (MSS) states that *"development of the major towns in the Shire should take place in accordance with the Structure Plans for Colac and Apollo Bay"*. The Apollo Bay Structure Plan was adopted by Council on 26 April 2007.

The Municipal Strategic Statement (MSS) - particularly clause 12.02-1 (Coastal Areas), clause 12.02-2 (Appropriate Development of Coastal Areas), clause 12.02-4 (Coastal Tourism), clause 12.02-6 (The Great Ocean Road Region), clause 21.03-1 (Settlement - General Overview), clause 12.04-2 (Landscapes) and clause 21.03-3 (Settlement – Apollo Bay and Marengo) - together with the Apollo Bay Structure Plan, outlines a number of strategies. Clause 12.02-6 is specific to the Great Ocean Road Region and seeks to ensure development responds to the identified landscape character of the area. Clause 12.04-2 seeks to protect landscapes and significant open spaces that contribute to character, identity and sustainable environments. Clause 12.02-4 seeks to ensure that a diverse range of accommodation options and coastal experiences are maintained and provided for, and that sites and facilities are accessible to all. Clause 12.02-4 also seeks to ensure that development is of an *"appropriate scale, use and intensity"* relative to its location and *"minimises impacts on the surrounding natural visual, environmental and coastal character"*.

The strategies seek to enhance coastal areas and ensure that future development takes place in a manner that responds to environmental constraints and protects the broader landscapes. The strategies seek to ensure development is sensitively sited and designed to respect the character of coastal settlements. The MSS identifies that rural residential living provides a desirable lifestyle for a number of residents and, if appropriately located, can reduce land use conflict in farming areas and contribute toward the economic development of small townships.

The MSS also recognises the Great Ocean Road coastline as one of the most spectacular in Australia and one which requires sensitive attention to maintain its visual qualities and physical features. The MSS seeks to ensure that the natural beauty of the area is reflected in new development and that the Otway foothills are protected as a scenic, undeveloped backdrop to Apollo Bay and Marengo.

#### Apollo Bay Structure Plan

The following principles have guided the preparation of the Apollo Bay Structure Plan (2007):

- *The natural beauty of the area, with its unspoilt beaches set against a dramatic backdrop of rolling hills, provides the overarching character which unites the settlements, and should be reflected in new development.*
- *Protect the Otway foothills as a scenic, undeveloped backdrop to Apollo Bay, Marengo and Skenes Creek.*
- *Protect and enhance the significant views and vistas available from the settlements, the beach and the harbour, as well as the views available from key vantage points in the hills above the Study Area.*

The Structure Plan advises that future proposals should be measured against the principles to ensure that a positive contribution will be made to realising a vision for the area.

Great Ocean Road Region Landscape Assessment Study (GORRLAS)

The Great Ocean Road Region Landscape Assessment Study (GORRLAS - September 2003) underpins many of the recommendations of the Great Ocean Road Region Strategy and describes the landscape of the application site (Precinct 2.4) as:

*“...characterised by a backdrop of tall, steep rugged hills, at the foot of which is gently rolling land, sloping down to the coast. The wide sandy beach at Apollo Bay curves around to Wild Dog Creek, with grassy dunes and low bluffs behind.*

*The hills that encase the precinct are predominantly cleared with some remnant shrubby foothill and riparian forest vegetation. Numerous rivers and creeks incise the hills and run to the bay, which is vegetated with remnant coastal heathland scrub. This largely open, cleared precinct is surrounded by dense, wet eucalypt forest, providing a stark character contrast.”*

The study identifies this landscape as nationally significant which is due, in part, to the intersection of landscape elements, visibility and accessibility from the Great Ocean Road, and high visitation levels. The study adds that the landscape setting of the precinct outside townships is of national significance and warrants additional protection and management.

The foothills provide a natural backdrop to Apollo Bay and Skenes Creek and visually appear to set a limit to urban development, which is focused in the lower portion of the hill. The topography rises sharply behind each settlement, and creates a strong impression of the urban areas being subordinate to the landform. The GORRLAS acknowledges the significance of the foothills in defining the dramatic natural setting of the area, and acknowledges that rural-residential density or clustered cabin-style accommodation could impact on the naturalness of the setting and detract from the significance of the foothills.

The GORRLAS identifies that development above the 40-50 metre contour line is particularly visible, as it is at a point between these contour lines that the hill slope steepens substantially ('break of slope'), rising above the more gently sloping land down to the ocean (*Visibility From the Great Ocean Road Map - Appendix A and the Slope Analysis Map - Appendix B*). The GORRLAS adds that any development permitted above this height would need to adhere to strict guidelines to ensure it remains recessive in the landscape context.

b) Zone Provisions

The purpose of the **Rural Conservation Zone (RCZ)** is:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To conserve the values specified in a schedule to this zone.*
- *To protect and enhance the natural environment and natural processes for their historic, archaeological and scientific interest, landscape, faunal habitat and cultural values.*
- *To protect and enhance natural resources and the biodiversity of the area.*
- *To encourage development and use of land which is consistent with sustainable land management and land capability practices, and which takes into account the conservation values and environmental sensitivity of the locality.*
- *To provide for agricultural use consistent with the conservation of environmental and landscape values of the area.*



- *To conserve and enhance the cultural significance and character of open rural and scenic non urban landscapes.*

Under clause 35.06-2, the use of land for a dwelling must meet the following requirements:

- *Access to the dwelling must be provided via an all-weather road with dimensions adequate to accommodate emergency vehicles.*
- *The dwelling must be connected to a reticulated sewerage system or if not available, the waste water must be treated and retained on-site in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970.*
- *The dwelling must be connected to a reticulated potable water supply or have an alternative potable water supply with adequate storage for domestic use as well as for fire fighting purposes.*
- *The dwelling must be connected to a reticulated electricity supply or have an alternative energy source.*

Before deciding on an application to use or subdivide land, construct a building or construct or carry out works, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate the decision guidelines from the zone:

- *The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *Any Regional Catchment Strategy and associated plan applying to the land.*
- *The capability of the land to accommodate the proposed use or development.*
- *How the use or development conserves the values identified for the land in a schedule.*
- *Whether the use or development protects and enhances the environmental, agricultural and landscape qualities of the site and its surrounds.*
- *Whether the site is suitable for the use or development and the compatibility of the proposal with adjoining land uses.*
- *The environmental capacity of the site to sustain the rural enterprise.*
- *The need to prepare an integrated land management plan.*
- *The impact on the existing and proposed infrastructure.*
- *Whether the use or development will have an adverse impact on surrounding land uses.*
- *An assessment of the likely environmental impact on the biodiversity and in particular the flora and fauna of the area.*
- *The protection and enhancement of the natural environment of the area, including the retention of vegetation and faunal habitats and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge areas.*
- *How the use and development relates to sustainable land management and the need to prepare an integrated land management plan which addresses the protection and enhancement of native vegetation and waterways, stabilisation of soil and pest plant and animal control.*
- *The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.*
- *Whether the dwelling will result in the loss or fragmentation of productive agricultural land.*
- *Whether the dwelling will be adversely affected by agricultural activities on adjacent and nearby land due to dust, noise, odour, use of chemicals and farm machinery, traffic and hours of operation.*

- *Whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural uses.*
- *The need to minimise any adverse impacts of siting, design, height, bulk, and colours and materials to be used, on landscape features, major roads and vistas.*
- *The location and design of existing and proposed infrastructure services which minimises the visual impact on the landscape.*
- *The need to minimise adverse impacts on the character and appearance of the area or features of archaeological, historic or scientific significance or of natural scenic beauty or importance.*
- *The location and design of roads and existing and proposed infrastructure services to minimise the visual impact on the landscape.*

Under clause 35.06-1, the use of the land for a dwelling (including outbuilding) is a Section 2 use that requires a permit. The use of the land as a 'Bed and Breakfast' is a Section 1 use (permit not required) within the Rural Conservation Zone provided the conditions associated with this use are met. The conditions state that no more than 6 persons may be accommodated away from their normal place of residence, and at least 1 car parking space must be provided for each 2 persons able to be accommodated away from their normal place of residence. (Two guest rooms are proposed within the dwelling, which would require two spaces - 4 parking spaces are proposed adjacent to the dwelling, which would cater for residents and guests.)

Under Clause 35.06-5 a permit is required to construct a building or carry out works associated with a use in Section 2 of Clause 35.06-1.

c) Overlay Provisions

The site is covered by the **Significant Landscape Overlay (SLO3)** - Apollo Bay Coastal Valley and Hills Precinct. The overlay identifies the key considerations in the determination of applications as follows:

- *To increase the use of indigenous vegetation to highlight natural features within the precinct.*
- *To consider the contrasts between landscape elements within the precinct.*
- *To ensure that development that occurs on hill faces or in other prominent locations is not highly visible and sensitively designed.*
- *To protect the clear sweeping views to and from the ocean available from the precinct.*
- *To consider the dominance of an indigenous natural landscape in coastal areas, between townships, particularly from the Great Ocean Road and avoid ribbon development.*
- *The conservation and enhancement of the landscape values of the area.*
- *The need to remove, destroy or lop vegetation to create defensible space to reduce the risk of bushfire to life and property.*
- *The impact of the proposed buildings and works on the landscape due to height, bulk, colour, general appearance or the need to remove vegetation.*
- *The extent to which the buildings and works are designed to enhance or promote the landscape character objectives of the area.*
- *The impact of buildings and works on significant views.*
- *The overview, objectives and strategies at Clause 21.04-8.*
- *The 'Apollo Bay Coastal Valley and Hills Precinct Development Principles Incorporated Plan' from the Great Ocean Road Region Landscape Assessment Study at Clause 81.*

Under clause 42.03-2 of the Significant Landscape Overlay (SLO3), a permit is required to construct a building or construct or carry out works.

The site is also covered by the **Erosion Management Overlay (EMO1)**. A key purpose of this overlay is:

- *To protect areas prone to erosion, landslip or other land degradation processes, by minimising land disturbance and inappropriate development.*

Under clause 44.01-1 a permit is required to construct a building or construct or carry out works.

In addition, the site is covered by the **Bushfire Management Overlay (BMO)**. The key purpose of this overlay is as follows:

- *To assist to strengthen community resilience to bushfire.*
- *To identify areas where the bushfire hazard requires specified bushfire protection measures for subdivision and buildings and works to be implemented.*
- *To ensure that the location, design and construction of development considers the need to implement bushfire protection measures.*
- *To ensure development does not proceed unless the risk to life and property from bushfire can be reduced to an acceptable level.*

Under clause 44.06-1, a permit is required to construct a building or construct or carry out works associated with 'Accommodation'.

### **Consideration of the Proposal**

The application proposes the construction of a dwelling and a large outbuilding, with associated works including significant site cut of up to 4m.

The main considerations in this case are whether the bulk, scale and design of the dwelling would dominate the natural landscape setting or be in keeping with the natural scenic qualities of the immediate and surrounding area, and whether the use of the land for a dwelling would provide for such future on-site management opportunities to protect the environmental qualities of the site that this would warrant the grant of a planning permit.

#### Use of the land for a dwelling

Clause 35.06-2 sets out specific requirements for the use of land in the Rural Conservation Zone for a dwelling. These relate to access, sewerage, water supply and electricity supply.

The proposed access to the dwelling and shed would be via a 4m wide crushed rock driveway. The applicant has advised that grey water would be recycled for sanitary flushing and garden use, and water would be treated on-site via a domestic sewer treatment plant located to the south of the proposed shed. Council's Health Department has reviewed the application and advised that the proposal does not adequately demonstrate that the location of the proposed effluent field would comply with EPA guidelines. Should Council consider this application acceptable in principle, then a Land Capability Report would need to be required by permit condition. Stormwater would be collected and stored on-site in rainwater tanks for domestic use, with all overflow water taken to a legal point of discharge. The proposed dwelling would be connected to a reticulated electricity supply. Subject to the effluent issues being addressed, it is considered that the proposal could comply with the requirements of clause 35.06-2.

### Environmental Considerations

The applicant has stated that the proposal would assist in providing for future on-site management opportunities to protect the environmental qualities of the site, which currently lacks any significant vegetation. The applicant also considers that the proposed dwelling would not be detrimental to the environmental qualities of the site and would allow for future landscaping and a significant level of planting on site. The extent of proposed landscaping is shown on the submitted plans.

The size of the land parcel is not considered to be significant in terms of land within the Rural Conservation Zone. Consideration should therefore be given to whether the land is suitable for a dwelling and whether the proposal would result in an overall net gain to the landscape values.

It is considered that the substantial revegetation and management of the land proposed is a key consideration in determining whether Council should consider allowing the proposal. Should Council accept the use of the land for a dwelling, the revegetation of the land and the ongoing management would be controlled through permit conditions. It is noted that Council's Environment Department considered this application at an early stage, and has previously advised the applicant to explore how and where the site could be revegetated.

The Council's Environment Department has raised no objection to the proposal and advised that the re-vegetation would be a significant net environmental benefit which would meet and even exceed the requirements of the zone. It also advised that, should Council choose to allow this application, appropriate permit conditions would be required to ensure the protection and enhancement of the natural environment through a '*Land Management Plan*'. The Land Management Plan would assist in securing sustainable land management practices, the protection and enhancement of native vegetation and waterways, stabilisation of soil along Tuxion Road, and pest, plant and animal control.

It is considered that the proposed dwelling would be located a suitable distance from the existing vegetation stands to the west and would not have any impact or require any vegetation removal. The site exhibits little vegetation in comparison to adjacent lots to the east and south. As a result, it is considered that the proposal would present a significant opportunity for improved planting and revegetation on the lot as a whole. Landscaping proposed under this application would significantly improve the natural landscape character from surrounding properties and Tuxion Road; however this should not be the decisive factor as to whether a dwelling is considered to be acceptable.

In view of the potential benefits it is considered that the use of this land for a dwelling could potentially be allowed subject to an appropriate dwelling design and permit conditions requiring a '*Land Management Plan*', as it is considered that the net environmental benefits to the land as a result of the proposed re-vegetation would be a positive outcome.

### Impact on the Landscape Setting

The applicant has advised that *"the proposed dwelling and shed have been designed to be reflective of 'Victorian architecture' and as such, the overall aesthetic beauty of the design complements the landscape backdrop whilst supporting economic development within the tourism sector of Apollo Bay"*. In support of the proposal, the applicant has identified other examples of solid brick dwellings at Nos. 165, 235 and 295 Tuxion Road. The applicant has further advised that the roof height would be less than 8m, with the design presenting as a *"period home with architectural features, articulated facades presenting visual interest which in time will be softened by the natural landscape"*.

The purpose of the Rural Conservation Zone contains clear indications of the intent of the zone, and seeks to conserve and enhance the landscape and environmental values of the immediate and surrounding area. It is considered that the design and bulk of the proposed dwelling, together with the solid built form of the proposed shed, would conflict with the purpose of the zone and dominate the natural landscape setting, being in contrast with the scenic beauty of the immediate area and the preferred character for the Apollo Bay Hills precinct. It is considered that the proposed development would be inappropriate for the coastal hills of Apollo Bay and would lack integration with the landscape character, being detrimental to the non urban landscape.

Given the potential impact resulting from the overall design, bulk and appearance of the proposed built form on the natural landscape features, officers advised the applicant of the need to minimise any adverse impacts of siting, design, height, bulk, colours and materials on the major roads and vistas and the natural scenic beauty of the immediate and surrounding area.

Officers encouraged the applicant to revise the design and present a dwelling with a lighter built form, comprising a mix of coastal materials and suitable natural colours. Following consideration of the issues raised by Council, the applicant provided amended plans (received on the 20 June 2013) reducing the width of the dwelling by 4.2m. However, this minor amendment is not considered sufficient to adequately reduce the visual impact of the structure on the natural landscape setting.

It is not considered that the built form of the proposed dwelling would be recessive in the landscape, or positively reflect the natural beauty of the surrounds. It is considered that the proposal would not make a positive contribution to the preferred vision for the area, detracting from the naturalness of the coastal setting and the significance of the surrounding foothills. As such, it is considered that the proposal is in conflict with the Apollo Bay Structure Plan, the GORRLAS, and the purpose and decision guidelines as set out in the Rural Conservation Zone and the preferred landscape character contained within the Significant Landscape Overlay Schedule 3.

#### View from Tuxion Road

The proposed dwelling would be located at approximately 215m AHD, with an approximate height of 8m (223m AHD). Tuxion Road wraps around the application site to the west and north. To the north of the site Tuxion Road is located at approximately 225-227m AHD and to the west it is at approximately 210m AHD. It is considered that a significant part of the dwelling and shed would be visible from Tuxion Road.

The applicant considers that a reduction in the proposed width of the dwelling by 4.2m would be sufficient to reduce the visual bulk on the natural landscape setting when viewed from the public realm. The applicant has also advised that any visible impact from Tuxion Road would be negated by the overall height being less than 8m, by the location of the dwelling within a natural depression in the landscape and by the additional vegetation planting to soften the built form. The applicant adds that there would be no impact on Tuxion Road from the proposed development and that the proposal would maintain full uninterrupted views into Apollo Bay. Consideration has been given to the impact of the proposed dwelling when viewed from the public and private realm, notably adjacent dwellings and Tuxion Road.

The closest existing dwelling to the application site is located approximately 150m north-east of the proposed dwelling at No. 325 Tuxion Road. The dwelling at No. 325 Tuxion Road is located at approximately 240m AHD. Given that the roof of the dwelling would be located at approximately 223m AHD and the roof of the shed would be at approximately 235m AHD, it is considered that the height of the proposed dwelling and shed would not impact on any existing coastal views from nearby or adjacent dwellings, notably No. 325 Tuxion Road.

It is accepted that planting and landscaping would assist in screening and softening the built form; however overall it is considered that the bulk and mass of the dwelling would be significantly dominant within the context of the landscape setting and would be detrimental to the coastal character of the Apollo Bay foothills when viewed from Tuxion Road.

#### View from Great Ocean Road

The proposed location of the dwelling and shed would be approximately 2.2km from the Great Ocean Road. Under the requirements of this Significant Landscape Overlay (SLO3), the *'landscape character objective'* seeks to ensure that *"development that occurs on hill faces or in other prominent locations is not highly visible and has been sensitively designed to 'protect the clear sweeping views to and from the ocean available from the precinct'"*. The Apollo Bay Structure Plan (2007) also seeks to protect the natural beauty of the area and the Otway foothills as a scenic, undeveloped backdrop to Apollo Bay and the Great Ocean Road.

In support of this application, the applicant has submitted visual impact assessments/photomontages to demonstrate the visual impact of the development within the context of the landscape setting from Tuxion Road and from the Great Ocean Road to the south.

As noted earlier, the Great Ocean Road Region Landscape Assessment Study identifies the landscape setting outside of the townships as being of National Significance and one that warrants additional protection and management. Given the scale, bulk, mass, materials and siting, the proposal is not considered to be of a low scale or present a development that is recessive in the landscape, being one which it is considered would be significantly visible and detrimental to scenic views from the Great Ocean Road.

#### Proposed Bridge

As part of the application, the applicant has proposed an elevated timber bridge to link the dwelling and the outbuilding. The timber bridge would be approximately 28m long and 4.5m wide elevated to a height of approximately 3m. The proposed bridge would be located at raised ground level, below the height of Tuxion Road. In terms of its design and location within the natural landscape setting, it is not considered that the proposed bridge would be detrimental to the coastal landscape setting of Apollo Bay. Council's Infrastructure Department has considered the proposed bridge and has not raised any objection.

#### Erosion Management Considerations

This application was received by Council on 24 October 2012. The transitional arrangements in the schedule to the Erosion Management Overlay state that any planning permit application that was lodged with Council prior to approval of Amendment C68 on 31 January 2013 does not need to meet the requirements of the new schedule. The transitional arrangements apply to this application.

The proposal requires approximately 3m of site cut for the length of the dwelling and car parking area to the northern side (approximately 17m), approximately 2m of site cut for the shed and approximately 2.8m of site cut for the driveway. In support of the application, the applicant has provided a preliminary Landslip Risk Assessment report dated 29 June 2011, reference 34617 by Saunders Consulting Group. The report identifies that the site has a moderate risk of landslide and, as such, a full Landslip Risk Assessment Report for the site has been prepared. The applicant has submitted a Geotechnical Assessment Report dated August 2011 reference 34617-LRA. The report identifies that the risks of property damage are 'very low to moderate' and the risk of injury is 'tolerable' based on the guidelines published by the Australian Geometrics Society March 2007.

Following concerns raised by Council, an addendum report dated 17 June 2013 (reference 34617-A-LRA) has been submitted. The submitted report makes specific reference to the proposed double-storey stone veneer residence, stone shed, timber access-bridge and car parking area. The plans submitted with the application have been referenced within the addendum report. The report concludes that the risk of property damage is '*very low to moderate*' and the risk of injury is '*tolerable*' based on the guidelines published by the Australian Geomechanics Society March 2007. The submitted geotechnical report makes a number of recommendations that would reduce or maintain the likelihood and/or consequences of the conceivable landslide events below the recommended '*acceptable risk levels*'. As such, should Council choose to allow this application, these should be included as permit conditions.

#### Bushfire Considerations

The applicant has submitted a Bushfire Management Statement undertaken by 2020 Engineering Solutions, dated 8 October 2012 reference ES12156.1. The revised plans submitted by the applicant on 20 June 2013 include a turning bay area towards the northern side of the shed and it has been advised that the landscaping proposed has been designed to meet the recommendations of the Bushfire Management Report. The report has been considered by the CFA, which has not raised any objection to the proposal subject to the inclusion of permit conditions. Should Council choose to allow this application, these must be included as permit conditions.

#### **Council Plan/Other Strategies/Policy A Planned Future**

Creates an attractive shire with quality buildings and spaces, accessible travel and transport, and a community that has the services and facilities it needs now and in the future; supports a prosperous economy where trade, manufacturing and business activity flourishes.

#### *Our Goal:*

Facilitate the growth, liveability and development of the shire and encourage innovation and efficiency in the local economy.

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

This proposal raises no financial or resourcing implications for Council for the consideration of the planning application.

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

This proposal raises no risk management or compliance implications for Council.

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

The site is currently a vacant parcel of land and sits at approximately 215m AHD and is separated from the coastal foreshore by the Great Ocean Road. The proposal raises no major concerns in relation to climate change or future sea level rise.

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

Public notice of the application was required, as noted earlier in the report.

#### **Conclusion**

It is not considered that the proposal accords with relevant State and local planning policies, which seek to ensure that development is of an appropriate scale, sensitively sited and designed, respects the coastal landscape character, maintains the visual qualities of the Great Ocean Road coastline, the natural beauty of the area and protects the Otway foothills as a scenic, undeveloped backdrop to Apollo Bay and Marengo.

It is also considered that the built form of the proposed dwelling and shed would not be recessive in the landscape or positively reflect the natural beauty of the surrounds. It is considered that the proposal would not make a positive contribution to the preferred vision for the area, detracting from the naturalness of the coastal setting and the significance of the surrounding foothills. As such, it is considered that the proposal is in conflict with the Apollo Bay Structure Plan and the Great Ocean Road Region Landscape Assessment Study (GORRLAS - 2003) and the purpose and decision guidelines as set out in the Rural Conservation Zone and the preferred landscape character contained within the Significant Landscape Overlay Schedule 3. It is therefore recommended the application be refused.

#### **Attachments**

Nil

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

***That Council's Planning Committee resolve to issue a Refusal to Grant a Planning Permit (PP240/2012-1) for the use and development of the land for a dwelling at 240 Tuxion Road, Apollo Bay on the following grounds:***

- 1. The proposed development, due to its scale, design and prominence, does not accord with relevant State and local planning policies, which seek to ensure that development is of an appropriate scale, sensitively sited and designed, respects the coastal landscape character, maintains the visual qualities of the Great Ocean Road coastline, the natural beauty of the area and protects the Otway foothills as a scenic, undeveloped backdrop to Apollo Bay and Marengo. As such, the proposal is contrary to clauses 12.02-1, 12.02-2, 12.02-6, 12.04-2, 21.03-1, 21.03-3 and 65 of the Colac Otway Planning Scheme.***
- 2. The proposed development does not accord with the purpose and relevant decision guidelines of the Rural Conservation Zone, set out in Clause 35.06 and the Significant Landscape Overlay Schedule 3 of the Planning Scheme, given that:***
  - It has not been adequately demonstrated that the proposed dwelling and outbuilding would conserve and enhance the cultural significance and character of open rural and scenic non urban landscapes.***
  - The proposal would not minimise the adverse impacts of siting, design, height, bulk, and colours and materials.***
- 3. The proposed development does not accord with Council's adopted Apollo Bay Structure Plan, which seeks to ensure that proposals make a positive contribution to realising a vision for the area whilst protecting the Otway foothills as a scenic, undeveloped backdrop to Apollo Bay.***
- 4. The proposed development, due to its scale and design, would not be recessive in the landscape or positively reflect the natural beauty of the surrounds and does not accord with the Great Ocean Road Region Landscape Assessment Study (GORRLAS - 2003) which identifies the landscape as nationally significant and acknowledges that rural-residential development can impact on the naturalness of the setting and detract from the significance of the foothills.***



- 5. *The proposal does not adequately demonstrate that the location of the proposed effluent field would comply with Environmental Protection Authority Guidelines.***

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**PC130910-3 CONSTRUCTION OF A SINGLE-STOREY BUILDING, REDUCTION IN THE CAR PARKING REQUIREMENT AND WAIVER OF THE LOADING BAY REQUIREMENT, DISPLAY OF THREE SIGNS, AND SUBDIVISION OF THE LAND IN TWO (2) LOTS AT 224-236 MURRAY STREET, COLAC (PP205/2013-1)**

|             |                                    |           |            |
|-------------|------------------------------------|-----------|------------|
| AUTHOR:     | Ian Williams                       | ENDORSED: | Jack Green |
| DEPARTMENT: | Sustainable Planning & Development | FILE REF: | F13/7375   |

**Location:** 224-236 Murray Street, Colac

**Zoning:** Commercial 1 Zone

**Overlay controls:** Heritage Overlay (HO305)

**Proposed Amendments:**

Amendment C72 (Part 1) - Colac CBD and Entrances Project (Planisphere, 2012) - introduction of Design and Development Overlay relating to built form within the Colac CBD.

Amendment C72 (Part 2) - application of Parking Overlay Schedule 1.

**Purpose:**

This application seeks planning permission to develop the subject site for office and retail use, reduce the car parking and loading bay requirements, display signage, consolidate existing lots and subdivide the land into two (2) lots.

Consideration of this application by the Planning Committee is required as the proposal includes a reduction in the car parking provision from the rate specified in the Planning Scheme.

**Declaration of Interests**

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

**Summary**

- Planning permission is sought to develop the subject site with a single-storey building for office and retail use. In addition, the application seeks a permit to reduce the car parking and loading bay requirements, display signage, and subdivide the land into two (2) lots, with consolidation of existing lots also proposed.
- The proposed building would provide a base for the provision of new disability support services to Colac Otway Shire residents. A small commercial unit, potentially for retail/café use, is also proposed.
- The building would be finished with glass, metal and painted clad sections.
- The proposed Disability Care office would occupy most of the building, with an area of approximately 841sqm. The proposed office would employ approximately thirty four (34) staff.
- The retail/café unit would be located towards the front of the building and would be accessed from Connor Street.

- The proposal includes the provision of 28 car spaces on site, and seeks approval for a reduction of five (5) spaces and a waiver of the loading bay requirements.
- Three business identification signs are proposed as part of this application.
- At the conclusion of the notification period no objections were received.
- The proposed building, landscaping and interaction with existing built form would not adversely affect the significance of the character or appearance of the surrounding heritage place, and the on-street car parking is considered satisfactory. On this basis it is recommended the application be supported.

### **Background**

Disability Care is a nationwide, demand-driven system of support tailored to the needs of individuals and established on a sustainable, long-term basis. The proposed office building would provide a base for the provision of new disability support services to Colac Otway Shire residents. The Colac development is one of six launch sites being established over the next 3 years. By July 2016, all Barwon area residents (residents within the City of Greater Geelong, the Colac-Otway Shire, the Borough of Queenscliff and the Surf Coast Shire) with significant and permanent disability will progressively access the scheme. The Agency is proposed to work at a local level so that people with disability, their families and carers have access to staff who understand the local community.

A separate planning application has been submitted to Council to demolish the rear part of the former Parker Motor Car garage buildings at 224-236 Murray Street and for associated works including a new external masonry wall with vertical galvanised corrugated cladding to the end of the shed (ref. PP187/2013). The area proposed to be demolished is approximately 720sqm and this would allow for the future use of the land for the proposed office and retail/café space that is subject to this application. A permit was issued for the proposed demolition and associated works on 23 September 2013.

### **Issues / Options**

Council has the options of:

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

The key issues relating to this application are whether the design of the proposed development would be consistent with the prevailing heritage character of the surrounding precinct, and whether the reduction in the car parking requirement would be acceptable. In addition, it is necessary to consider whether the proposal would comply with the preferred direction for the area as specified within the Colac Structure Plan 2007.

### **Proposal**

Planning permission is sought to develop the land fronting Connor Street, Colac as an office for Disability Care Australia, with a small retail/café unit also proposed. The proposed works comprise the construction of a single-storey building (approximately 1000sqm) and car parking area, the display of advertising signs, a reduction in the level of on-site car parking from that specified in the Planning Scheme and a waiver of the loading bay provision, and the subdivision of the land into two lots (with consolidation of existing lots also required). The proposed use of the land for office and retail/café (other than use as a 'shop') use does not trigger a requirement for a planning permit.

The proposed building would have an approximate frontage of 21m onto Connor Street, would be approximately 46.4m deep and would be single-storey with a height of approximately 5.3m. The building would be finished with glass, metal and painted clad sections. Plant associated with the building would be located at roof level.

The building would be enclosed by a 1.8m high colorbond fence to the north and west. The building would be recessed 2.5m from the front title boundary to allow for a covered entry, pathway and landscaping.

The building would be lit by external lighting to achieve low lux level lighting at the building perimeter, to facilitate operation of security CCTV camera monitoring. Four (4) bicycle parking spaces are proposed towards the front of the building.

The proposal would require the removal of three (3) on-street car parking spaces, but also includes the reinstatement of two on-street car spaces adjacent to the existing crossover. The existing crossover would be reinstated as a nature strip.

#### Office

The proposed Disability Care office would occupy most of the building, with a floor area of approximately 841sqm. It is anticipated that the proposed office would employ approximately thirty four (34) staff, with sixteen (16) located in the office on a full-time basis. Additional part time staff would utilise hot-desks and visit the office for specific consultations. The office would be open between the hours of 8.30am - 5.00pm, with staff likely to be on-site until 6.00pm.

#### Retail/Café

The proposed retail/café component would be located towards the front (southern part) of the building facing Connor Street, with entrance doors onto the forecourt. The proposed retail/café space would occupy an area of 116.5sqm.

The exact use of this unit has not yet been determined, and will be left to market forces, but the premises could be used for retail purposes, including potentially a food and drink premises, without the requirement for a further permit (this excludes any use classified in the Planning Scheme as a 'shop', which would require a planning permit). The intention of the retail/café area is to provide additional convenience for visitors to both Disability Care and the hospital opposite. Pedestrian access to the premises would be via Connor Street.

#### Car parking reduction and loading bay waiver

The proposal includes provision of 28 car spaces on site, and seeks approval for a reduction of five (5) spaces from the rate in the Planning Scheme and a waiver of the loading bay requirement. It is proposed that the car-park would be illuminated for safety and to meet the requirements of the Building Code of Australia and relevant Australian Standards.

#### Signage

Three business identification signs are proposed as part of this application. A 'Disability Care Australia' sign (approximately 4.6m by 1.0m) would be located approximately 2.9m above floor level/entry canopy. A second sign is proposed to facilitate identification of the proposed retail/café business. This sign would be approximately 2.4m by 0.50m and located 2.9m above floor level. The third sign is proposed to be located within the landscaped area on the south-east corner of the site. This sign would be approximately 1.2m above ground level and approximately 2.4m wide by 1.0m high. The sign would be finished in an external grade printed acrylic film applied to a white backing panel. The applicant has confirmed that the signs would not be illuminated. In addition, it is proposed to apply a strip of acrylic film to the shopfront glazing.

#### Subdivision

The application includes consolidation of titles and the subdivision of the land into two (2) lots as part of the overall development. Lot 1 would have a 20.12m frontage onto Murray Street, a Road Zone Category 1.

This lot would be 50.29m deep, with an overall area of 1012sqm. Lot 2 would have an overall area of 2023sqm and would be 50.29m deep, with a 40.23m frontage onto Connor Street. The proposed development, including car parking, would be contained entirely within proposed Lot 2.

### **Site & Surrounds**

The application site has a total area of 2023sqm and extends from Murray Street in the north through to Connor Street in the south. It is currently on two titles CA5 Sec 23 and Lot 1 TP583533.

The rear part of the site had originally been occupied by J.H Connor and his son as sale yards. The frontage onto Murray Street was built as a car showroom by the Parkers in the late 1920's and is considered to be an important building in the streetscape of Murray Street. During 1919 the whole site was purchased by W T Parker and converted and used as Parkers Motor Company. The southern section of the site fronts onto Connor Street and comprises galvanised iron wall and roof sections. The building comprises a series of double bay workshops. The site is not currently occupied and had, until recently, been used by Subaru as a car showroom and vehicle maintenance.

The site is located within the Commercial 1 Zone (previously Business 1 Zone). Land to the south is occupied by Colac Community Health Services and is located within the Public Use Zone 3. The land to the east of the application site is occupied by a rural farm supply business. To the west of the application site is a laneway which runs from Connor Street through to Murray Street and is an access lane associated with the existing convenience restaurant (KFC).

The site is not located within an area of Aboriginal cultural heritage sensitivity, and as such, a Cultural Heritage Management Plan is not required for the proposal.

### **Public Notice**

Public notice of the application was required in accordance with Section 52 of the Planning and Environment Act 1987.

The applicant undertook public notification by means of letters to adjoining and surrounding owners/occupiers, and by the display of a notice on the site. The applicant has provided a Statutory Declaration in relation to notification. It is considered that the advertising has been carried out in accordance with Council's requirements.

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

### **Referrals**

The application was not required to be referred externally under Section 55 or 52 of the Planning and Environment Act. (Whilst the proposal would subdivide land adjacent to a road in a Road Zone Category 1, there is no requirement to refer applications for two lot subdivisions that do not require new access to VicRoads.)

The application was referred internally to Council's Heritage Advisor, and the Infrastructure and Building Departments.

The following is a summary of the responses received:

- Council's Building Department raised no objection to the proposed development and advised that a Building Permit would be required prior to the commencement of any building works on site. The appropriate 'note' is recommended for inclusion on any permit issued.

- Council's Infrastructure Department raised no objection to the proposal, subject to conditions being included on any permit issued.
- Council's Heritage Advisor has not raised any objection to the proposal.

### **Planning Controls**

The site is located within the Commercial 1 Zone and is subject to the Heritage Overlay (HO305). A planning permit is required under the following clauses of the Colac Otway Planning Scheme:

- Clause 34.01-3 – subdivision – Commercial 1 Zone
- Clause 34.01-4 – buildings and works – Commercial 1 Zone
- Clause 43.01-1 – buildings and works – Heritage Overlay
- Clause 43.01-1 – construct or display a sign – Heritage Overlay
- Clause 43.01-1 – subdivide land – Heritage Overlay
- Clause 52.05 – Advertising Signs
- Clause 52.06 – Car Parking
- Clause 52.07 – Loading and Unloading of Vehicles
- Clause 52.29 – Subdivide land adjacent to a road in a Road Zone Category 1
- Clause 52.34 – Bicycle Facilities

#### a) State and Local Planning Policy Frameworks

The State and Local Planning Policy Frameworks seek to ensure 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 – Settlement

Clause 13.03-1 – Use of Contaminated or Potentially Contaminated Land.

Clause 15 – Built Environment and Heritage

Clause 15.01 – Urban Environment

Clause 15.01-2 – Urban Design Principles

Clause 15.01-3 – Neighbourhood and Subdivision Design

Clause 15.02 – Sustainable Development

Clause 15.03 – Heritage

Clause 17 – Economic Development

Clause 18.02-5 – Car Parking

Clause 19 – Infrastructure

Clause 21.02 – Vision

Clause 21.03-2 – Colac

Clause 22.01 – Heritage Places

Clause 22.01-9 – HO305 – Murray Street Precinct, Colac

#### Colac Structure Plan (2007)

The Colac Structure Plan was adopted by Council in February 2007. The adopted plan articulates the preferred development future for this key centre of the municipality and broader region. Key issues to emerge from the Structure Plan include:

- *Consolidation around the town centre and activity nodes taking into account heritage constraints.*
- *Retention and enhancement of Colac's heritage assets.*
- *Urban design improvements for the enhancement of the Colac Town Centre and main street.*
- *Provide adequate car parking to cater for commercial development.*

The proposal is considered to be consistent with the broader principles of the State and Local Planning Policy Frameworks, proposing development of high quality urban design and architecture that would contribute positively to the local urban character and sense of place. Whilst the proposed building design is considered to be contemporary, it is also considered that it would complement/respect the context and history of the site and the surrounding built form. It is considered that the proposed use of the land would contribute positively to the economic well-being of the Colac community by supporting and fostering economic growth so that Colac builds on its strengths and achieves its economic potential. It is also considered that the use would meet the needs of the Colac community, providing net community benefit whilst maintaining Colac as a thriving town with a vibrant town centre, offering a variety of opportunities for employment and economic development.

#### Amendment C72 Part 1

Planning Scheme Amendment C72 Part 1 (Colac CBD and Entrances Project 2012) proposes the introduction of a Design and Development Overlay relating to built form within the Colac CBD. The project is a 20 year plan, focusing on the design of buildings and spaces of the Colac CBD and the eastern and western entrances to Colac. The 'vision' of the study identifies that in the next 20 years Colac will:

- *Become known as the 'Botanic Garden City'.*
- *Be a pedestrian-focussed place, accessible for people of all ages and abilities.*
- *Grow as a thriving rural centre of retail, business and community services.*
- *Connect to its natural systems of the Lake and creek corridors.*
- *Proudly express its heritage in the built and natural environment.*
- *Be renowned for its collection of great buildings from all eras of the City's development.*
- *Present an impressive image along the Princes Highway corridor, from the edges of the City to its core.*

#### Amendment C72 Part 2 – Parking Overlay

Part 2 of the amendment introduces the recommendations of completed strategic planning work arising from the Colac and Apollo Bay Car Parking Strategy (2011). Part 2 of the amendment proposes to introduce the Parking Overlay control and Schedule 1 (Colac Commercial Centre). The Overlay seeks to reduce the standard parking rates for Colac and to ensure that uses and development around the hospital precinct do not further contribute to on street parking pressures.

#### Colac and Apollo Bay Car Parking Strategy

The Colac car parking survey results indicated that over the entire commercial centre the demand for both on-street and off-street parking is fairly modest, with a significant number of parking spaces unoccupied during the weekday and weekend peak periods. The parking surveys did, however, identify localised areas of very high parking demand particularly in the vicinity of Murray Street, the national retailers (Safeway, Target and Coles) and the hospital. Despite this, it was found that even in many of the most desirable locations there were often available parking spaces during the peak periods.

b) Zone Provisions

The purpose of the **Commercial 1 Zone (C1Z)** is:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses.*
- *To provide for residential uses at densities complementary to the role and scale of the commercial centre.*

Under clause 34.01-1, no planning permit is required to use the land for an office or retail premises, including 'food and drink premises' (other than 'shop').

Under clause 34.01-3, a permit is required to subdivide land and under clause 34.01-4 a permit is required to construct a building or carry out works.

The consolidation of existing lots and the subdivision of the application site is also proposed. One lot, which it is not proposed to be developed as part of this application, but which would remain associated with the existing vacant car showroom on the adjoining title, would front Murray Street, a road in a Road Zone Category 1. The purpose of the Road Zone Category 1 is:

- To ensure appropriate access to identified roads.
- To ensure appropriate subdivision of land adjacent to identified roads.

c) Overlay Provisions

The site is covered by the **Heritage Overlay (HO305)**. The purpose of the Heritage Overlay is:

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

Under clause 43.01-1 a permit is required to construct a building and carry out works, construct or display a sign, and subdivide land.

The Colac Otway Heritage Study 2003 provides the following historical brief:

*'The Chevrolet Showroom, located at 224 Murray Street, Colac, was built in the Inter-War Spanish Mission style in 1935. The Chevrolet Showroom building is aesthetically and historically important to the Shire of Colac Otway. The Chevrolet Showroom building is aesthetically important for exhibiting the good design characteristics of the Inter-War Spanish Mission style, demonstrated in the decorative detail of the façade.'*



*The Chevrolet Showroom building is aesthetically important for the incorporation of flamboyant Spanish baroque decorative motifs, symbolising American stylistic extravagance that began to influence Australian design in the inter-war years. The Chevrolet Showroom building is historically important for the adoption of a flamboyant design, which was used as a promotional device for advertising the sale and servicing of Chevrolet's latest car models, and for demonstrating an optimistic attitude towards the future as the district emerged from the 1930s economic depression. The Chevrolet Showroom building is historically important in demonstrating the emergence of Colac as the district's leading retail centre'.*

d) Particular Provisions

i. Clause 52.06 – Car Parking

The purpose of this clause is:

- *To ensure that car parking is provided in accordance with the State Planning Policy Framework and Local Planning Policy Framework.*
- *To ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated, the activities on the land and the nature of the locality.*
- *To support sustainable transport alternatives to the motor car.*
- *To promote the efficient use of car parking spaces through the consolidation of car parking facilities.*
- *To ensure that car parking does not adversely affect the amenity of the locality.*
- *To ensure that the design and location of car parking is of a high standard, creates a safe environment for users and enables easy and efficient use.*

Prior to a new use commencing, a new building being occupied, the floor or site area of an existing use being increased or 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.

Clause 52.06-5 specifies that, where a use of land is not specified in the table to clause 52.06-5 or where a car parking requirement is not specified for the use in another provision of the planning scheme or in a schedule to the Parking Overlay, before a new use commences or the floor area or site area of an existing use is increased, car parking spaces must be provided to the satisfaction of the responsible authority.

The Colac and Apollo Bay Parking Study was adopted by Council on 12 December 2011. The Study has not yet been formally incorporated into the Colac Otway Planning Scheme. However, Planning Scheme Amendment C72 Part 2 proposes the introduction of a Parking Overlay which would vary the State parking rates and require a cash-in-lieu payment for spaces not provided. Council has requested the Minister for Planning to approve Part 2 of the Planning Scheme Amendment with minor changes. This Amendment, and the parking study findings, should therefore carry weight in the determination of planning applications.

Schedule 1 to the proposed Parking Overlay is specific to the Colac Commercial Centre and seeks to achieve the following objectives:

- *To ensure that uses and development around the hospital precinct do not further contribute to on street parking pressures.*
- *To provide guidance on the reduction of car parking requirements.*
- *To ensure that retail developments, especially supermarkets, provide adequate and convenient car parking.*
- *To encourage infill city centre blocks with developments incorporating car parking within their development rather than expansive exterior car parking.*
- *To encourage parking areas that are set back within or behind the development to promote active and integrated street frontages.*
- *To promote shared or public parking in preference to single use or private parking to capitalise on shared parking opportunities and make better use of parking supply.*

ii. Clause 52.07 – Loading and Unloading of Vehicles

The purpose of this Clause is:

- *To set aside land for loading and unloading commercial vehicles to prevent loss of amenity and adverse effect on traffic flow and road safety.*

This clause specifies that no building or works may be constructed for the manufacture, servicing, storage or sale of goods or materials unless space is provided on the land for loading and unloading vehicles as specified in the accompanying table. A permit may be granted to waive the requirement if the land area is insufficient and adequate provision is made for loading and unloading vehicles to the satisfaction of the responsible authority.

iii. Clause 52.05 – Advertising Signs

The purpose of this Clause is:

- *To regulate the display of signs and associated structures.*
- *To provide for signs that are compatible with the amenity and visual appearance of an area, including the existing or desired future character.*
- *To ensure signs do not contribute to excessive visual clutter or visual disorder.*
- *To ensure that signs do not cause loss of amenity or adversely affect the natural or built environment or the safety, appearance or efficiency of a road.*

Advertising signs within the Commercial 1 Zone are identified as Category 1 – Commercial Areas – Minimum Limitation.

A planning permit is not required for signage under the provisions of the Commercial Zone provided the total advertisement area of all signs to each premises does not exceed 8 square metres. This does not include a sign with an advertisement area not exceeding 1.5sqm that is below a verandah, or if no verandah, that is less than 3.7m above pavement level. Internally illuminated signs must not exceed 1.5 square metres. No part of the sign may be above a verandah or, if no verandah, more than 3.7 m above pavement level. The sign must be more than 30 m from a residential zone or pedestrian or traffic lights.

Notwithstanding this provision, a planning permit is required for signage under the Heritage Overlay.

iv. Clause 52.29 – Land Adjacent to a Road Zone, Category 1, or a Public Acquisition Overlay for a Category 1 Road

The purpose of this clause is:

- To ensure appropriate access to identified roads.
- To ensure appropriate subdivision of land adjacent to identified roads.

A permit is required to subdivide land adjacent to a road in a Road Zone, Category 1.

An application to create or alter access to, or to subdivide land adjacent to, a road declared as a freeway or arterial road under the Road Management Act 2004, land owned by the Roads Corporation for the purpose of a road, or land in a Public Acquisition Overlay if the Roads Corporation is the authority responsible for acquiring the land, must be referred to the Roads Corporation under Section 55 of the Act. This does not apply to two lot subdivisions requiring no new access.

v. Clause 52.34 – Bicycle Facilities

The purpose of this clause is:

- *To encourage cycling as a mode of transport.*
- *To provide secure, accessible and convenient bicycle parking spaces and associated shower and change facilities.*

A new use must not commence or the floor area of an existing use must not be increased until the required bicycle facilities and associated signage has been provided on the land.

Under the provisions of clause 52.34, an office has a bicycle requirement of 1 bicycle space for each employee to each 300sqm of net floor area if the net floor area exceeds 1000 sq m and 1 bicycle space for each visitor to each 1000sqm of net floor area if the net floor area exceeds 1000sqm.

Under the provisions of clause 52.34, a retail premises has a bicycle requirement for each employee of 1 bicycle space to each 300sqm of leasable floor area for employees and 1 bicycle space for each visitor to each 500sqm of leasable floor area.

### **Consideration of the Proposal**

#### Buildings and Works, and Heritage

The proposed design and associated infrastructure of the proposed development is considered to present an architectural design outcome that would contribute positively to the urban character of the immediate and surrounding area, whilst ensuring that the key elements that contribute to the importance of the heritage place would be retained. It is not considered that the proposed building would detract from the significance of the neighbourhood character of the immediate and surrounding area. The proposed building would not limit views of architecturally notable buildings and features within the Murray Street Precinct, but would respect the character and appearance of the surrounding architectural buildings of notable value on adjacent land.

The height, bulk, mass, orientation and position of the proposed building is considered to be acceptable on the lot, being set back from the front title boundary and presenting an active frontage whilst allowing for suitable landscaping, car parking, services and safe pedestrian entry. The proposed development would present a contemporary urban design, which would include a mix of colours and materials considered to be in harmony with the prevailing neighbourhood character of the immediate and surrounding area, and the Murray Street Heritage Precinct as a whole.

It is considered that the roof top plant and technical equipment would be suitably recessed from the front of the building and, in the location proposed, would be suitably screened from public view through integrated roof design. External rubbish and recycling enclosures would be located towards the front of the site, but would be screened behind signage and landscaping. This is considered to be acceptable.

It is considered that the proposed building, taking account of associated car parking, landscaping and interaction with existing built form, would not adversely affect the significance of the character or appearance of the surrounding heritage place.

There is no permit trigger for use and therefore conditions cannot be imposed on the opening times of the retail premises, however it is considered that given the location of the site the proposal is not considered to be detrimental to residential amenity.

#### Heritage Advisor Comments

Council's Heritage Advisor noted that the new building would be single-storey with pitched roofs and located back from Murray Street (Heritage Overlay - HO146). The site on which the proposed office/retail building would be located does not include any land associated with HO146. As such, it is not considered that the proposed development would be a dominant element in views or impact on the significance of the former Chevrolet Showrooms fronting Murray Street. The significance of the Murray Street Precinct primarily relates to views to the significant buildings and sites gained from Murray Street. While the rear part of the site which faces Connor Street, and on which the proposed building would be located, is included in the Heritage Overlay Precinct, the proposed single-storey development would not have any impact on the appearance of Murray Street. The development would therefore also not have any impact on the Murray Street Heritage Overlay Precinct. The proposed muted colour scheme for the new building would also ensure that it would not dominate views to the rear of the site. The single-storey height of the proposed building, together with the distance from Murray Street, muted colour palette and pitched roofs, would all assist in making this building a recessive element in views from Murray Street. In view of this, no objection was raised to the proposal by the Heritage Advisor.

#### Car Parking

The proposal seeks to utilise the eastern section of the site for the provision of twenty eight (28) car parking spaces. The site is located within the Commercial 1 Zone and car parking requirements are set out within the table to clause 52.06. A key purpose of clause 52.06 is to ensure that an appropriate number of car spaces are provided on the land to meet the potential demand likely to be generated. The clause also advises that 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.

Under the provisions of clause 52.06, the office component of the proposed development has a requirement of 3.5 car spaces for each 100sqm of net floor area, which equates to twenty nine (29) car spaces. Clause 52.06 does not specifically identify a car parking rate for a retail/café use. As such, parking for this element of the proposal must be to the satisfaction of the Responsible Authority.

As a guideline, it is noted that a 'shop' (which is in the retail group, but which would require a planning permit) has a car parking requirement of 4 car spaces to each 100sqm of leasable floor area, which would equate to four (4) car spaces. Applying a similar rate to the proposed retail/café use would result in the proposal having a car parking requirement of thirty three (33) car spaces.

The adopted Colac and Apollo Bay Parking Study, adopted by Council on 12 December 2011 (and Parking Overlay Schedule 1 proposed in Amendment C72) recommends the site be covered by a Parking Overlay. The adopted Schedule 1 does not recommend a revised rate for 'office' use. However, it does recommend a rate of 3 car spaces per 100sqm of floor area for a 'shop' be applied. The table to Clause the 52.06 specifies a rate of 3 car spaces to each 100sqm of net floor area for an office where specified in a schedule to a Parking Overlay. Again, using the 'shop' rate as a guide, if the rate proposed by the Study (and Amendment C72) was applied in this instance, the proposed office and retail/café would generate a combined car parking requirement of twenty eight (28) car spaces.

The proposed car parking layout has been assessed against the relevant design standards set out in Clause 52.06 (Car Parking). The crossover would have a width of 5.5m, with a suitable pedestrian sight distance on the southern side. The width and length of the proposed car parking spaces are considered to meet the standard.

The Colac and Apollo Bay Car Parking Strategy adopted by Council on 12 December 2011 contains the following main aims:

- Improve management of on-street and off-street car parking to achieve optimum use and turnover of car parks.
- Maximise the availability and awareness of existing parking by better managing demand and encouraging alternative transport modes such as walking, cycling and public transport.
- Manage the provision of off-street parking for new and existing land uses.
- Encourage good design principles to minimise the amount of land used by car parking.

With respect to car parking rates, the report states:

*'Given the often unique circumstances associated with different new developments, it is not always the case that one parking rate fits all developments in all locations. As an alternative, Clause 52.06-6 of the Colac Otway Shire Planning Scheme enables Parking Precinct Plans to be prepared.*

*These are locally prepared strategic plans that contain parking provisions for an area or precinct. They allow all the parking issues arising in a precinct to be considered and a strategy to be implemented to address them.*

Specifically, this report notes that parking rates should be adopted which recognise that:

- *The demand for parking for retail uses in the Colac Commercial Centre is lower than the rate specified by the Victorian Government.*
- *There is currently an oversupply of parking in Colac. As such, there may be potential to better utilise existing parking supply in central Colac to service some of the future demand for parking.*

- *Many smaller shops in the Colac Commercial Centre are unlikely to generate single purpose trips and be part of a multipurpose trip meaning that the parking demand is shared by a number of land uses.*

Consideration must also be given to the Schedule to the Parking Overlay under Proposed Amendment C72. The key objectives of the amendment seek to ensure that uses and development around the hospital precinct do not further contribute to on-street parking pressures and that retail developments provide adequate and convenient car parking. Amendment C72 includes an ability to reduce the parking requirement if there is a surplus of car parking in the locality.

The Colac and Apollo Bay Car Parking Strategy survey results indicate that for the entire Colac commercial centre, the demand for both on-street and off-street parking is fairly modest with a significant number of parking spaces unoccupied during the weekday and weekend peak periods. The parking survey also identified that localised areas of very high parking demand were evident in the vicinity of the hospital which is opposite the application site. Despite this, it was found that, even in many of the most desirable locations, there were often available parking spaces during the peak periods. These findings were reiterated within the applicants Traffic Impact Assessment dated 04 September 2013, submitted with the application.

The submitted Traffic Impact Assessment concludes that the use of the site is likely to generate a requirement for 28 long term car parking spaces and a demand for 5-6 short term car parking spaces which would need to be accommodated on-street. The assessment notes that, following the development, a total of seven publicly available parking spaces would be located along the subject site fronting Connor Street. These spaces are considered to be ideally situated to accommodate the remaining peak short term parking demands (5-6 spaces) likely to be generated by the development.

Council's Infrastructure Department has advised that it is considered that the potential effect on parking in the area would be modest and acceptable. It is considered that the proposed on-site car parking layout would be suitable for the site's requirements and would allow for the provision of two (2) disabled car parking spaces to AS2890 standard, as well as a turnabout area should the car park be fully occupied. All staff car parking would be catered for on site with a dedicated area to the rear.

Despite the strategies to minimise on-street parking pressures in the hospital precinct, the proposed on-site car parking would meet the required number of spaces under the reduced rates proposed by Amendment C72 (ie the Parking Overlay). The rate of parking provision is therefore considered appropriate in this instance.

The proposal would require the removal of three (3) on-street car parking spaces, but also includes the reinstatement of two on-street car spaces adjacent to the existing crossover. The existing crossover would be reinstated as a nature strip. Council's Infrastructure Department raises no concern over the loss of one on street space and the proposed reconfiguration.

#### Bicycle Facilities

The proposed use of the land does not trigger the requirement for any bicycle facilities to be provided on the site. The Traffic Impact Assessment recommends the provision of four (4) bicycle parking spaces and these are proposed towards the front of the building. This proposed provision is considered to represent good practice and aims to off-set the one on-street car parking space reduction.

### Loading and Unloading

The Traffic Impact Assessment lodged in support of the application submits that the absence of a loading and unloading area on site could be supported. This is on the basis that loading and unloading would be minimal for the facility and it is anticipated it would be when car parking demand is minimal (i.e. outside of office hours) and there is adequate on street provision to accommodate service vehicles. In addition, it is anticipated that deliveries to the retail/café element would be undertaken by delivery vans that could utilise existing on-street parking spaces.

The Infrastructure department has advised that the application offers little detail about the 'adequate provision' of loading and unloading requirements and, as such conditions addressing this matter are recommended in the event a permit is issued.

### Signage

It is considered that the proposed signage would be acceptably located on the site and appropriate to the future use of the land for an office/retail premises. It is not considered that the materials, colour and size of the signs would detract from the significance, character or appearance of the surrounding heritage place or the building to which they relate. The level of signage proposed would not be excessive or result in visual disorder or loss of amenity and, as such, it is considered the signage would be compatible with the amenity and visual appearance of the surrounding built environment.

### Subdivision

The proposed subdivision would provide two lots. Lot 1 would have a frontage onto Murray Street and would have an overall area of 1012sqm. Lot 2 would have a frontage onto Connor Street, with an overall area of 2023sqm.

The subdivision would result in a site area for Lot 2 of similar size to adjacent lots within Connor Street. It is considered that proposed Lot 2 would be of an adequate area to accommodate the proposed land use (as detailed within this application) whilst allowing infill development within the CBD, enabling active frontages to both Murray and Connor Streets to be retained. It is not considered that the proposed subdivision would allow for development that would adversely affect the significance, character or appearance of the heritage place.

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

### **Leadership and Governance**

#### **A Planned Future**

Creates an attractive shire with quality buildings and spaces, accessible travel and transport, and a community that has the services and facilities it needs now and in the future; supports a prosperous economy where trade, manufacturing and business activity flourishes.

#### *Our Goal:*

Facilitate the growth, liveability and development of the shire and encourage innovation and efficiency in the local economy.

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

This proposal raises no financial or resourcing implications for Council for the consideration of the planning application.

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

This proposal raises no risk management or compliance implications for Council.

## **Environmental Consideration / Climate Change**

### Contaminated land

The sheds on the application site have previously been used for light vehicle servicing and maintenance only. The applicant has advised that there are no underground fuel tanks located on the site. The applicant has also advised that environmental based soil testing would be carried out in accordance with the relevant EPA guidelines; however this cannot occur until the existing shed is demolished (as allowed by planning permit PP187/2013). The applicant has also advised that environmental clearances are a condition of all Commonwealth building lease contracts and arrangements are in place for testing to occur as soon as site access is obtained.

### Energy Efficiency

The applicant has advised that the proposed building has been designed to minimise energy use and operating costs without reducing standards, occupant health, safety or comfort. The building has been designed to meet Section J of the Building Code of Australia to minimise energy use, and, as such, the building would be well insulated and include the use of double glazed windows, use energy efficient light fittings and efficient mechanical plant.

The proposal raises no concerns in relation to climate change or future sea level rise.

## **Communication Strategy/Consultation Period**

Public notice of the application was required, as noted earlier in the report.

## **Conclusion**

It is not considered that the proposed building, including associated car parking, landscaping, signage and interaction with existing built form, would adversely affect the significance of the character or appearance of the surrounding heritage place. The proposal is considered to be consistent with the vision identified within the Colac Structure Plan which seeks to ensure Colac responds to the needs of its residents and offers a variety of opportunities for employment and economic development. The proposed reduction in car parking and the waiver of loading bay requirements is considered to be acceptable and it is not considered this would have a material detrimental impact on the level of on-street car parking provision.

## **Attachments**

Nil

## **Recommendation(s)**

***That Council's Planning Committee resolves to Grant Planning Permit PP205/2013-1 to develop land for office and retail use, reduce the car parking and waive the loading bay requirements, display of signage, subdivide the land into two (2) lots with associated consolidation at 224-236 Murray Street, Colac subject to the following conditions:***

## **Endorsed Plans**

- 1. The development as shown on the endorsed plans must not be altered or modified without the written consent of the Responsible Authority.***
- 2. The layout and site dimensions of the subdivision hereby permitted, as shown on the endorsed plan/s, must not be altered or modified without the written consent of the Responsible Authority. There are no requirements to alter or modify the endorsed plan if a plan is certified under the provisions of the Subdivision Act 1988 that is generally in accordance with the endorsed plan/s.***



3. ***The location and details of the signage and any supporting structures, as shown on the endorsed plans, must not be altered without the written consent of the Responsible Authority.***

#### **DEVELOPMENT CONDITIONS**

##### **Amenity**

4. ***External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the Responsible Authority.***
5. ***All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority, pursuant to clause 34.01-4 of the Colac Otway Planning Scheme.***
6. ***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 must be connected to a security service.***
7. ***All external plant and equipment must be visually screened to the satisfaction of the Responsible Authority.***

##### **Landscaping**

8. ***Prior to occupation of the development, or by such later date as is approved by the Responsible Authority in writing, the landscaping works shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority. The landscaping must thereafter be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.***

##### **Contamination of land**

9. ***Prior to the commencement of development, or within such other timeframe as is agreed in writing by the Responsible Authority, evidence must be provided to the Responsible Authority that demonstrates that the land is not contaminated. In the event contamination is found that requires remediation works, details of those works (including timescales) must be submitted to the Responsible Authority. All remediation works must be carried out in accordance with legislative requirements, to the satisfaction of the Responsible Authority and the EPA.***

##### **Signage**

10. ***Prior to the display of any signage, plans showing full details of the materials and colours proposed must be submitted to in writing by the Responsible Authority. Once approved, these plans will be endorsed and will form part of the permit.***
11. ***The signage must not be illuminated by external or internal light except with the prior written consent of the Responsible Authority.***
12. ***All signage must be constructed and maintained to the satisfaction of the Responsible Authority.***

**Infrastructure conditions**

13. ***Prior to the initial occupation of the development hereby permitted, vehicular access from the roadway to the property boundary must be constructed to the satisfaction of the Responsible Authority.***
14. ***Prior to initial occupation of the development hereby permitted, a revised traffic management plan must be submitted to and approved by the Responsible Authority. Once approved, the traffic management plan will be endorsed and will form part of the permit. The revised traffic management plan must include detail about the loading and unloading requirements of the site and the proposed loading provisions. All loading and unloading must thereafter take place in accordance with the endorsed plan.***
15. ***All runoff from stormwater, including overflow from water storage, must be taken to a legal point of discharge to the satisfaction of the Responsible Authority.***
16. ***Prior to the commencement of development, a stormwater detention system designed by a qualified engineer must be submitted to and approved by the Responsible Authority. The design must provide for a maximum site discharge rate of 35 litres per second per hectare to the 10 year storm (10% AEP).***
17. ***Prior to the occupation of the development hereby permitted, the area/s set aside for the parking of vehicles and access lanes 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) ***Surfaced with asphalt or concrete;***
  - (d) ***Drained;***
  - (e) ***Line-marked to indicate each car space and all access lanes***
  - (f) ***Clearly marked to show the direction of traffic along access lanes and driveways;***

***all to the satisfaction of the Responsible Authority***

**SUBDIVISION CONDITIONS****Easements**

18. ***Prior to the certification of the plan of subdivision under the Subdivision Act 1988, all easements deemed necessary to protect existing or future drainage lines within the subject site, and any easements required between the subject site and the nominated legal point of discharge, must be created to the satisfaction of the Responsible Authority.***

**Consolidation of land**

19. ***Within 6 months of the commencement of the development, the southern section of CA5 SEC 23 Parish of Colac and Lot 1 TP583533, Parish of Colac must be consolidated under the provisions of the Subdivision Act 1988 to the satisfaction of the Responsible Authority.***

**Utility Providers**

20. ***The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity and gas services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.***
21. ***All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.***
22. ***The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.***

**Telecommunications**

23. ***The owner of the land must enter into an agreement with:***
  - a) ***a telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and***
  - b) ***a suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.***
24. ***Before the issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:***
  - a) ***a telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and***
  - b) ***a suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.***

**Expiry**

25. ***This permit will expire if one of the following circumstances applies:***
  - a) ***The development has not commenced within two (2) years of the date of this permit;***
  - b) ***The plan of subdivision has not been certified within two (2) years of the date of this permit;***

- c) The development is not completed within four (4) years of the date of this permit;**
- d) A statement of compliance is not issued within five years of the date of certification.**

**The Responsible Authority may extend the periods referred to if a request is made in writing within six (6) months of the date of expiry,, or if the request for the extension of time is made within 12 months after the permit expires and the development had started lawfully before the permit expired.**

**Signage expiry**

- 26. The signage element of this permit will expire if the signage is not completed within two 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 six (6) months afterwards.**

**Notes**

- 1. This permit does not authorise the commencement of any building construction works. Prior to commencement of the development, it will be necessary to apply for and obtain any required building approval.**
- 2. Prior to commencement of works, an application to undertake works within the road reserve must be submitted to and approved by the Council.**

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**PC130910-4****CONSTRUCTION OF AN EXTENSION TO AN EXISTING DWELLING AT 33 VISTA AVENUE SKENES CREEK**

|             |                                    |           |            |
|-------------|------------------------------------|-----------|------------|
| AUTHOR:     | Helen Evans                        | ENDORSED: | Jack Green |
| DEPARTMENT: | Sustainable Planning & Development | FILE REF: | F13/7375   |

**Location:** 33 Vista Avenue, Skenes Creek**Zoning:** Township Zone (TZ)

**Overlay controls:** Design and Development Overlay Schedule 4 (DDO4)  
 Neighbourhood Character Overlay Schedule 1 (NCO1)  
 Significant Landscape Overlay Schedule 2 (SLO2)  
 Erosion Management Overlay Schedule 1 (EMO1)

**Proposed Amendments:** Nil**Purpose:**

This application seeks planning permission to extend an existing dwelling, providing an additional storey at the front of the dwelling. Retrospective permission is also sought for stairs onto the rear deck.

Consideration of this application by the Planning Committee is required as six (6) objections have been received.

**Declaration of Interests**

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

**Summary**

- This application seeks a permit to extend an existing dwelling. The main part of the proposed extension is a first floor addition to the front of the dwelling, together with a very small-scale extension to the ground floor below. Retrospective permission is also sought for stairs onto the rear deck.
- Notice of the application was undertaken and six (6) objections were received, all of which remain following circulation of amended plans prepared by the applicant in response to the objections. The key concerns raised by objectors relate to overlooking, loss of view, the failure to remove an existing carport as shown on a previous permit, stormwater issues, and the scale, site coverage and setbacks of the proposed development.
- The permit triggers in this case are the Significant Landscape Overlay, the Neighbourhood Character Overlay and the Erosion Management Overlay.

- A Geotechnical Assessment Report submitted with the application has confirmed that the proposal would be acceptable from an erosion management perspective. The application was referred to the Council's Infrastructure department to consider the objection relating to stormwater concerns. The Infrastructure department advised that the matters raised in the objection are not related to the proposed extension and would be investigated separately by the Infrastructure department.
- The key planning considerations in this case are therefore considered to relate to the purposes and decision guidelines of the Significant Landscape Overlay and the Neighbourhood Character Overlay. In particular, it is considered necessary to assess the proposed development in terms of the landscape values of the Great Ocean Road, and to establish whether the scale, setback, siting, materials and overall form of the proposed development, and the resultant spaciousness between buildings, would be acceptable in terms of the existing character of the area. In addition, the proposal must be assessed against the provisions of clause 54 (One Dwelling on a Lot – 'ResCode').
- It is not considered that the proposed dwelling extension would have any material impact on the landscape values of the Great Ocean Road. Surrounding development comprises a mix of single and two-storey dwellings, and the proposed development would not be unduly prominent in the landscape.
- In addition, it is noted that the existing footprint of development on the site would not be significantly altered. At ground floor level, only a minor extension is proposed to the entry area. The application has also been amended to include the removal of the existing carport, including the deck above.
- Whilst the proposed extension would significantly alter the appearance of the dwelling from the street, and increase the scale and bulk of development on the site, it is not considered that this would be out of keeping with the character of the area which contains a mix of dwelling types. The proposed extension would be sited 5.6m from the boundary shared with No. 35 Vista Avenue, and the distance from built development on the application site to the boundary would be increased from that existing, due to the proposed removal of an existing car port and deck.
- The proposed first floor extension would be located a minimum of 3.79m from the boundary shared with No. 31 Vista Avenue, increasing to approximately 4.89m due to the shape of the subject site and the orientation of the dwelling.
- Whilst the proposed extended dwelling would be more prominent and have some impact on views from neighbouring properties, it is not considered that this would be to a level that would warrant a refusal of the application. It is also considered that the proposal would be acceptable in terms of the other provisions of clause 54, including overlooking and overshadowing objectives.
- As such, it is considered that a Notice of Decision to Grant a Permit could reasonably be issued in this case.

## **Background**

This application seeks a permit for extensions to an existing dwelling, as described above.

Previous permits relevant to this application are:

- PP120/2010 – additions and alterations to existing dwelling – permit issued
- PP10/2005 – second-storey addition – permit issued – not implemented and expired.

Planning permit ref. PP120/2010 was issued on 25 June 2010. This permit allowed the construction of a deck to the rear of the dwelling and included the removal of an existing carport, with deck above, on the south side of the dwelling.

That planning permit is still valid and the owner has constructed the new deck; however the carport has not been removed. The permit is due to expire on 25 June 2014.

Planning permit ref. PP120/2010 is relevant to this proposal as, when the current application was originally submitted, it was identified on the plans that the carport would be retained as part of this proposal. Objections were received to the carport being retained and, consequently, the application was altered to show the carport to be removed.

The amended plans were circulated to the 6 objectors for consideration on 23 August 2013, with a period of 7 days given to respond. However, no objections have been withdrawn.

### **Issues/Options**

Council has the options of:

- Supporting the application through the issue of a Notice of Decision to Grant a Planning Permit subject to conditions.
- Supporting the application with changes.
- Refusing to grant a permit.

The key issues relating to this application are whether the proposed extension would be acceptable in terms of the landscape values of the Great Ocean Road; whether it would be in keeping with surrounding development and the neighbourhood character as a whole; whether the proposed height would be acceptable; whether the proposal would comply with the provisions of Clause 54 ('ResCode') and result in an acceptable outcome in terms of residential amenity; and whether there are any erosion management implications.

Following a detailed assessment of this application, it is recommended that a Notice of Decision to Grant a Planning Permit, subject to conditions, be issued.

### **Proposal**

This application seeks a planning permit to extend the existing dwelling by adding a first floor level to the existing single-storey dwelling, with a deck area and new entry also added to the front of the dwelling. Retrospective permission is also sought for a staircase to the rear deck.

The proposed front extension would significantly alter the appearance of the dwelling from the street and neighbouring properties, changing the front section of the dwelling from a traditional single-storey property to a more contemporary looking two-storey dwelling. No part of the dwelling would exceed 8 metres in height.

The proposed first floor extension would be over the front (west) portion of the dwelling, and would contain a living room with a small powder room, a storage room and an upper level deck on the south elevation.

The front (west) elevation would also be modified on the ground floor, with a new entry and internal staircase added, and a new timber deck and stairs leading to the entry.

The extension would be constructed of a mix of painted treated pine shiplap weatherboards and render over polystyrene, with aluminium windows and sheet metal roofing. The roof form would be a combination of pitched (6° pitch) and skillion.

The proposal would result in only minor amendments to the existing footprint and site coverage. As part of the proposal, and in accordance with the earlier permit referred to above (ref. PP120/2010), the existing carport would be removed (approximately 15.39sqm), and the only additions to the existing footprint would be to the front entry and deck (approximately 13.07sqm) and the first floor overhang on the front (west), which would be approximately 5.5m long and 0.6m wide (approximately 3.3sqm).

The proposal would result in an increase in the ground floor area of 2sqm and a decrease to deck areas of 17sqm. At first floor level, there would be an increase in floor area of 60sqm plus a new deck area of 10sqm.

### **Site & Surrounds**

The subject site is located on the southern side of Vista Avenue, towards the western end of that road. Vista Avenue ends just to the southwest of No. 33 Vista Avenue.

The irregular rectangular shaped lot has a total area of 583 square metres and gently slopes down to the south, with a fall of approximately 4m over the site. The lot is wider at the front than the rear. The lot currently contains an elevated single-storey weatherboard clad dwelling, with an attached carport and driveway on the south-west facing side of the dwelling. Due to the site topography, the floor level varies from 790mm above natural ground level in the northwest corner to 2.28m in the southeast corner. Vegetation is established around the dwelling. The dwelling currently contains 3 bedrooms, 2 bathrooms, a combined kitchen/living/dining area, with a deck on the southern-west facing elevation, part of which has the carport below.

Adjoining properties are developed with a mix of modern and older style dwellings of both single and double storey height. Many of the dwellings are sited to take advantage of ocean views to the south.

The site is not in an area of cultural heritage sensitivity.

### **Public Notice**

Public notice of the application was required in accordance with Section 52 of the Planning and Environment Act 1987.

The applicant undertook public notification by means of letters to adjoining and surrounding owners/occupiers, and by the display of a notice on the site. The applicant has provided a Statutory Declaration in relation to notification. It is considered that the advertising has been carried out in accordance with Council's requirements.

At the conclusion of the original notification period, 6 objections were received. The grounds of objection are summarised below.

As noted earlier in this report, the application was amended after notice had been given and the amended plans were circulated to objectors for consideration. At the time of writing this report, no objections had been withdrawn or altered.

- *Overlooking onto 35 Vista Avenue*

The proposed first floor extension would include three large windows. One window is proposed on the west elevation with views to Vista Avenue and the two other windows would be angled to the south to generally face towards No. 35 Vista Avenue, together with a small tiled deck area of approximately 10m<sup>2</sup>.

These windows and deck area would provide ocean views to the south. Clause 54.04-6 ('ResCode' - Overlooking Objective) seeks to limit views into existing secluded private open space and habitable room windows. The standard states that a habitable room window, balcony, terrace, deck or patio should be located and designed to avoid direct views into the secluded private open space and habitable room windows of an existing dwelling within a horizontal distance of 9 metres of the window, balcony, terrace, deck or patio.



A plan showing potential overlooking onto 35 Vista Avenue has been provided. Whilst the 9 metre overlooking arc extends into 35 Vista Avenue for a distance of 3-4 metres, there is landscaping within these 3-4 metres and it appears that this area is not utilised as secluded private open space. Decking is provided on the southern side of the dwelling at No. 35 Vista Avenue to also appreciate the ocean views. As stated in the objection, a study window is located on the side of No. 35 facing the application site; however this study window is outside the 9 metre overlooking arc.

- *Old deck not removed as per previous permit/existing breaches to PP120/2010.*

It is no longer proposed to retain the carport as part of this application. The application has been amended to delete the carport and ensure the proposal is consistent with the overall development allowed under the previous planning permit, which allowed additional decking to the rear of the dwelling (ref. PP120/2010).

- *Tree shown on plan does not exist*

At the time the original application was lodged, the tree was existing. A site inspection undertaken on 19 September 2013 showed that the tree had been trimmed back to a stump. The tree is not located within the subject site; therefore it is not relevant to the determination of the application.

- *No notification of application*

Owners and occupiers of adjoining and adjacent lots were notified of the application and a sign was posted on the site. Six letters of objection were received in response to the original notification undertaken. The revised plans deleting the carport were circulated to the six objectors.

- *Stormwater issues*

The objection was referred to the Council's Infrastructure department, which advised that "the concerns raised in the objection are not related to the extension of a dwelling on 33 Vista Avenue and that the Infrastructure Department will further investigate and place remedial works on the Capital Works program if assessed as necessary".

- *Does not comply with required setbacks; contrary to NCO; excessive site coverage; garden encroaches Vista Avenue; overdevelopment; exceeds 8m in height; insufficient articulation of upper level.*

The proposed extensions would be largely located within the existing footprint and would not significantly alter site coverage. The existing site coverage is 32% and the proposed site coverage (taking account of the proposed removal of the car port) would be 31%. Given this, and the fact that adequate on-site parking and secluded private open space would be available, together with the fact that the existing setbacks to lot boundaries would be not be decreased, it is considered that the proposal would not prejudice the objectives of the Neighbourhood Character Overlay or the Significant Landscape Overlay, which are the only permit triggers under which these matters can be assessed.

The setbacks would effectively be dictated by those of the existing dwelling. The variations proposed and the potential impacts are considered in the assessment section of this report below.

It has been confirmed that the proposed development would have a maximum height of 8m. A section diagram has been submitted which shows the height of the dwelling at its highest point. It is noted that the height of the proposed development has been reduced from the height of the proposal as originally submitted, to ensure the maximum height would be 8m.

Whilst it is acknowledged that design considerations are subjective, it is considered that the level of articulation proposed in the extended dwelling would be acceptable.

- *Block ocean views; visual intrusion; loss of view*

Whilst it is proposed to increase the height of the dwelling, the proposed development would maintain existing setbacks to boundaries and only the front part of the existing dwelling would be developed with an upper level. It is noted that other dwellings in the vicinity of this site are two-storey and it is considered that it would be unreasonable to restrict the dwelling on the site to single-storey. Principles adopted by VCAT in relation to view sharing are:

- a) there is no legal right to a view;
- b) views form part of the existing amenity of a property and their loss is a relevant consideration to take into account;
- c) the availability of views must be considered in the light of what constitutes a reasonable sharing of those views;
- d) in addressing the concept of “reasonableness”, it is relevant to consider:
  - the importance of the view to be lost within the overall panorama available; and
  - whether those objecting have taken all appropriate steps to optimise development of their own properties.
- e) added emphasis will be placed on principles (b) and (c) above if the issue of views is specifically addressed in the planning scheme.

Whilst it is acknowledged that the proposed dwelling extension would impact on the views currently enjoyed by the neighbours, the dwelling extension is proposed to only extend over the front portion of the existing dwelling footprint therefore reducing the potential impact on the overall panorama available. Adopting the same principles as VCAT, it is considered that some of the objectors’ properties have not been developed to their optimum and the proposed development would not cause total loss of ocean views. On balance, it is not considered that the impact on views would be such as to warrant a refusal of this application.

- *Inadequate plans*

It is considered that the application plans are sufficient and allow a proper assessment of the application to be carried out. The plans have been amended during the processing of the application, with objectors provided with copies of amended plans received in early August (a subsequent set of amended plans enhanced the accuracy of the scales of the plans, which were also dimensioned as were the plans circulated to objectors, but did not change the detail).

### **Referrals**

As noted earlier, comments were sought from the Infrastructure department on receipt of an objection relating to drainage issues. The Infrastructure department advised that the objection was not related to the proposed extension (see details in ‘Objections’ section above).

### Planning Controls

The site is located within the Township Zone and is subject to a Significant Landscape Overlay Schedule 2, Design and Development Overlay Schedule 4, Neighbourhood Character Overlay Schedule 1 and Erosion Management Overlay Schedule 1. A planning permit is required under the following Clauses of the Colac Otway Planning Scheme:

- Clause 43.02-2 – Significant Landscape Overlay Schedule 2 – buildings and works.
- Clause 43.05-2 – Neighbourhood Character Overlay Schedule 1 – buildings and works.
- Clause 44.01-1 – Erosion Management Overlay Schedule 1 – buildings and works.

#### a) State and Local Planning Policy Frameworks

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

- Clause 11.05-5 – Coastal Settlement
- Clause 12.02-6 – Great Ocean Road Region
- Clause 12.04-2 – Landscapes
- Clause 13.03-2 – Erosion and Landslip
- Clause 15 – Built Environment and Heritage
- Clause 21.02 – Land Use Vision
- Clause 21.03-5 – Skenes Creek
- Clause 21.04-5 – Erosion
- Clause 21.04-8 – Landscape Character

Planning policy seeks to encourage residential development within the defined settlement boundaries of existing settlements that are capable of accommodating growth, and to ensure that growth in coastal areas is planned and coastal values protected whilst respecting the character of coastal towns and promoting best practice design for new development. Skenes Creek is a coastal hamlet, with a sense of openness to the town created by the spacious siting of buildings and expansive views to the coast and hillsides. Local planning policy seeks to protect the nationally significant Great Ocean Road Region landscape and the distinctive landscape qualities and coastal setting of Skenes Creek Township by ensuring that new development responds to the Preferred Character Statement for Precinct 2 in this instance as follows:

*“This precinct will continue to be characterised by diverse coastal dwellings set amongst established coastal gardens. The sense of openness will be maintained by setting the buildings apart, minimising intrusive front fencing, and encouraging building forms that respect views to the surrounding hills and coast. The precinct will be united by consistent mature plantings of native and exotic coastal species in the public and private domains.”*

It is considered that the proposal is generally consistent with the State and local planning policy.

b) Zone Provisions

The purpose of the Township Zone is:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To provide for residential development and a range of commercial, industrial and other uses in small towns.*
- *To encourage development that respects the neighbourhood character of the area.*
- *To implement neighbourhood character policy and adopted neighbourhood character guidelines.*
- *To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.*

The use of this site for a dwelling is a section 1 use (permit not required) in the Township Zone, and the use is already established on the site.

A permit is required to extend one dwelling on a lot with an area of less than 300 square metres in the Township Zone. The application site has an area of approximately 585.5 square metres and, as such, there is no requirement for a planning permit to extend the existing dwelling under the provisions of the zone.

c) Overlay ProvisionsClause 42.03 Significant Landscape Overlay Schedule 2 (SLO2)

The purpose to the overlay is:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To identify significant landscapes*
- *To conserve and enhance the character of significant landscapes*

Pursuant to clause 42.03-2, a permit is required to construct a building or carry out works and to remove, destroy or lop any vegetation.

Schedule 2 relates to the coastal towns of Skenes Creek, Kennett River, Wye River and Separation Creek. The general landscape objectives to be achieved include:

- *To protect and enhance the valued characteristics of the nationally significant Great Ocean Road Region landscape.*
- *To ensure that the dominance of vegetation over built form is retained as an element of township character by encouraging retention of existing trees and planting of new indigenous vegetation.*
- *To increase the use of indigenous vegetation to highlight natural features within the precinct.*
- *To retain the contrasts between landscape elements within the precinct.*
- *To ensure that development that occurs on hill faces or in other prominent locations is not highly visible.*
- *To minimise the visual impact of signage and other infrastructure, particularly in coastal areas, hill faces and ridges.*
- *To protect the clear, sweeping views to the ocean available from the precinct.*
- *To retain the dominance of an indigenous natural landscape in coastal areas, between townships, particularly from the Great Ocean Road.*

- *To ensure that fence styles and heights reflect the predominant and preferred character of the townships.*

A permit is required for the proposed buildings and works. No vegetation removal is proposed and the proposed development would not impact on the existing established vegetation. The application proposes to enhance the landscaping at the front of the site. The colours employed would be light greys and darker grey/charcoal colours with a dark blue tone for the roof. Whilst the site is nominally visible from a section of the Great Ocean Road, it is within the developed area of Skenes Creek and it is considered that this proposal is consistent with the provisions of the SLO2, as the building should blend into the natural backdrop.

#### Clause 43.05 Neighbourhood Character Overlay Schedule 1

The purpose of the overlay is:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To identify areas of existing or preferred neighbourhood character*
- *To ensure that development respects the neighbourhood character*
- *To prevent, where necessary, the removal of buildings and vegetation before the neighbourhood character features of the site and the new development have been evaluated.*

Neighbourhood character objectives to be achieved include:

- *To ensure that new buildings and works respect the nationally significant Great Ocean Road Region landscape.*
- *To ensure that new buildings and works achieve the preferred character for the townships as stated below and in Clauses 21.03-5 (Skenes Creek), 21.03-6 (Kennett River, Wye River and Separation Creek).*
- *To encourage the siting of buildings within the vegetation and landform, and below the predominant tree canopy height.*
- *To ensure new buildings reflect and complement the scale, setback, siting, materials and overall form of existing buildings.*
- *To ensure the townships retain an informal, open, spacious character created by the dominance of vegetation, low scale buildings and a lack of solid fencing.*
- *To ensure that applications for more than one dwelling can be subdivided in accordance with the subdivision requirements of DDO4.*

#### Statement of Neighbourhood Character

- *The coastal townships of Skenes Creek, Kennett River, Wye River and Separation Creek, are a highly visible component within the nationally significant Great Ocean Road Region landscape which is recognised in the Great Ocean Road Region Strategy, and its associated Great Ocean Road Region Landscape Assessment Study. Skenes Creek is located within the nationally significant Apollo Bay Coastal Valleys and Hills precinct 2.4 landscape. Kennett River, Wye River and Separation Creek are within the nationally significant Otway Ranges Forest and Coast precinct 4.1 landscape.*

- *The townships all exhibit similar characteristics common to their location along the nationally significant Great Ocean Road. The townships are undergoing continued pressure for growth and redevelopment and they provide a popular place of permanent residence, intermittent residence by holiday home owners and for recreation. It is important to ensure that the long term growth and change in these settlements retains the characteristics recognized in these studies, and valued by those who live and visit there.*
- *The existing and preferred character of the townships is characterized by buildings nestled within the often steep topography and the indigenous and native vegetation. The buildings sit below the tree canopy height, and there is sufficient space around them to accommodate substantial vegetation, as well as clearances required for wildfire management. The buildings are of varying low scale designs, but contain elements that respond to the coastal location including a predominance of non-masonry materials, metal roofing, balconies and transparent balustrades. Buildings typically have flat or single pitch roofs, and while often being two storey or split level, they do not dominate their surrounds. A lack of or transparent styles of fencing enables the vegetation to flow across boundaries and between the public and private domains, and roads with unmade edges add to the informal feel of the townships.*

Pursuant to clause 43.05-2, a permit is required to construct a building or carry out works and to remove, destroy or lop trees. This does not apply to a tree that is less than 5 metres in height or has a trunk circumference of less than 0.5 metre measured 1 metre above ground level.

Schedule 1 of the Neighbourhood Character Overlay relates to the coastal towns of Skenes Creek, Kennett River, Wye River and Separation Creek. The Schedule includes modifications to Clause 54 ('ResCode') standards.

It is considered that the proposed extension meets the objectives of NCO1 and, while there are some variations required to the standards under the NCO1, these are considered to be of a minor nature and acceptable given that the proposed development is not a new dwelling but the extension of an existing dwelling. The proposal is assessed below against relevant clause 54 standards, as modified by the NCO. It should be noted that whilst setting specific guidelines, the standards are not mandatory and can be varied if considered to meet the neighbourhood character objective.

#### *Street Setback – Modified Standard A3*

A variation to this standard is required. Standard A3 seeks a minimum front setback of 7m. The front setback of the existing dwelling is 6.089m and the proposed front setback would be reduced to 5.451m. The proposed front setback represents a variation to the setback sought by the standard but is considered to be acceptable for the following reasons:

- The dwelling would be well screened from the street by existing mature trees.
- The reduced front setback would allow the dwelling to have an upper level overhanging the lower level for a portion of the frontage and this would provide for some articulation as opposed to a sheer wall.
- The dwelling is located towards the end of a 'no through road'.

*Building Height – Modified Standard A4*

Modified standard A4 states that the maximum building height should not exceed 8 metres or two storeys, whichever is the lesser. The lot naturally slopes gently down to the back of the lot. A section plan has been submitted clearly demonstrating that the maximum building height would not exceed 8 metres above natural ground level.

*Site Coverage - Modified Standard A5*

A variation to this standard is required. The modified standard in the Schedule to the NCO seeks to ensure that the site coverage respects the existing or preferred neighbourhood character and responds to the features of the site. The site is located in Precinct 2 of Skenes Creek, which has a maximum specified site coverage of 25%.

The total building footprint, including decks (and taking account of the removal of the car port), would be 180.5 square metres. The site area is 583 square metres. This equates to site coverage of approximately 31%, which is less than the existing site coverage of 32%. As the proposed development would reduce the overall site coverage, it is considered an acceptable outcome.

*Side and Rear Setbacks – Modified Standard A10*

Standard A10 seeks a side setback of 3m to boundaries, plus an additional 0.3m for every 1m over 3.6m up to 6.9m in height. It also seeks a rear setback of 5m, plus an additional 0.3m for every 1m over 3.6m up to 6.9m. The purpose of this modified standard is to ensure that the building height and setbacks respect the character and limit amenity impacts.

A variation to the standard is required. The site contains an existing dwelling and therefore the existing setbacks (side and rear) would remain unchanged. The proposed upper level would raise the overall height of the dwelling to over 6.9m and therefore the side setbacks should be re-assessed. On the north-eastern side of the dwelling, three heights have been identified. The north-eastern elevation at the front of the dwelling would comply with the varied standard. However, due to the irregular shape of the lot and the topography of the land, the north-eastern wall height increases as the lot slopes down to the rear of the lot. The upper level has been recessed to reduce the non-compliance to an acceptable level. The greatest variation being sought on the north-eastern elevation would be 0.2m. The southwest side of the dwelling would maintain its existing generous side setbacks. The rear setback is not changing from the existing. It is considered that the neighbourhood character objective would be achieved, as sufficient space would still be available for landscaping adjacent to side boundaries, as well as providing a sense of openness between buildings.

*Walls on boundaries - Modified Standard A11*

This standard states that a new wall should not be constructed on a boundary. There would be no walls built on boundaries as a result of this proposal.

*Design Detail - Modified Standard A19*

This standard seeks to ensure that proposals respect the character of an area. The design of the proposed extension is considered acceptable and in keeping with the character of the area. Lightweight materials are proposed and an upper level is proposed at the front of the dwelling only, providing articulation. The proposed extension would allow for the retention of existing vegetation and provide opportunity for additional landscaping.

On this basis, and in view of the detailed assessment of the proposal above, the proposal is considered to meet the objective of this standard.

*Landscaping - Modified Standard B13*

Whilst this modified standard is not relevant to the current proposal as the standard relates to clause 55 (Two or More Dwellings on a Lot), it is noted that the proposal would provide for the retention of existing trees and vegetation and adequate space for the planting of new indigenous shrubs and trees. The area of the site covered by buildings and hard surfaces would not exceed 35%, consistent with the guidelines for Skenes Creek Precinct 2.

Clause 44.01 Erosion Management Overlay (EMO1)

The purpose to this overlay is:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To protect areas prone to erosion, landslip and other land degradation processes, by minimising land disturbance and inappropriate development.*

This application was received prior to the gazettal of Amendment C68 on 31 January 2013, which amended Schedule 1 to the Erosion Management Overlay. Clause 8 of the new schedule states that any planning permit application that was lodged with Council prior to the approval date does not need to meet the requirements of the new schedule. Therefore this application must be considered under the provisions of the former schedule.

A permit is required under clause 44.01-1 to construct a building or carry out works. The schedule to the overlay specifies exemptions to the overlay, whereby a permit is not required for minor structures where the ground surface area occupied by the structure does not exceed 20 square metres.

Under this overlay, the application must be accompanied by a Land Stability Assessment Report prepared by a professionally qualified consultant. This requirement does not apply if it is demonstrated by a professionally qualified consultant to the satisfaction of the Responsible Authority that the site is of low risk of landslide. In this instance, a Preliminary Assessment Checklist in accordance with the Land Stability Assessment Guidelines and Procedures 2001 must accompany an application.

The applicant has submitted a 'Preliminary Assessment Checklist' in accordance with the requirements of this overlay. In summary, based on the assessment and field work undertaken, the report concluded that the site is considered to have a low risk of landslide. The report makes no specific recommendations and therefore no specific conditions are included on the permit.

Clause 43.02 Design and Development Overlay Schedule 4 (DDO4)

Pursuant to clause 43.02-2, a permit is required to construct a building or carry out works. This does not apply if a schedule to this overlay specifically states that a permit is not required.

Schedule 4 relates to the coastal towns of Skenes Creek, Kennett River, Wye River and Separation Creek, and in particular subdivision. The schedule specifically states that a permit is not required to construct a building or carry out works.



d) Particular Provisions

## Clause 52.06 – Car Parking:

This clause does not apply to the extension of one dwelling on a lot in the Township Zone. Notwithstanding this, it is noted that the proposal includes adequate parking for two cars within the driveway. The on-site car parking provision is considered acceptable.

## Clause 54 – One Dwelling on a Lot:

The proposal is considered acceptable in terms of the modified standards of NCO1, with some relatively minor variations, as discussed above. It is considered to meet the objectives of NCO1.

It is also considered to satisfy the other standards and objectives of clause 54, as addressed below.

- *Solar Access Standards - Standard A7 (Energy Efficiency), Standard A12 (Daylight to Existing Windows), Standard A13 (North Facing Windows), Standard A14 (Overshadowing Open Space), Standard A16 (Daylight to New Windows), Standard A17 (Private Open Space) and Standard A18 (Solar access to open space of subject site)*

These standards seek to achieve adequate solar access and private open space, and to ensure there are no significant shadow impacts on existing development. Given the orientation of the dwelling and the relationship with surrounding dwellings, the proposal meets the objectives of these provisions.

- *Overlooking - Standard A15*

This standard seeks to limit views into existing secluded private open space and habitable room windows of adjoining dwellings. Overlooking diagrams have been provided which demonstrate that no overlooking of secluded private open space areas or habitable room windows within 9 metres of the dwelling would occur. As loss of privacy is a major concern of the objector to the south (No. 35 Vista Avenue), and having regard to the NCO and SLO objectives, it is recommended that permit conditions should require that the existing established vegetation along the southern boundary be retained. This would assist with screening No. 35 Vista Avenue, and also help maintain the character of the area.

**Consideration of the Proposal**

The key considerations in this case relate to the potential impact of the proposed development on the character of the area and the amenity of neighbouring properties, having regard to the relevant provisions of the overlays that trigger the requirement for the planning permit. There is no permit trigger under the provisions of the Township Zone, as a planning permit is not required to extend a dwelling on a lot with an area of at least 300 square metres. The application site has an area of approximately 583 square metres.

As such, the application must be assessed in terms of the objectives and decision guidelines of the overlays that trigger a requirement for a planning permit – the Significant Landscape Overlay (SLO2), Erosion Management Overlay (EMO1) and the Neighbourhood Character Overlay (NCO1).

The application satisfactorily addresses the application requirements of the Erosion Management Overlay.

Schedule 2 to the Significant Landscape Overlay makes specific reference to the importance of protecting and enhancing the valued characteristics of the nationally significant Great Ocean Road Region landscape. The landscape objectives listed in the overlay emphasise the importance of any development protecting and enhancing that landscape. SLO2 notes that the siting, design, height, site coverage and materials of buildings, and vegetation around buildings, all contribute to the maintenance and enhancement of the key landscape characteristics of the region.

This application seeks to extend an existing dwelling, largely within the existing footprint. Whilst increasing the height and bulk of the dwelling, it is not considered that the relatively small scale development proposed would have a material impact on the nationally significant Great Ocean Road Region landscape.

Furthermore, it is not considered that the proposal would materially affect the dominance of vegetation over built form as an element of township character. No tree removal is proposed as part of this application.

The key concerns raised by objectors relate to building height, setbacks, overlooking, loss of views and amenity, and a concern that the development is contrary to neighbourhood character. The overall height of the dwelling when extended would not exceed 8 metres above natural ground level and, whilst the side setbacks do not strictly comply with the standard, it is considered that the setbacks would be acceptable. It is considered that there is adequate justification for the reduced setbacks, as outlined earlier in this report, and it is also considered that the design would be consistent with the neighbourhood character of the area. The dwelling may be partially visible from the Great Ocean Road; however it would be screened by surrounding development and nestled amongst vegetation, as the preferred neighbourhood character seeks to achieve.

Whilst the proposal would not be in strict accordance with all of the standards, it is considered that the variations proposed are acceptable. The existing dwelling does not satisfy all current clause 54 standards and the extension, apart from a small section of the upper level, would generally be within the existing footprint.

It is considered that the proposed development would provide an acceptable outcome when assessed against key planning considerations contained in the Preferred Character Statement for Skenes Creek, Precinct 2 (Clause 21.03-5) and the Landscape Character objectives of clause 21.04-8. The requirements of the SLO2 and NCO1 overlays are therefore also considered to be satisfied, as detailed above.

On this basis, it is considered that a permit could reasonably be issued for the proposed extension.

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

#### **A Planned Future**

Creates an attractive shire with quality buildings and spaces, accessible travel and transport, and a community that has the services and facilities it needs now and in the future; supports a prosperous economy where trade, manufacturing and business activity flourishes.

#### *Our Goal:*

Facilitate the growth, liveability and development of the shire and encourage innovation and efficiency in the local economy.

**Financial & Other Resource Implications**

This proposal, and the consideration of the planning application, raises no financial or resourcing implications for Council.

**Risk Management & Compliance Issues**

This proposal raises no risk management or compliance implications for Council.

**Environmental Consideration/Climate Change**

The site is currently developed with a dwelling. The land at its lowest point is 28.36 metres AHD. The proposal raises no major concerns in relation to climate change or future sea level rise.

**Communication Strategy / Consultation Period**

Public notice of the application was required, as noted earlier in the report.

**Conclusion**

The application seeks a permit for an extension to an existing dwelling. The requirement for a permit is triggered by the SLO2, NCO1 and EMO1. The key considerations in this case relate to the potential impact on the character of the area and the amenities of adjacent properties, and to erosion management issues.

It is considered that the proposed development would provide an acceptable outcome when assessed against relevant planning policies and guidance, including the requirements of the EMO1, SLO2, NCO1 and the Preferred Character Statement for Skenes Creek, Precinct 2.

On this basis, it is considered that a permit could reasonably be issued for the proposed extension.

**Attachments**

Nil

**Recommendation(s)**

***That Council's Planning Committee resolves to issue a Notice of Decision to Grant Planning Permit PP149/2012-1 for buildings and works comprising extensions to an existing dwelling at 33 Vista Avenue, Skenes Creek subject to the following conditions:***

***Endorsed Plan***

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

***Removal of Car Port***

- 2. Prior to the commencement of work on the extension hereby permitted, the car port and deck structure shown to be removed on the endorsed plans must be demolished in its entirety, to the satisfaction of the Responsible Authority.***

***Landscaping***

- 3. The established landscaping along the southern boundary of the site must be retained and maintained to the satisfaction of the Responsible Authority.***

**Drainage**

3. ***All runoff from stormwater, including overflow from water storage, must be taken to a legal point of discharge to the satisfaction of the Responsible Authority.***

**Expiry**

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

***The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires or within six (6) months afterwards, or if the request for the extension of time is made within 12 months after the permit expires and the development started lawfully before the permit expired.***

**Note**

1. ***This development has been assessed under the provisions of Clause 54 of the Colac Otway Planning Scheme.***

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PC130910-5

**BUILDINGS AND WORKS COMPRISING ALTERATIONS AND ADDITIONS TO A MINOR SPORTS AND RECREATION FACILITY AT 118-134 HEARN STREET & 175 QUEEN STREET, COLAC (PP184/2013)**

|             |                                    |           |            |
|-------------|------------------------------------|-----------|------------|
| AUTHOR:     | Carl Menze                         | ENDORSED: | Jack Green |
| DEPARTMENT: | Sustainable Planning & Development | FILE REF: | F11/2683   |

**Location:** 118-134 Hearn Street & 175 Queen Street, Colac

**Zoning:** Public Use Zone 2 - Education

**Overlay controls:** Nil

**Proposed Amendments:** Nil

**Purpose:**

The application seeks planning approval for extensions and alterations to an existing Minor Sports and Recreation Facility ('Bluewater Fitness Centre'). The facility is operated by the Colac Otway Shire and currently includes a gym, basketball stadium, indoor swimming pool, squash courts and several multi-purpose rooms.

The application is before Council for consideration as the proposed extensions would exceed 8m in height.

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**

- This application seeks a planning permit for extensions and alterations to an existing Minor Sports and Recreation Facility ('Bluewater Fitness Centre'). The use is a section 2 use (permit required) under the provisions of the Public Use Zone (PUZ2 – Education). A planning permit is required for buildings and works associated with a section 2 use.
- The key considerations in this case are the parking implications of the proposal, and the potential impacts on the amenity of residential properties in the vicinity of the site that could result from the increased capacity of the building.
- It is considered that sufficient on-site parking would be provided to meet expected additional patron numbers, in accordance with clause 52.06 (Car Parking) and that any potential impacts from the proposed development would not be significantly different to the existing situation. It is not considered that the increased use of the facility resulting from the expanded range of facilities would cause material detriment to any persons.
- A condition has been recommended requiring the provision of eight (8) additional on-site bicycle parking spaces in order meet to Clause 52.34 (Bicycle Facilities)

- It is further considered that the proposed buildings and works would be acceptable in terms of the streetscape and character of the area.
- Public notification of the application was undertaken, with no objections being received.
- Given the above, it is recommended a permit be issued subject to conditions.

### **Background**

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

This application has arisen from the allocation of both State and Federal Government funding to redevelop the Bluewater Fitness Centre. The redevelopment is part of a wider government investment into the 'Beechy Precinct' which includes the adjoining Colac Secondary College, joint use library and Central Reserve.

### **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 buildings and works would be acceptable taking into account of the character and amenity of the area, and whether the potential intensified use of the land would cause material detriment to any persons, having regard to matters such as potential increased activity in the area and the parking implications.

It is recommended that Option (a) is supported.

### **Proposal**

The application seeks a planning permit for extensions and alterations to Bluewater Fitness Centre.

The facility is operated by the Colac Otway Shire and currently provides a gym, basketball stadium, indoor swimming pool, squash courts and several multi-purpose rooms. Details of the current operation were provided as part of the application submission.

The proposed development would increase the overall size of the facility. The proposal would result in the removal of the squash courts, and the provision of an additional basketball court, new amenity facilities for players, officials and spectators, dry program rooms, an expanded gym area, a warm water pool, a splash pad play area, improved aquatic amenity areas, improved foyer and reception areas, meeting spaces, office areas, storage areas and improvements to the car parking layout, loading facilities and landscaping.

The proposed buildings and works include:

- Internal alterations and a reconfiguration of the existing building, which would improve amenities, the reception, foyer and office space, and changing room facilities.
- An increase in the size of basketball stadium (south west) from two (2) courts to three (3) courts.
- An extension to the front (north) of the building, which would house the expanded gymnasium.
- Extensions to the south east of the building, which would contain a warm water pool and plant room.
- External alterations, which would include additional on-site parking spaces and improved landscaping.

- A new delivery area to the east elevation of the proposed plant room. Delivery vehicles would use the school's bus accessway for access.

The proposal would result in a complete transformation of the building. It is proposed to use a mixture of external materials, including aluminum/metal sheets, concrete blocks, concrete, glass and polycarbonate sheeting, of a variety of colours and tones, in the proposed buildings and works. The applicant has advised that:

*"The exterior of the building attempts to respond to the local natural environment. The circle effect on the exterior surfaces references hay bales and the end-cut of sawlogs, while the colour palette reflects the sunburnt Otways and plains in summer."*

The proposal is expected to result in an increase in peak patron numbers from 192 to 269.

It was noted in the application that Bluewater Fitness Centre currently hosts a number of events in the stadium including representative basketball (Colac Kookas), basketball tournaments, roller derby, dance events and other one off events, e.g. wrestling. The applicant advised that the largest attendance was approximately 400 at one time for a basketball tournament, which included participants and spectators, but that this event had not given rise to parking issues.

The applicant stated, in relation to the proposed extended facility:

*"It is proposed that following the project, Bluewater Fitness Centre will be in a position to host regional and state level sporting events including basketball and netball. The seating capacity in the stadium will be 433 (not including score benches). It is envisaged that the majority of major events will be held on weekends when there won't be many, if any, other patrons using the facility."*

*"Should the venue be at capacity for a major event such as state league netball, it is anticipated that the 217 car parks available will cater for the crowd as many attendees are likely to car pool. Should car parking be considered an issue for a major event, the adjacent school oval (which will have some car parks) and the nearby Central Reserve can be used for overflow car parking. These two facilities will provide a significant number of additional car parks."*

The applicant has advised that it is not anticipated that the hours of operation would change from the current hours. The longest, earliest and latest operating times are all currently on Monday to Thursday, when the Centre is open from 6.00am to 8.30pm.

### **Site & Surrounds**

The subject site is located on the south side of Hearn Street, near the intersection of Queen Street. The site comprises several titles and has a total area of approximately 5 hectares. The land currently contains the Bluewater Fitness Centre, Colac Joint Use Library and two (2) car parks.

The land immediately to the south is occupied by the Colac Secondary Collage, whilst the former Colac Technical School (currently being demolished) is located to the west of the site. Land immediately opposite to the north and east is developed for residential purposes.

### **Public Notice**

Public notice of the application was given in accordance with Section 52 of the Planning and Environment Act by sending letters to adjoining owners/occupiers and by placing two (2) signs on site.

The notification was undertaken by Council. No objections had been received at the conclusion of the notification period.

### **Referrals**

The application was not required to be referred to any external authority.

As required under the provisions of the zone, the Department of Education and Early Childhood Development (DEECD) gave its consent as the land manager.

A letter from Colac Secondary College was provided with the application. This letter offered “full support” for the proposal. The College notes that it is a key partner in the redevelopment of the Bluewater Fitness Centre, and that it has a Joint Use Agreement with Council for use of the stadium. In addition, it was noted that:

*“Colac Secondary College has been extensively involved in the design of the revamped facility through representation on the Project Team. We support the final designs for the building as well as the hard and soft landscaping.*

*In regards to deliveries to the Bluewater Fitness Centre, Colac Secondary College agree to the use of the bus interchange adjacent to the east car park on the corner of Queen and Hearn Streets. With minimal deliveries occurring on a weekly basis, it makes complete sense to use the existing infrastructure of the bus interchange.*

*The Bluewater Fitness Centre redevelopment is a significant project for our school and the broader community. Therefore, the Colac Secondary College offers its absolute support to the project.”*

The application was referred internally to the Infrastructure, Building and Health departments with no objections being raised.

The Infrastructure Department provided the following response;

*“Proposed parking layout and loading bay is acceptable and shown to be functional.*

*Concern was originally raised regarding the use of a separate title for loading access. However, given the existing building and proposed development is also partially located on the same title as access, and also that all titles are under one ownership, there are no concerns with respect to the ongoing availability of delivery access.*

*Drainage plans have been viewed and are acceptable and allow for stormwater retention.”*

### **Planning Controls**

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

The State and Local Planning Policy Frameworks seek 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 15.01-2 - Urban Design Principles
- Clause 15.01-4 - Design for Safety



- Clause 18.02-2 - Cycling
- Clause 18.02-5 - Car Parking
- Clause 19.02 - Community Infrastructure
- Clause 21.03-2 - Colac

The above policies support the co-location, multiple use and sharing of facilities, and seek to minimise the effects of 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. It is considered that the proposed development would assist in meeting the community's need for recreation and fitness facilities.

b. Zone provisions

The purpose of the Public Use 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 recognise public land use for public utility and community services and facilities.*
- *To provide for associated uses that are consistent with the intent of the public land reservation or purpose.*

A planning permit is required for any use other than 'education', pursuant to PUZ2. The use of the application site for a 'Minor Sports and Recreation Facility' is already established.

A planning permit is required to construct a building or construct or carry out works for a Section 2 (permit required) use.

In accordance with the requirements of the zone, the Department of Education and Early Childhood Development gave its consent as land manager, stating:

*"DEECD is the manager of the land on which Bluewater Fitness Centre is located. The facility is managed and operated by Colac Otway Shire, formalized by a lease agreement and a licence agreement.*

*As land manager, DEECD provides consent for the redevelopment of the facility.*

*This project is a key component of the overall development of the Beechy Precinct. The Precinct is an education, recreation and community precinct that will benefit our community for many years to come.*

*In the spirit of the Beechy Precinct concept, DEECD is a key partner in the redevelopment of the Bluewater Fitness Centre.*

*The Department of Education and Early Childhood Development (DEECD) has contributed \$430,000 in recognition of this. The project supports the recently constructed Colac Secondary College located on the same site.*

*The Bluewater Fitness Centre redevelopment is a significant project for the Colac Secondary College and the broader community. Therefore, DEECD offers its support and consent to the project.”*

The provisions of the zone advise that advertising sign requirements are at Clause 52.05 and that this zone is in Category 4.

c. Particular Provisions – Clause 52.05 - Advertising Signs

Pursuant to Clause 52.05, a planning permit is required for business identification signage. No new or additional signage is proposed. The existing signage is to be maintained.

d. Particular Provisions – Clause 52.06 - Car Parking

Pursuant to Clause 52.06-5A:

*‘Where a use of land is not specified in Table 1 or where a car parking requirement is not specified for the use in another provision of the planning scheme or in a schedule to the Parking Overlay, before a new use commences or the floor area or site area of an existing use is increased, car parking spaces must be provided to the satisfaction of the responsible authority.’*

The existing and proposed use of the land is a ‘Minor Sports and Recreation Facility’, which is nested in the ‘Leisure and Recreation Group’. Neither of these have a specified rate in *Table 1 – Car Parking Requirement* in clause 52.06. The only use in the building specifically listed in the table is ‘swimming pool’, which has a requirement of 5.6 spaces to each 100sqm of the site. Therefore, in this case, the car parking provision must be to the satisfaction of the Responsible Authority.

e. Clause 52.07 – Loading and Unloading of Vehicles

Pursuant to Clause 52.07:

*“No building or works may be constructed for the manufacture, servicing, storage or sale of goods or materials unless:*

- *Space is provided on the land for loading and unloading vehicles as specified in the table below.*
- *The driveway to the loading bay is at least 3.6 metres wide. If a driveway changes direction or intersects another driveway, the internal radius at the change of direction or intersection must be at least 6 metres.*
- *The road that provides access to the loading bay is at least 3.6 metres wide.”*

The proposal includes on-site loading facilities for a 12.5m truck, which exceeds the minimum requirements of this clause.

f. Clause 52.34 – Bicycle Facilities

Pursuant to Clause 52.34:

*“A new use must not commence or the floor area of an existing use must not be increased until the required bicycle facilities and associated signage has been provided on the land.*

*Where the floor area occupied by an existing use is increased, the requirement for bicycle facilities only applies to the increased floor area of the use.”*

A ‘Minor Sports and Recreation Facility’ attracts a rate of:

- 1 space per 4 employees
- 1 space to each 200 sq m of net floor area

The proposal does not increase employee numbers however the net floor area is increased by approximately 2700sqm which generates a bicycle parking requirement of 13 spaces.

## **Consideration of the Proposal**

### Development (Buildings and Works)

The proposed extensions and alterations to the existing building would improve the facilities available at the site, and would include the provision of an additional basketball court, an enlarged gym, a warm water pool, a kids’ play splash play area and general amenity improvements. The proposed extensions would transform the external appearance of the building to a modern articulated built form which, whilst it is acknowledged that design is subjective, it is considered would improve its visual appearance from the streetscape.

The proposed extensions would have a maximum height of approximately 10.4m above natural ground level. Whilst in excess of 8m in height, it is noted that the height would be consistent with the existing stadium building. It is not considered that the height would result in the proposed extensions looking out of place within the context of the site and surrounds.

The proposed extensions would result in a reduced setback from the Hearn Street frontage, to a minimum of 10.8m. Whilst the setback would be reduced, a substantial setback would therefore still be maintained. Furthermore, the extensions that would reduce the street setback would include a visually articulated façade, which it is considered would add interest to the streetscape as opposed to presenting as a blank wall.

Overall, it is considered that the proposed extensions and alterations would improve the visual appearance of the site, to the benefit of the streetscape and general character of the area.

The proposal also removes an existing school bus shelter from the Hearn Street frontage. Specific bus shelters and bus access are provided within the east car park and as such the removal of the bus stop is not seen as detrimental.

### Car Parking Provision

As noted earlier in this report, the existing and proposed use of the land is a ‘Minor Sports and Recreation Facility’ which does not have a specified rate in the Car Parking Table in clause 52.06. Therefore the car parking provision must be to the satisfaction of the Responsible Authority.

Currently a total of 191 car parking spaces are provided on-site, with 140 spaces in the east car park and 51 in the west car park. In addition, 26 on-street parking spaces are provided on Hearn Street along the site’s frontage.

The proposal would reduce on-site parking to a total of 185 spaces, with 140 in the east car park and 45 in the west car park. On-street parking would be increased from 26 to 27 spaces. The proposed reduction with the west car park is due to improved landscaping and a pedestrian walkway.

The application includes a car parking assessment which assesses current parking demand based on empirical parking surveys. The parking assessment occurred over 10 days during a two week period, with 29 separate counts being undertaken. The table below summarises the key findings of the car parking assessment:

| Car Park     | Spaces | Average Occupancy | Highest Occupancy                                 | Lowest Occupancy                  |
|--------------|--------|-------------------|---|-----------------------------------|
| East         | 140    | 21.79             | 42  | 3                                 |
| West         | 51     | 11.58             | 26  | 0                                 |
| Hearn Street | 26     | 9.86              | 28 (suggests illegal on-street parking occurring) | 0 (parking restrictions in force) |

The parking assessment clearly indicates that currently substantial car parking spaces remain available at all times.

The application provides information of existing and proposed patron numbers and states:

*“Peak time at the Centre is after school hours, 4:00pm through to 7:00pm. This depends on the day and what bookings and/or programs are scheduled. The current maximum visitation period would be on a Tuesday afternoon at 5:00pm during the school term and within the basketball season. Estimates on patronage and expected number of cars are provided based on this period.”*

The following table details expected daily peak patronage numbers following the proposed redevelopment:

| Service           | Description/Assumption  | Patrons    | Expected cars |
|-------------------|---|------------|---------------|
| Learn to Swim     | 4 lessons finishing and 4 more starting. Average of 5 per lesson gives 40 travelling parties. Each participant has 1 or more people accompanying them.                                    | 65         | 40            |
| Basketball        | 3 courts with games finishing and 3 more games about to start. Average of 14 participants per court gives 56 travelling parties. Each participant has 1 or more people accompanying them. | 126        | 80            |
| Membership Visits | Gym and pool use by members. Generally approximately ¾ will travel individually by car.   | 60         | 45            |
| Casual Visits     | Casual visits will generally pick up later in the evening after 6pm.  | 18         | 14            |
| <b>TOTAL</b>      |   | <b>269</b> | <b>179</b>    |

With respect to patron numbers, the applicant also states:

*“Please note that many centre patrons use active transport (e.g. walk or cycle) when travelling to the centre. This is even more frequent during the summer period which coincides with peak usage of the centre (basketball season, higher learn to swim participants etc.).*

*Therefore, the above estimates are conservative and likely to be higher than what is expected. It shows that the number of car parks that will be provided outweigh the demand at peak times.*

*There will be times throughout the day, particularly afternoons during school hours, that there will be little public patronage of the Centre. There will be use of the stadium by the school however this obviously won't have an effect on car parking."*

The provision of 185 on-site parking spaces, resulting in six less parking spaces, is considered acceptable in this instance given the likely parking demand generated by the proposal. As noted earlier in this report, whilst the number of spaces would be reduced there is not a permit trigger for this under clause 52.06, as the rate for this use must be to the satisfaction of the Responsible Authority (rather than in accordance with a specified rate). The Infrastructure department considers the proposed parking provision to be acceptable.

It is noted that the *Colac and Apollo Bay Parking Strategy 2011* did not look at parking demand or make recommendations for the subject site and surrounding area.

### Parking Layout and Access

The proposed changes to the west car parking layout include the formalisation of spaces within the north east corner, removal of some spaces, improved pedestrian walkways and the introduction of several landscaped areas.

The proposed parking layout and access arrangements have been assessed by Council's Infrastructure Department and are considered to be acceptable. All proposed parking spaces would have sufficient dimensions to allow all vehicles to enter and exit the site in a forward motion.

Four (4) disabled car parking spaces are proposed on-site. All spaces would have sufficient access that would accord with disability access requirements.

Bicycle parking facilities would be provided in the frontage of the site for 5 bicycles. These spaces would be easily accessible and highly visible, which would promote their use. As discussed previously, the additional floor area generates a requirement for 13 on-site bicycle spaces. Given only 5 are provided on-site a condition is recommended requiring 8 additional spaces. The site is easily capable of providing such parking.

The proposed parking layout would incorporate several areas of landscaping to help break up the visual appearance of the parking area. It is considered that the proposed parking layout and access would meet the requirements of the Planning Scheme and would be acceptable.

The applicant also noted that the proposal would be likely to result in patrons being prepared to use both of the available car parks, rather than gravitating towards the one on the western side, stating:

*"A key design element is to provide for a main central entrance to the facility for all users. Previously stadium users would park in the west car park and access the stadium on the west side of the building. This meant that stadium users would often not use the east car park so they didn't have to walk any distance to the stadium.*

*Upon completion of the project, all patrons will enter the Centre through the main entrance. This will mean that both east and west car parks will be similar distances from the entry and will encourage patrons to use either car park. The furthest distance a patron would have to walk from the east car park would be 120m. Pathways will be improved and provide a safe environment for pedestrians to travel from the car parks to the entry point."*

### Loading and Unloading of Vehicles

The applicant has advised that the Centre receives approximately 1 delivery per week and that bulk deliveries are usually delivered to the east side of the building via an existing narrow access lane. It is anticipated that the number of deliveries would remain the same once the redevelopment is finished.

The proposal includes a 12.7m x 5.9m loading bay at the east side of the building, adjacent to the new plant room. The applicant has provided swept path diagrams for a 12.5 delivery truck. These diagrams demonstrate that entry and exit to the loading bay would be achievable in a forward motion for such a vehicle.

Vehicular access to the loading bay is proposed via the existing bus lane, which passes through the east car park and is utilised as the school bus drop off and pick up zone. The bus lane is one way in direction, with vehicles entering off Queen Street and exiting via Hearn Street. Initially concerns were raised with the applicant about delivery access being reliant on vehicles passing over several different land titles. Whilst this would be the case, it is noted that the proposed extensions would be located on the same title as the access and therefore it is not considered necessary to require any controls (e.g. s173 or creation of easement) to ensure ongoing access can be obtained in perpetuity.

It is recommended that a condition be imposed on any permit issued requiring all loading and unloading from vehicles to occur outside school bus drop off and pick up times.

The applicant has indicated this condition could be met and would be acceptable. It is considered that sufficient loading provision would be available on-site, which could be managed through conditions on any permit granted.

### **Council Plan/Other Strategies/Policy A Planned Future**

Creates an attractive shire with quality buildings and spaces, accessible travel and transport, and a community that has the services and facilities it needs now and in the future; supports a prosperous economy where trade, manufacturing and business activity flourishes.

#### *Our Goal:*

Facilitate the growth, liveability and development of the shire and encourage innovation and efficiency in the local economy.

The application seeks a permit to expand and improve an existing community facility, which would be to the benefit of the community as a whole.

### **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 not considered that the proposal would cause detriment to the existing streetscape, or the general amenity of the site and surrounds. The car parking provision is considered acceptable, given the likely parking demand generated by the proposed extensions and the substantial on-site parking provided. It is therefore recommended the application be supported.

### **Attachments**

Nil

### **Recommendation(s)**

***That Council's Planning Committee resolves to grant Planning Permit PP184/2013 for buildings and works comprising extensions and alterations to the existing Minor Sports and Recreation Facility at 118-134 Hearn Street & 175 Queen Street, Colac subject to the following conditions:***

#### ***Endorsed Plans***

- 1. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.***

#### ***Drainage***

- 2. All runoff from stormwater, including overflow from water storage, must be taken to a legal point of discharge to the satisfaction of the Responsible Authority.***

#### ***Access and Parking***

- 3. A minimum of 13 on-site bicycle parking spaces must be provided on the subject land.***
- 4. Prior to commencement of the development hereby permitted, the access, car parking and bicycle parking areas must be constructed in accordance with the endorsed plans.***
- 5. Prior to the commencement of development a Traffic Management Plan, setting out traffic management actions for occasions when major spectator events are held at the Bluewater Fitness Centre, must be submitted to and approved by the Responsible Authority. This plan must identify overflow parking locations and set out how parking for events would be managed to avoid impacts on surrounding roads. When approved, the Traffic Management Plan for major spectator events will be endorsed and will form part of the permit. All large scale spectator events must thereafter be managed in accordance with the endorsed Traffic Management Plan.***

**Loading and unloading**

- 6. The loading and unloading of goods from service vehicles must only be carried out on the land within the designated loading bay and must not disrupt the circulation and parking of vehicles on the land, to the satisfaction of the Responsible Authority.**
- 7. Loading and unloading must not take place during school drop off and pick up times.**

**Landscaping**

- 8. Prior to occupation of the development hereby permitted, or by such later date as is approved by the Responsible Authority in writing, the landscaping works shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority. The landscaping must thereafter be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.**

**Expiry**

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

**The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires or within six (6) months afterwards, or if the request for the extension of time is made within 12 months after the permit expires and the development started lawfully before the permit expired.**

**Note/s**

- 1. This permit does not authorise the commencement of any building construction works. Prior to commencement of the development, it will be necessary to apply for and obtain any required building approval.**
- 2. No works within road reserve may occur prior to obtaining a 'works within road reserve permit' from the Council.**

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