



**Colac Otway  
SHIRE**

**AGENDA**

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

**9 APRIL 2014**

**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 APRIL 2014**

**TABLE OF CONTENTS**

**OFFICERS' REPORTS**

<b>PC140904-1</b>	<b>PLANNING AND BUILDING STATISTICAL REPORT.....</b>	<b>6</b>
<b>PC140904-2</b>	<b>USE AND DEVELOPMENT OF TWO (2) HOLIDAY ACCOMMODATION UNITS, EXTENSIONS TO EXISTING DWELLING AND CONSTRUCTION OF SHED, AND REMOVAL OF VEGETATION AT 1 HARRISON STREET, MARENGO (PP167/2013-1). .....</b>	<b>20</b>

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 April 2014 at 10.30am.

---

## **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 12/02/14.**

**Recommendation**

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

**OFFICERS' REPORTS**

**Sustainable Planning and Development**

PC140904-1 PLANNING AND BUILDING STATISTICAL REPORT  
PC140904-2 USE AND DEVELOPMENT OF TWO (2) HOLIDAY ACCOMMODATION  
UNITS, EXTENSIONS TO EXISTING DWELLING AND CONSTRUCTION  
OF SHED, AND REMOVAL OF VEGETATION AT 1 HARRISON STREET,  
MARENGO (PP167/2013-1).

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

**PC140904-1 PLANNING AND 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 months of February and March 2014.

**Planning Statistics**

26 Planning Permit Applications were received for the period 1 February 2014 – 28 February 2014.

27 Planning Permit Applications were considered for the period 1 February 2014 – 28 February 2014.

24 Planning Permit Applications were received for the period 1 March 2014 – 31 March 2014.

28 Planning Permit Applications were considered for the period 1 March 2014 – 31 March 2014.

**Building Statistics**

The Victorian Building Authority data remains updated to November 2013.

**Attachments**

1. Planning Statistical Report - February 2014 - (Determinations) - Agenda Copy
2. Planning Statistical Report - March 2014 - (Determinations) - Agenda Copy

**Recommendation(s)**

***That Council’s Planning Committee takes note of the statistical reports for February and March 2014.***

~~~~~

PLANNING STATISTICAL REPORT – FEBRUARY 2014 – (DETERMINATIONS)

| APPLICATION NUMBER | DATE RECEIVED | LOCATION                           | PROPOSAL                                                                                                                                                                                       | STATUTORY DAYS | DATE DETERMINED | DETERMINATION & AUTHORITY             | COMMENTS                                                                                                                                                                                                                                                                                                                                          |
|--------------------|---------------|------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|-----------------|---------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| PP211/2010-2       | 10 DEC 2012   | 30-32 GREAT OCEAN ROAD LAVERS HILL | USE AND DEVELOPMENT OF A SHOP AND FOOD AND DRINK PREMISES WITH ASSOCIATED BUILDINGS AND WORKS                                                                                                  | 70             | 20 FEB 2014     | PERMIT ISSUED<br><i>DELEGATE</i>      | PERMIT TRIGGER<br>CLAUSE 32.05-8 (TZ)<br>CLAUSE 44.01-1 (EMO), CLAUSE 44.06-1 (BMO)<br>CLAUSE 42.01-2 (ESO)<br>- BUILDINGS AND WORKS<br>- APPLICANT RESOLVED ISSUES RAISED BY WANNON WATER.                                                                                                                                                       |
| PP3/2011-2         | 8 OCT 2013    | 246-250 MURRAY STREET COLAC        | DEVELOPMENT OF TWO (2) SINGLE STOREY SHOPS, DEMOLITION OF THE EXISTING BUILDING, CONSTRUCTION OF REAR CAR PARKING AREA AND A REDUCTION OF THE CAR PARKING REQUIREMENT OF 30 SPACES (AMENDMENT) | 18             | 28 FEB 2014     | PERMIT ISSUED<br><i>DELEGATE</i>      | PERMIT TRIGGER<br>CLAUSE 34.01-4 (C1Z) CLAUSE 43.01-1 (HO)<br>- BUILDINGS AND WORKS<br>CLAUSE 45.09-3 (PO1) CLAUSE 52.06 (CAR PARKING)<br>- CAR PARKING REDUCTION                                                                                                                                                                                 |
| PP147/2012-1       | 3 JUL 2012    | 58 MAIN STREET BIRREGURRA          | CONSTRUCTION OF THREE DWELLINGS, FOUR (4) LOT SUBDIVISION, DEMOLITION OF OUTBUILDING, REMOVAL OF TREES AND CREATION OF ACCESS TO ROAD ZONE CATEGORY 1                                          | 188            | 24 FEB 2014     | REFUSAL TO GRANT -<br><i>DELEGATE</i> | PERMIT TRIGGERS<br>- CLAUSE 32.05– DEVELOPMENT AND SUBDIVISION (TZ)<br>- CLAUSE 43.01 – DEVELOPMENT, SUBDIVISION, DEMOLITION AND VEGETATION REMOVAL(HO)<br>- CLAUSE 52.29– CREATE NEW ACCESS AND SUBDIVISION (ADJACENT TO RDZ1)<br><br>REFUSED ON BASIS THAT DEVELOPMENT CONTRARY TO NEIGHBOURHOOD CHARACTER AND LACK OF NORTH FACING ORIENTATION |
| PP227/2012-1       | 30 OCT 2012   | 8 BASS AVENUE SEPARATION CREEK     | BUILDINGS AND WORKS COMPRISING THE CONSTRUCTION OF A DWELLING AND ASSOCIATED WORKS                                                                                                             | 123            | 20 FEB 2014     | PERMIT ISSUED<br><i>DELEGATE</i>      | CLAUSES 42.03-2 (SLO), CLAUSE 43.05-2 (NCO1)<br>CLAUSE 44.01-1 (EMO1)<br>CLAUSE 44.06-1 (BMO)                                                                                                                                                                                                                                                     |
| PP87/2013-1        | 30 APR 2013   | 200 BARHAM RIVER ROAD APOLLO BAY   | EARTHWORKS AND REMOVAL OF VEGETATION                                                                                                                                                           | 68             | 5 FEB 2014      | PERMIT ISSUED<br><i>DELEGATE</i>      | PERMIT TRIGGERS<br>CLAUSE 35.06-5 (RCZ)<br>- EARTHWORKS<br>CLAUSES 42.03-2 (SLO), CLAUSE 44.01-1 (EMO)<br>CLAUSE 44.04-1 (LSIO)<br>- BUILDINGS AND WORKS<br>CLAUSE 44.01-2 (EMO)<br>- VEGETATION REMOVAL<br>- APPLICATION AROSE FROM ENFORCEMENT.                                                                                                 |

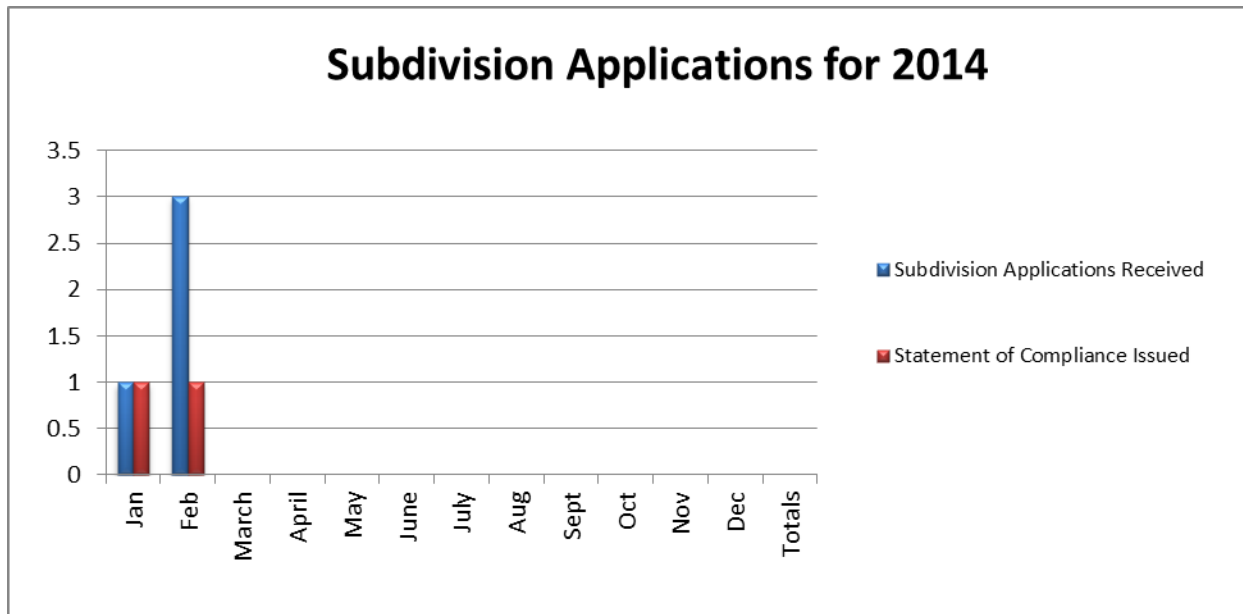
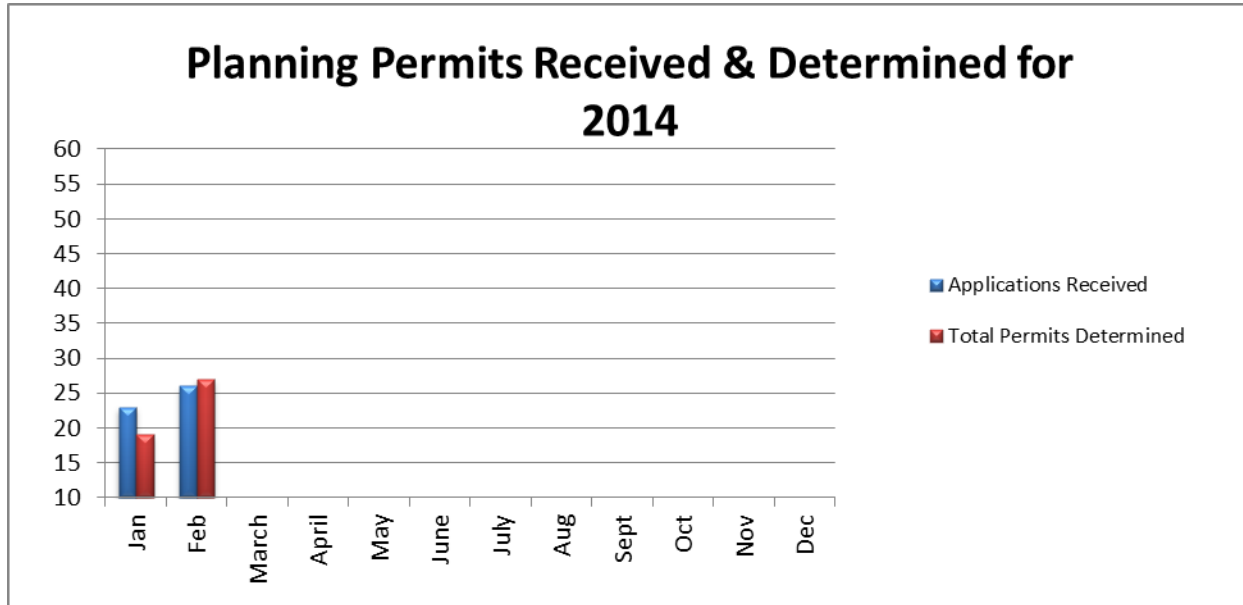
| APPLICATION NUMBER | DATE RECEIVED | LOCATION                                  | PROPOSAL                                                                                                        | STATUTORY DAYS | DATE DETERMINED | DETERMINATION & AUTHORITY | COMMENTS                                                                                                                                                                                                                           |
|--------------------|---------------|-------------------------------------------|-----------------------------------------------------------------------------------------------------------------|----------------|-----------------|---------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| PP141/2013-1       | 20 JUN 2013   | 9 HARRIS ROAD ELLIMINYT                   | TWO (2) LOT SUBDIVISION                                                                                         | 66             | 3 FEB 2014      | PERMIT ISSUED<br>DELEGATE | PERMIT TRIGGER<br>CLAUSE 32.01-2 (RIZ)<br>- SUBDIVISION                                                                                                                                                                            |
| PP152/2013-1       | 8 JUL 2013    | 2346 BIRREGURRA FORREST ROAD FORREST      | SUBDIVISION OF THE LAND INTO TWO (2) LOTS AND CREATION OF ACCESS TO A ROAD ZONE CATEGORY 1                      | 135            | 20 FEB 2014     | PERMIT ISSUED<br>DELEGATE | PERMIT TRIGGER<br>CLAUSE 32.05-4 SUBDIVISION (TZ)<br>CLAUSE 44.06-1 BUILDINGS AND WORKS AND SUBDIVISION (BMO)<br>CLAUSE 52.29<br>- SUBDIVISION ADJACENT RDZ1                                                                       |
| PP157/2013-1       | 11 JUL 2013   | 202A POUND ROAD ELLIMINYT                 | USE OF LAND FOR PURPOSES (INFORMAL SPORTS GROUND) ANCILLARY TO EXISTING EDUCATIONAL CENTRE AND ASSOCIATED WORKS | 1              | 18 FEB 2014     | PERMIT ISSUED<br>DELEGATE | PERMIT TRIGGER<br>CLAUSE 32.01-2<br>- SECTION 2 USE (R1Z)<br>CLAUSE 32.06-6<br>- BUILDINGS AND WORKS – SECTION 2 USE (R1Z)                                                                                                         |
| PP179/2013-1       | 7 AUG 2013    | 36 KARINGAL DRIVE WYE RIVER               | CONSTRUCTION OF A DWELLING AND ASSOCIATED WORKS AND THE REMOVAL OF VEGETATION                                   | 1              | 5 FEB 2014      | PERMIT ISSUED<br>DELEGATE | PERMIT TRIGGER<br>CLAUSE S 42.03-2 BUILDINGS AND WORKS (SLO2)<br>CLAUSE 44.01-1<br>- BUILDINGS AND WORKS & REMOVAL OF VEGETATION (EMO)<br>- CLAUSES 43.05-2 BUILDINGS AND WORKS<br>- CLAUSE 44.06-1<br>- BUILDINGS AND WORKS (BMO) |
| PP194/2013-1       | 22 AUG 2013   | 119-243 HART STREET COLAC                 | BUILDINGS AND WORKS COMPRISING CONSTRUCTION OF SHED                                                             | 116            | 24 FEB 2014     | PERMIT ISSUED<br>DELEGATE | PERMIT TRIGGER<br>CLAUSE 32.01-6<br>- CONSTRUCT A BUILDING FOR A USE IN SECTION 2 OF CLAUSE 32.01-1 (R1Z)                                                                                                                          |
| PP199/2013-1       | 23 AUG 2013   | 1599 BIRREGURRA FORREST ROAD BARWON DOWNS | USE OF THE LAND AS A COMMUNITY CENTRE (PLACE OF ASSEMBLY) AND PROVISION OF CAR PARKING ON ADJOINING LAND        | 61             | 28 FEB 2014     | PERMIT ISSUED<br>DELEGATE | PERMIT TRIGGER<br>CLAUSE 36.01-1<br>- USE OF THE LAND (PUZ7)<br>- AUTHORISES JOINT CFA/COMMUNITY FACILITY PART FUNDED BY COUNCIL.                                                                                                  |
| PP218/2013-1       | 18 SEP 2013   | 68 OLD COACH ROAD SKENES CREEK            | CONSTRUCTION OF A DWELLING AND ASSOCIATED WORKS                                                                 | 62             | 3 FEB 2014      | PERMIT ISSUED<br>DELEGATE | PERMIT TRIGGER<br>CLAUSE 42.03-2 (SLO2), CLAUSE 43.05-2 (NCO), CLAUSE 44.01-1 (EMO1)<br>CLAUSE 44.06-1 (BMO)<br>- BUILDINGS AND WORKS                                                                                              |
| PP232/2013-1       | 14 OCT 2013   | 49 BARRY STREET BIRREGURRA                | SUBDIVISION OF THE LAND INTO TWO (2) LOTS                                                                       | 113            | 18 FEB 2014     | PERMIT ISSUED<br>DELEGATE | PERMIT TRIGGER<br>CLAUSE 32.05-4<br>- SUBDIVISION (TZ)                                                                                                                                                                             |
| PP240/2013-1       | 23 OCT 2013   | 18 GIBSON AVENUE KENNET RIVER             | BUILDINGS AND WORKS COMPRISING BALCONY EXTENSION                                                                | 59             | 5 FEB 2014      | PERMIT ISSUED<br>DELEGATE | PERMIT TRIGGER<br>CLAUSE 42.03-2 (SLO)<br>CLAUSE 43.05-2 (NCO)<br>- CONSTRUCT OR CARRY OUT                                                                                                                                         |

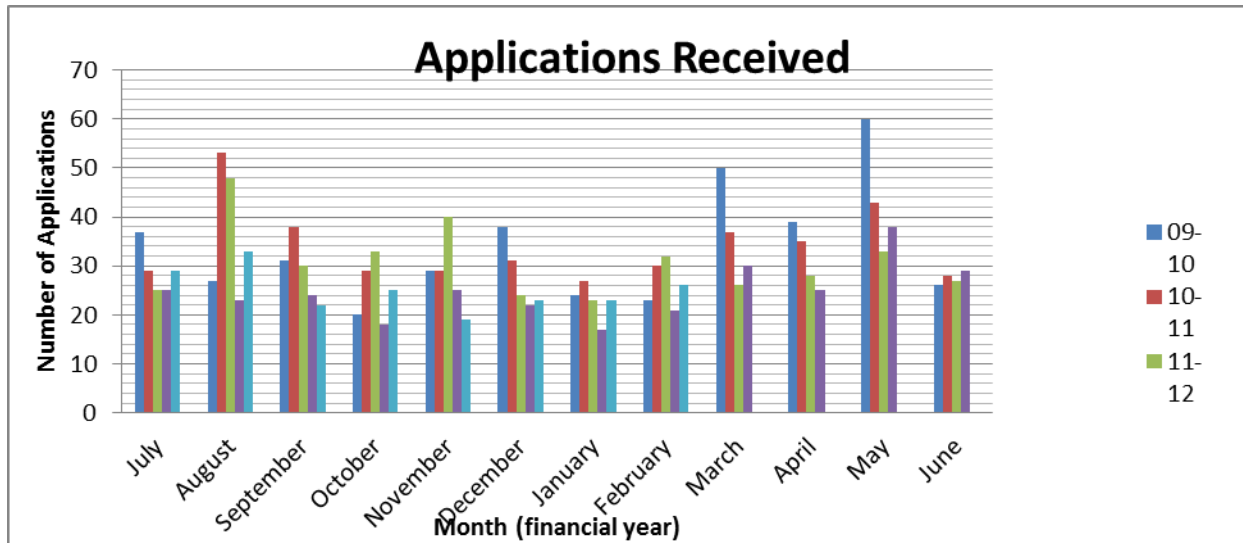
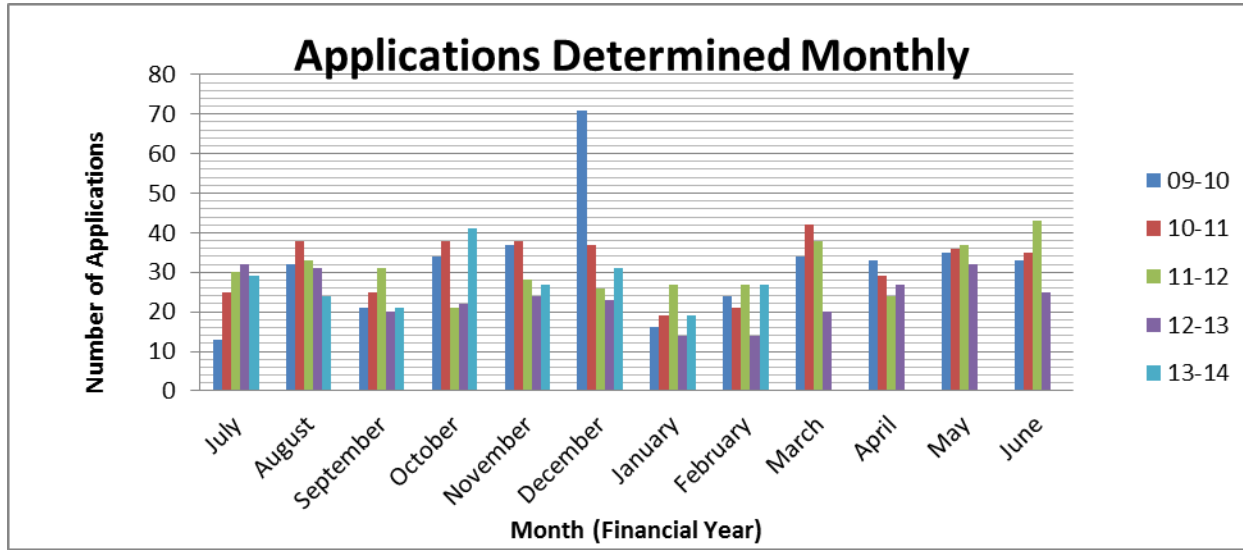


| APPLICATION NUMBER                                               | DATE RECEIVED | LOCATION                          | PROPOSAL                                                                             | STATUTORY DAYS | DATE DETERMINED | DETERMINATION & AUTHORITY        | COMMENTS                                                                                                                                                           |
|------------------------------------------------------------------|---------------|-----------------------------------|--------------------------------------------------------------------------------------|----------------|-----------------|----------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                  |               |                                   |                                                                                      |                |                 |                                  | WORKS                                                                                                                                                              |
| PP261/2013-1                                                     | 28 NOV 2013   | 220 MCPADDENS ROAD BARWON DOWNS   | DEVELOPMENT OF THE LAND FOR A DWELLING AND ASSOCIATED OUTBUILDINGS AND WORKS         | 55             | 26 FEB 2014     | PERMIT ISSUED<br><i>DELEGATE</i> | PERMIT TRIGGER<br>CLAUSE 44.06 – BUILDINGS AND WORKS (BMO)<br>- CLAUSE 44.01 – BUILDINGS AND WORKS (EMO1)                                                          |
| PP264/2013-1                                                     | 2 DEC 2013    | 21 ROADKNIGHT STREET BIRREGURRA   | CREATION OF AN ACCESS TO A ROAD IN A ROAD ZONE CATEGORY 1                            | 2              | 12 FEB 2014     | PERMIT ISSUED<br><i>DELEGATE</i> | CLAUSE 52.29 (RDZ1)<br>CREATE ACCESS TO A ROAD IN A ROAD ZONE 1                                                                                                    |
| PP271/2013-1                                                     | 9 DEC 2013    | 40 LAWES STREET ELLIMINYT         | USE AND DEVELOPMENT OF THE LAND FOR A DWELLING AND ASSOCIATED OUTBUILDING            | 48             | 24 FEB 2014     | PERMIT ISSUED<br><i>DELEGATE</i> | PERMIT TRIGGER<br>CLAUSES 35.03-1 & 35.03-4<br>- USE OF THE LAND FOR A DWELLING<br>- CONSTRUCTION OF A BUILDING WITHIN 100 METRES OF A DESIGNATED FLOODPLAIN (RLZ) |
| PP11/2014-1                                                      | 20 JAN 2014   | 249-251 MURRAY STREET COLAC       | DISPLAY OF BUSINESS IDENTIFICATION SIGNAGE AND THE EXTERNAL PAINTING OF THE BUILDING | 14             | 26 FEB 2014     | PERMIT ISSUED<br><i>DELEGATE</i> | PERMIT TRIGGER<br>CLAUSE 43.01-1<br>- CONSTRUCT OR DISPLAY A SIGN (HO147)<br>- EXTERNALLY PAINT A BUILDING (HO147)                                                 |
| PP13/2014-1                                                      | 2 JAN 2014    | 880 BARHAM RIVER ROAD APOLLO BAY  | CONSTRUCTION OF OUTBUILDING                                                          | 30             | 27 FEB 2014     | PERMIT ISSUED<br><i>DELEGATE</i> | PERMIT TRIGGER<br>CLAUSE 35.06-5<br>- BUILDING WHICH IS WITHIN 100 METRES OF A WATERWAY (RCZ)<br>CLAUSE 44.01-1<br>- CONSTRUCT A BUILDING (EMO)                    |
| PP33/2014-1                                                      | 14 FEB 2014   | 180 BAILEYS ROAD IRREWILLIPE EAST | CONSTRUCTION OF A BUILDING (HAY SHED)                                                | 11             | 25 FEB 2014     | PERMIT ISSUED<br><i>DELEGATE</i> | PERMIT TRIGGER<br>CLAUSE 42.03-2<br>- CONSTRUCT A BUILDING (SLO)                                                                                                   |
| PP213/2013-1                                                     | 16 SEP 2013   | 360 PHILLIPS TRACK WEEAPROINAH    | INSTALLATION & OPERATION OF POWER FAN ATTRACTION                                     | 114            | 13 FEB 2014     | NOTICE OF DECISION<br>COUNCIL    | PERMIT TRIGGER<br>CLAUSES 35.07-4 (FZ), 44.01-1 (EMO) & 44.06-1 (BMO)<br>- BUILDINGS AND WORKS                                                                     |
| <b>AVERAGE STATUTORY DAYS TO DETERMINE PLANNING APPLICATIONS</b> |               |                                   |                                                                                      | <b>65</b>      |                 |                                  |                                                                                                                                                                    |

PLANNING STATISTICAL REPORT – FEBRUARY 2014 (PERMITS NOT REQUIRED, WITHDRAWN & LAPSED APPLICATIONS)

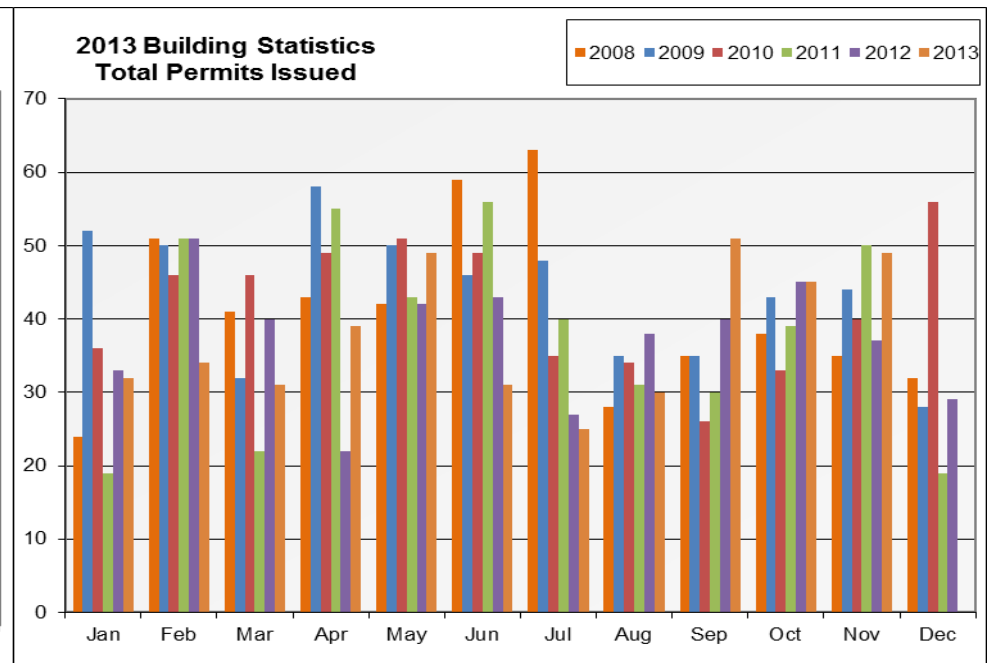
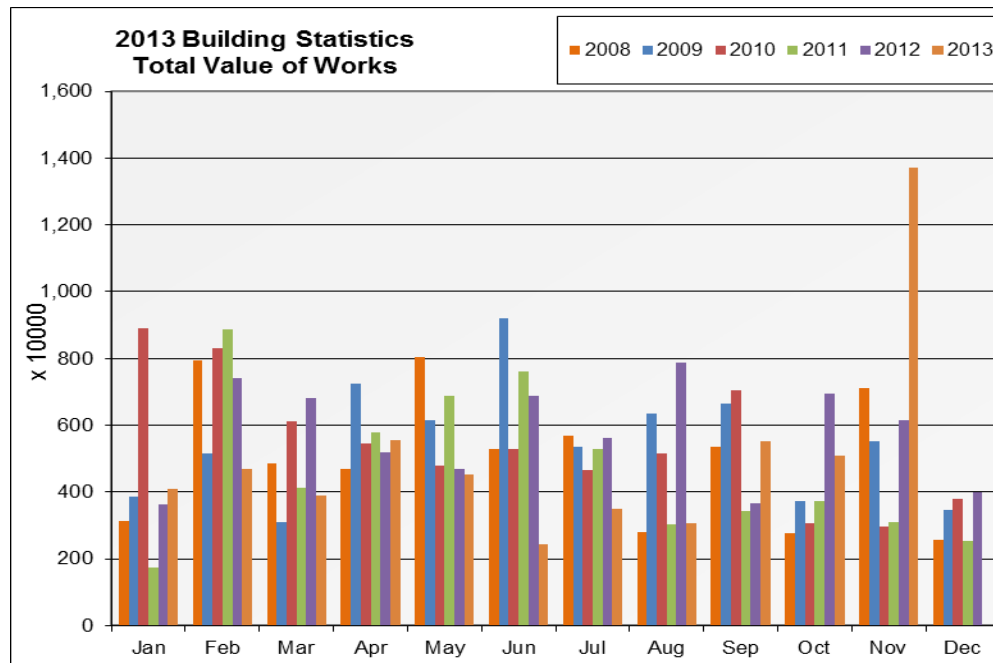
| APPLICATION NUMBER                              | DATE RECEIVED | LOCATION                             | PROPOSAL                                                        | STATUTORY DAYS | DATE DETERMINED | DETERMINATION & AUTHORITY   | COMMENTS                                                                                                                                                                                                                                                |
|-------------------------------------------------|---------------|--------------------------------------|-----------------------------------------------------------------|----------------|-----------------|-----------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| PP50/2012-1                                     | 7 MAR 2012    | 58 IMPERIAL DRIVE COLAC              | TWO (2) LOT SUBDIVISION AND VARIATION OF A RESTRICTIVE COVENANT | 368            | 28 FEB 2014     | WITHDRAWN                   | PERMIT TRIGGER CLAUSE 33.01<br>- SUBDIVISION<br>- SIGNIFICANT TIME TAKEN BY APPLICANT ATTEMPTING TO RESOLVE COVENANT ISSUE.                                                                                                                             |
| PP102/2012-1                                    | 7 MAY 2012    | 20 OLIVE STREET SEPARATION CREEK     | VESTING LAND IN COUNCIL                                         | 59             | 10 FEB 2014     | WITHDRAWN                   | PERMIT TRIGGER CLAUSE 52.02<br>- EASEMENTS, RESTRICTIONS AND RESERVES<br><br>SUBDIVISION CONTRAVENED A COVENANT ON THE TITLE AND OBJECTION LODGED. OFFICERS SOUGHT TO HAVE THIS RESOLVED. FURTHER APPLICATION TO BE LODGED WHEN COVENANT ISSUE RESOLVED |
| PP255/2013-1                                    | 14 NOV 2013   | 10 OFF GREAT OCEAN ROAD KENNET RIVER | RENOVATIONS TO HUT                                              | 0              | 5 FEB 2014      | WITHDRAWN                   | PERMIT TRIGGER CLAUSE 35.06-1 BUILDINGS AND WORKS (RCZ) CLAUSE 44.06-1 (BMO)<br>- USE OF THE LAND FOR ACCOMMODATION<br>CLAUSES 35.06-5 & 44.01-1<br>- BUILDINGS AND WORKS<br><br>APPLICANT WITHDREW APPLICATION                                         |
| PP257/2013-1                                    | 14 NOV 2013   | 240 PIPELINE ROAD FORREST            | CONSTRUCTION OF DAM                                             | 0              | 14 FEB 2014     | PLANNING APPLICATION LAPSED | APPLICANT DID NOT RESPOND TO FURTHER INFORMATION REQUEST                                                                                                                                                                                                |
| PP233/2013-1                                    | 15 OCT 2013   | 411 PRINCES HIGHWAY COLAC WEST       | CONSTRUCTION OF SHEDS FOR STORAGE, STORAGE RENTAL AND SIGNAGE   | 0              | 11 FEB 2014     | PLANNING APPLICATION LAPSED | APPLICANT DID NOT RESPOND TO FURTHER INFORMATION REQUEST                                                                                                                                                                                                |
| PP300/2010-2                                    | 4 OCT 2013    | 3 JOSEPH COURT KENNET RIVER          | ONE (1) NEW DWELLING                                            | 0              | 13 FEB 2014     | PLANNING APPLICATION LAPSED | APPLICANT DID NOT RESPOND TO FURTHER INFORMATION REQUEST                                                                                                                                                                                                |
| TOTAL AVERAGE STATUTORY DAYS (ALL APPLICATIONS) |               |                                      |                                                                 | 66             |                 |                             |                                                                                                                                                                                                                                                         |





|               | 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           | 24         | 2,822,638         | 0            | 0                | 4          | 108,579          | 0        | 0                | 1          | 120,000          | 0                   | 0          | 1                | 6,610             | 30               | 3,057,827         |
| Sep           | 38         | 4,145,589         | 0            | 0                | 3          | 76,350           | 2        | 305,500          | 1          | 30,000           | 0                   | 0          | 7                | 980,624           | 51               | 5,538,063         |
| Oct           | 38         | 4,352,741         | 0            | 0                | 3          | 174,344          | 0        | 0                | 3          | 560,000          | 0                   | 0          | 1                | 17,200            | 45               | 5,104,285         |
| Nov           | 41         | 4,243,820         | 0            | 0                | 3          | 116,757          | 1        | 500,000          | 1          | 33,762           | 0                   | 0          | 3                | 8,834,626         | 49               | 13,728,965        |
| Dec           |            |                   |              |                  |            |                  |          |                  |            |                  |                     |            |                  |                   |                  |                   |
| <b>Totals</b> | <b>329</b> | <b>37,993,167</b> | <b>7</b>     | <b>2,553,241</b> | <b>40</b>  | <b>2,867,305</b> | <b>8</b> | <b>1,151,920</b> | <b>9</b>   | <b>1,083,507</b> | <b>0</b>            | <b>0</b>   | <b>23</b>        | <b>10,516,275</b> | <b>416</b>       | <b>56,165,415</b> |

\*Multi-Development



PLANNING STATISTICAL REPORT – MARCH 2014 – (DETERMINATIONS)

| APPLICATION NUMBER | DATE RECEIVED | LOCATION                                                        | PROPOSAL                                                                                                                                                             | STATUTORY DAYS | DATE DETERMINED | DETERMINATION & AUTHORITY | COMMENTS                                                                                                                                                                                                                          |
|--------------------|---------------|-----------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|-----------------|---------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| PP482/2004-4       | 19 FEB 2014   | 50 MINGAWALLA ROAD BEEAC                                        | TWENTY-TWO (22) LOT STAGED SUBDIVISION - DELETE CONDITION 8                                                                                                          | 40             | 31 MAR 2014     | PERMIT ISSUED DELEGATE    | AMENDMENT – DELETION OF CONDITION RELATING TO BUILDING ENVELOPES BEING SHOWN ON PLAN FOR CERTIFICATION. NO OBJECTION FROM ENVIRONMENTAL HEALTH DEPARTMENT, AS PROPOSAL WOULD PROVIDE FLEXIBILITY FOR SITING OF DWELLINGS.         |
| PP326/2009-2       | 10 FEB 2014   | 58 MAIN STREET BIRREGURRA                                       | THREE (3) LOT SUBDIVISION AND CREATION OF ACCESS TO RDZ1                                                                                                             | 31             | 17 MAR 2014     | PERMIT ISSUED DELEGATE    | AMENDMENT – DELETION OF COMMON PROPERTY (PROPOSED FOR SERVICING ONLY), AND BUILDING ENVELOPE FROM 652M <sup>2</sup> LOT.                                                                                                          |
| PP16/2011-2        | 23 DEC 2013   | 10 MCLELLAN COURT WYE RIVER                                     | ALTERATIONS AND ADDITIONS TO WYE RIVER SURF CLUB                                                                                                                     | 80             | 13 MAR 2014     | PERMIT ISSUED DELEGATE    | PERMIT TRIGGERS: PCRZ, BMO, EMO1. ALTERATIONS TO ROOF AND FENESTRATION.                                                                                                                                                           |
| PP247/2011-1       | 26 SEP 2011   | 150 SAND ROAD GLENAIRE                                          | TWO (2) LOT SUBDIVISION                                                                                                                                              | 440            | 4 MAR 2014      | REFUSAL TO GRANT DELEGATE | PERMIT TRIGGERS: RCZ, EMO1, WMO. ISSUES WITH ACCESS TO THE SITE (LACK OF LEGAL ACCESS, WORKS REQUIRED TO ACCESS IF ADDITIONAL LOT, ETC.) AND CULTURAL HERITAGE. LACK OF JUSTIFICATION AGAINST RCZ AND CONCERN ABOUT LACK OF CHMP. |
| PP161/2013-1       | 17 JUL 2013   | 13 FORBES STREET COLAC                                          | SEVEN (7) LOT SUBDIVISION, THE CONSTRUCTION OF SIX (6) DWELLINGS AND CREATION OF COMMON PROPERTY                                                                     | 88             | 11 MAR 2014     | PERMIT ISSUED DELEGATE    | PERMIT TRIGGERS: R1Z – SUBDIVISION AND DEVELOPMENT. SINGLE-STOREY DEVELOPMENT THAT DEMONSTRATED COMPLIANCE WITH 'RESCODE'.                                                                                                        |
| PP181/2013-1       | 8 AUG 2013    | 23-27 ENNIS STREET BIRREGURRA                                   | SUBDIVISION OF THE LAND INTO THREE (3) LOTS                                                                                                                          | 110            | 14 MAR 2014     | PERMIT ISSUED DELEGATE    | PERMIT TRIGGER: SUBDIVISION IN TZ. LOT SIZES – 723M <sup>2</sup> , 750M <sup>2</sup> AND 1007M <sup>2</sup> . DEMONSTRATED COMPLIANCE WITH 'RESCODE'.                                                                             |
| PP185/2013-1       | 14 AUG 2013   | 5, 35, 125, 195 & 215 BEECH FOREST-LAVERS HILL ROAD BECH FOREST | REMOVAL AND LOPPING OF NATIVE VEGETATION                                                                                                                             | 11             | 14 MAR 2014     | PERMIT ISSUED DELEGATE    | PERMIT TRIGGERS: 52.17 (NATIVE VEGETATION), EMO1, ESO3. COUNCIL APPLICATION TO FACILITATE USE OF OLD BEECHY RAIL TRAIL.                                                                                                           |
| PP192/2013-1       | 20 AUG 2013   | 37 ROSENEATH ROAD WARNOOORT                                     | RE-SUBDIVISION OF THE LAND FROM FIVE (5) LOTS TO TWO (2) LOTS                                                                                                        | 95             | 24 MAR 2014     | PERMIT ISSUED DELEGATE    | PERMIT TRIGGERS: FZ, HO, PAO, RDZ1. PROPOSED LOT 1 – 53.06HA; LOT 2 – 21.22HA. REQUIRED TO FACILITATE BETTER USE OF LAND AND ACCESS.                                                                                              |
| PP196/2013-1       | 26 AUG 2013   | 370 PRINCES HIGHWAY COLAC WEST                                  | USE OF LAND AS A RETAIL PREMISES (SHOP) AND DISPLAY OF BUSINESS IDENTIFICATION SIGNAGE                                                                               | 82             | 14 MAR 2014     | PERMIT ISSUED DELEGATE    | PERMIT TRIGGERS: C2Z AND 52.05 (SIGNAGE). RETROSPECTIVE APPLICATION. CONSIDERED ACCEPTABLE USE IN C2Z.                                                                                                                            |
| PP215/2013-1       | 17 SEP 2013   | 30 GRAVESEND STREET COLAC                                       | EXTENSION TO EXISTING RESTRICTED RECREATIONAL FACILITY FOR THE PURPOSE OF A RESTAURANT, VARIATION TO THE CARRIAGEWAY EASEMENT AND REALIGNMENT OF THE SEWER EASEMENT, | 5              | 5 MAR 2014      | PERMIT ISSUED DELEGATE    | PERMIT TRIGGERS: PPRZ, 52.02 (EASEMENTS), 52.05 (SIGNAGE), 52.06 (PARKING). EXTENSION TO EXISTING BOWLING CLUB.                                                                                                                   |

| APPLICATION NUMBER | DATE RECEIVED | LOCATION                        | PROPOSAL                                                                             | STATUTORY DAYS | DATE DETERMINED | DETERMINATION & AUTHORITY | COMMENTS                                                                                                                         |
|--------------------|---------------|---------------------------------|--------------------------------------------------------------------------------------|----------------|-----------------|---------------------------|----------------------------------------------------------------------------------------------------------------------------------|
|                    |               |                                 | ILLUMINATED SIGNAGE                                                                  |                |                 |                           |                                                                                                                                  |
| PP260/2013-1       | 27 NOV 2013   | 13 DENNIS STREET COLAC          | EXTENSION TO EXISTING BUILDING                                                       | 21             | 11 MAR 2014     | PERMIT ISSUED DELEGATE    | PERMIT TRIGGERS C1Z, DDO8. 3.15M <sup>2</sup> INFILL.                                                                            |
| PP265/2013-1       | 5 DEC 2013    | 230 IRREWILLIPE ROAD ELLIMINYT  | BUILDINGS AND WORKS COMPRISING CONSTRUCTION OF OUTBUILDING                           | 56             | 25 MAR 2014     | PERMIT ISSUED DELEGATE    | PERMIT TRIGGERS: RLZ, LSIO. OUTBUILDING FOR EXISTING DWELLING. APPROPRIATE SETBACKS.                                             |
| PP273/2013-1       | 12 DEC 2013   | 52 FERRIER DRIVE MARENGO        | CONSTRUCTION OF A DAM                                                                | 1              | 17 MAR 2014     | PERMIT ISSUED DELEGATE    | PERMIT TRIGGERS: RCZ (EARTHWORKS), SLO3, EMO1, BMO. FOR FIRE-FIGHTING PURPOSES.                                                  |
| PP274/2013-1       | 13 DEC 2013   | 85 MAIN STREET BEEAC            | BUILDINGS AND WORKS COMPRISING CONSTRUCTION OF OUTBUILDING                           | 35             | 24 MAR 2014     | PERMIT ISSUED DELEGATE    | PERMIT TRIGGER: HO. DOMESTIC GARAGE AND CARPORT.                                                                                 |
| PP276/2013-1       | 16 DEC 2013   | 115-153 POUND ROAD COLAC        | STAGED TWENTY THREE (23) LOT SUBDIVISION                                             | 85             | 11 MAR 2014     | PERMIT ISSUED DELEGATE    | PERMIT TRIGGER: R1Z. LOT SIZES 700M <sup>2</sup> – 1193M <sup>2</sup> . COMPLIANCE WITH CLAUSE 56 ('RESCODE').                   |
| PP277/2013-1       | 16 DEC 2013   | 35 BAGGOTTS ROAD CORAGULAC      | DEVELOPMENT OF THE LAND FOR A DWELLING AND OUTBUILDING                               | 44             | 6 MAR 2014      | PERMIT ISSUED DELEGATE    | PERMIT TRIGGERS: FZ, ESO1. EXISTING USE RIGHTS APPLIED. EXISTING DWELLING TO BE REMOVED.                                         |
| PP279/2013-1       | 18 DEC 2013   | 238-240 MURRAY STREET COLAC     | BUILDINGS AND WORKS COMPRISING EXTENSION TO BUILDING                                 | 54             | 19 MAR 2014     | PERMIT ISSUED DELEGATE    | PERMIT TRIGGERS: C1Z, HO, DDO8. REAR, STORE ROOM EXTENSION.                                                                      |
| PP282/2013-1       | 20 DEC 2013   | 2-14 PRINCES HIGHWAY COLAC EAST | DISPLAY BUSINESS IDENTIFICATION SIGNAGE (INCLUDING TWO INTERNALLY ILLUMINATED SIGNS) | 47             | 12 MAR 2014     | PERMIT ISSUED DELEGATE    | PERMIT TRIGGERS: C2Z, 52.05 (SIGNAGE). UPGRADING OF SIGNAGE AT SHELL SERVICE STATION.                                            |
| PP283/2013-1       | 20 DEC 2013   | 26 MOORE STREET APOLLO BAY      | SUBDIVISION OF LAND INTO TWO (2) LOTS                                                | 94             | 28 MAR 2014     | PERMIT ISSUED DELEGATE    | PERMIT TRIGGERS: R1Z, DDO6. LOT 1, WHICH WOULD CONTAIN EXISTING DWELLING – 406M <sup>2</sup> ; LOT 2 – 960M <sup>2</sup> .       |
| PP9/2014-1         | 14 JAN 2014   | 20 PANORAMA CRESCENT MARENGO    | BUILDINGS AND WORKS COMPRISING EXTENSION TO DWELLING                                 | 57             | 12 MAR 2014     | PERMIT ISSUED DELEGATE    | PERMIT TRIGGER: EMO1. INFILL AT LOWER LEVEL, AND CONSTRUCTION OF DECK AND BALCONY.                                               |
| PP14/2014-1        | 23 JAN 2014   | 15 OTWAY AVENUE SKENES CREEK    | BUILDINGS AND WORKS COMPRISING ALTERATIONS TO DWELLING                               | 56             | 20 MAR 2014     | PERMIT ISSUED DELEGATE    | PERMIT TRIGGERS: SLO2, NCO1. MINOR ALTERATIONS TO CLADDING AND ENTRANCE.                                                         |
| PP32/2014-1        | 13 FEB 2014   | 64 MAIN STREET BIRREGURRA       | ALTERATIONS TO DWELLING                                                              | 43             | 28 MAR 2014     | PERMIT ISSUED DELEGATE    | PERMIT TRIGGER: HO. CHANGES TO FENESTRATION.                                                                                     |
| PP40/2014-1        | 24 FEB 2014   | 72 MURRAY STREET COLAC          | DISPLAY OF BUSINESS IDENTIFICATION SIGNAGE, ALTERATIONS TO THE BUILDING              | 21             | 17 MAR 2014     | PERMIT ISSUED DELEGATE    | PERMIT TRIGGERS: C1Z, HO, DDO8, 52.05 (SIGNAGE). REMOVAL OF 1980'S PANELLING, ALTERATIONS TO FENESTRATION AND SIGNAGE.           |
| PP51/2014-1        | 9 MAR 2014    | 360 PHILLIPS TRACK WEEAPROINAH  | TEMPORARY USE OF THE LAND FOR FOUR (4) HELICOPTER FLIGHTS                            | 0              | 14 MAR 2014     | PERMIT ISSUED DELEGATE    | PERMIT TRIGGER: 52.15 (HELIPORT AND HELICOPTER LANDING SITE). FOUR FLIGHTS (LANDING AND TAKE OFF) ON ONE DAY IN ASSOCIATION WITH |

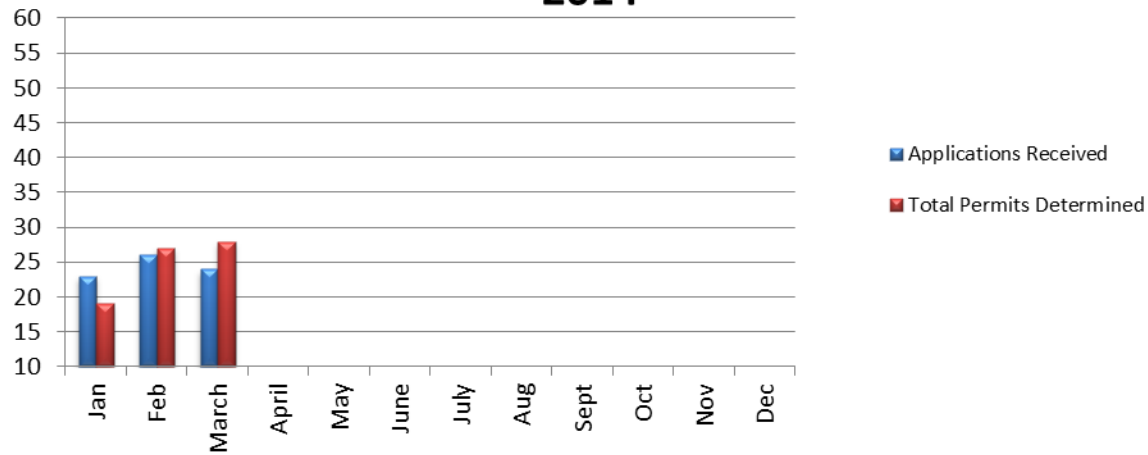
| APPLICATION NUMBER                                        | DATE RECEIVED | LOCATION                                                   | PROPOSAL                                                                                    | STATUTORY DAYS | DATE DETERMINED | DETERMINATION & AUTHORITY | COMMENTS                                                                                                                                                                                                                                       |
|-----------------------------------------------------------|---------------|------------------------------------------------------------|---------------------------------------------------------------------------------------------|----------------|-----------------|---------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                           |               |                                                            |                                                                                             |                |                 |                           | TELEVISION ADVENTURE/TRAVEL PROGRAM.                                                                                                                                                                                                           |
| PP51/2014-2                                               | 25 MAR 2014   | 360 PHILLIPS TRACK WEEAPROINAH                             | USE OF THE LAND FOR FIVE (5) HELICOPTER FLIGHTS                                             | 0              | 25 MAR 2014     | PERMIT ISSUED DELEGATE    | PERMIT TRIGGER: 52.15. AMENDMENT TO ALLOW ADDITIONAL FLIGHT.                                                                                                                                                                                   |
| PP237/2013-1                                              | 16 OCT 2013   | 165 DRAPERS ROAD COLAC EAST                                | USE OF LAND FOR DISPLAY AND DEMONSTRATION OF A WINDMILL AND BUSINESS IDENTIFICATION SIGNAGE | 35             | 14 MAR 2014     | PERMIT ISSUED DELEGATE    | PERMIT TRIGGERS: FZ, 52.05 (SIGNAGE). RESULT OF ENFORCEMENT INVESTIGATION. INITIAL APPLICATION SOUGHT RETROSPECTIVE PERMIT FOR SIGNAGE ONLY. PERMIT FOR USE ALSO REQUIRED, TO ALLOW CONSIDERATION OF SIGNAGE (WHICH WAS OTHERWISE PROHIBITED). |
| PP221/2013-1                                              | 16 SEP 2013   | 85 COLLINS ROAD IRREWARRA & 6015 PRINCES HIGHWAY IRREWARRA | BOUNDARY REALIGNMENT                                                                        | 124            | 4 MAR 2014      | NOTICE OF DECISION ISSUED | PERMIT TRIGGERS: FZ, RDZ1. ALLOWED CREATION OF ACCESS TO COLLINS ROAD.                                                                                                                                                                         |
| AVERAGE STATUTORY DAYS TO DETERMINE PLANNING APPLICATIONS |               |                                                            |                                                                                             | 65             |                 |                           |                                                                                                                                                                                                                                                |

**PLANNING STATISTICAL REPORT – MARCH 2014 (PERMITS NOT REQUIRED, WITHDRAWN & LAPSED APPLICATIONS)**

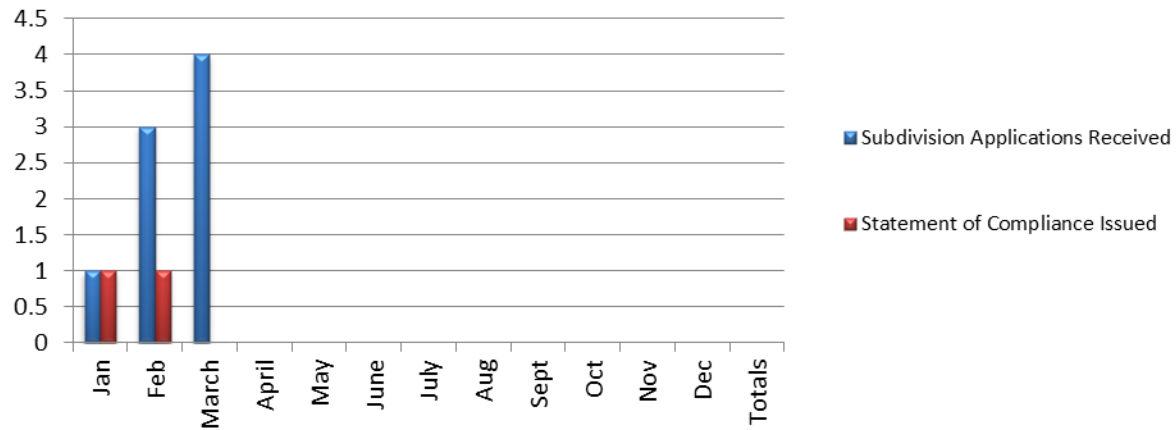
| APPLICATION NUMBER                              | DATE RECEIVED | LOCATION                       | PROPOSAL                  | STATUTORY DAYS | DATE DETERMINED | DETERMINATION & AUTHORITY | COMMENTS                                                                  |
|-------------------------------------------------|---------------|--------------------------------|---------------------------|----------------|-----------------|---------------------------|---------------------------------------------------------------------------|
| PP37/2014-1                                     | 19 FEB 2014   | 160 LYNESS ROAD CARLISLE RIVER | NATIVE VEGETATION REMOVAL | 8              | 12 MAR 2014     | WITHDRAWN                 | PERMIT NOT REQUIRED – AGREEMENT FOR ROADSIDE VEGETATION REMOVAL IN PLACE. |
| TOTAL AVERAGE STATUTORY DAYS (ALL APPLICATIONS) |               |                                |                           | 63             |                 |                           |                                                                           |

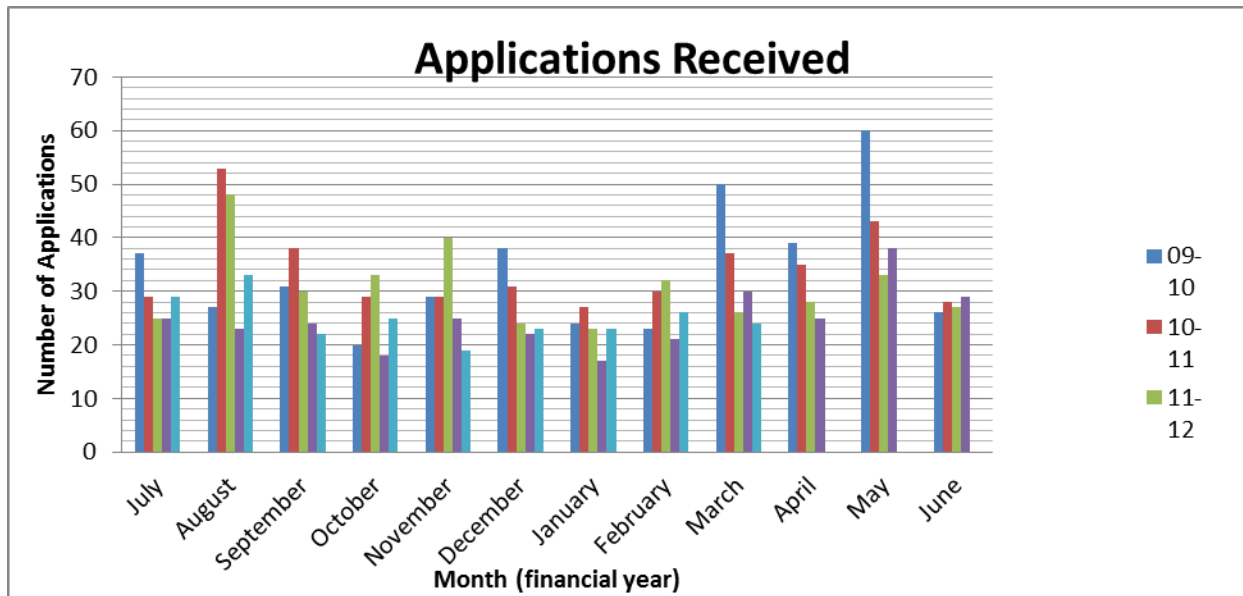
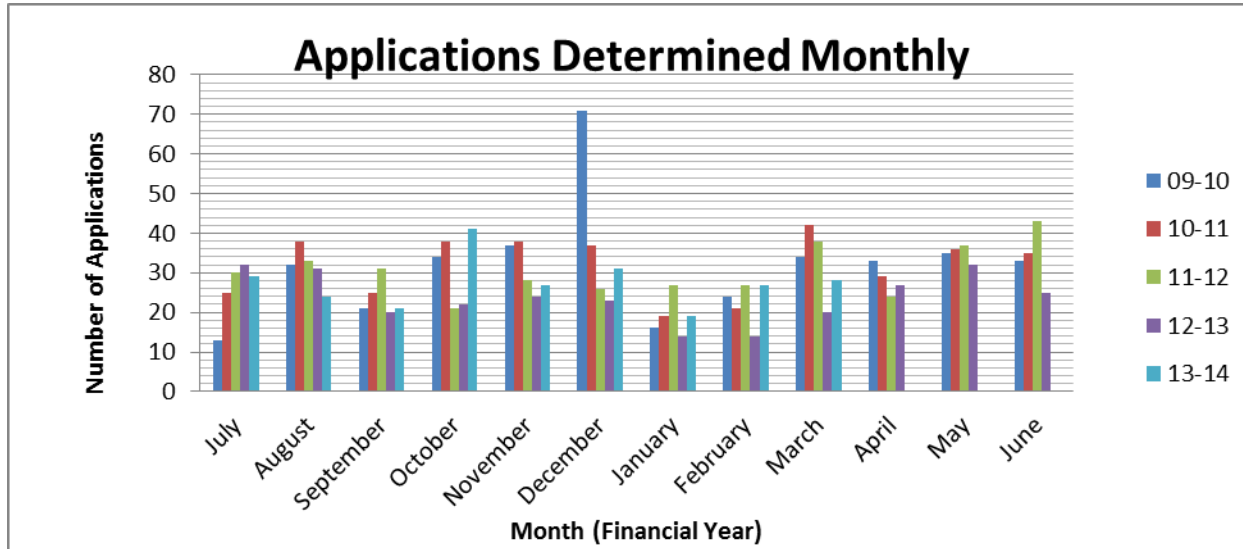


### Planning Permits Received & Determined for 2014



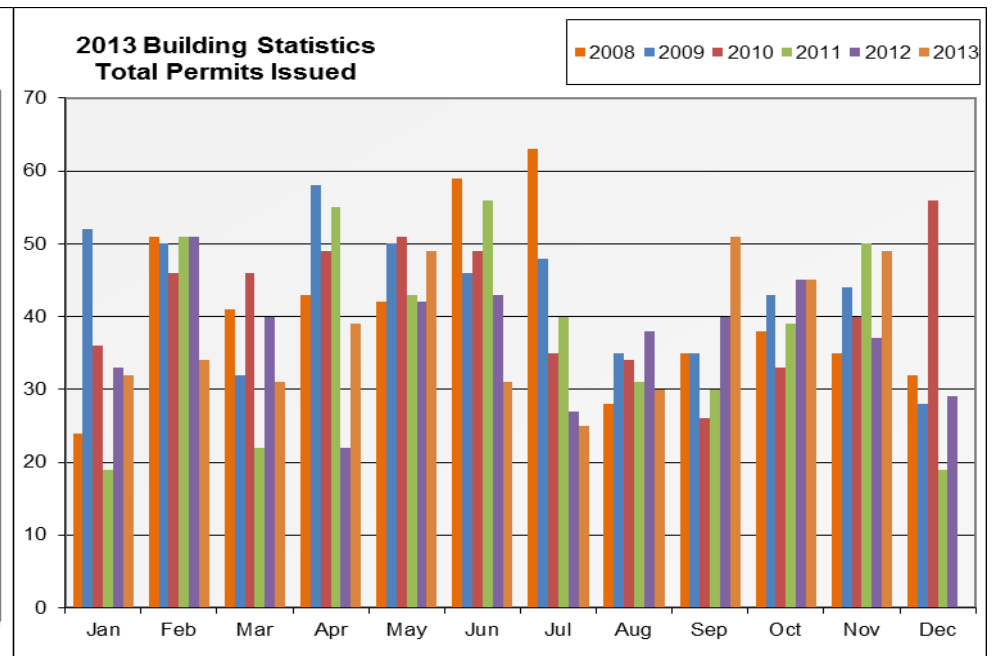
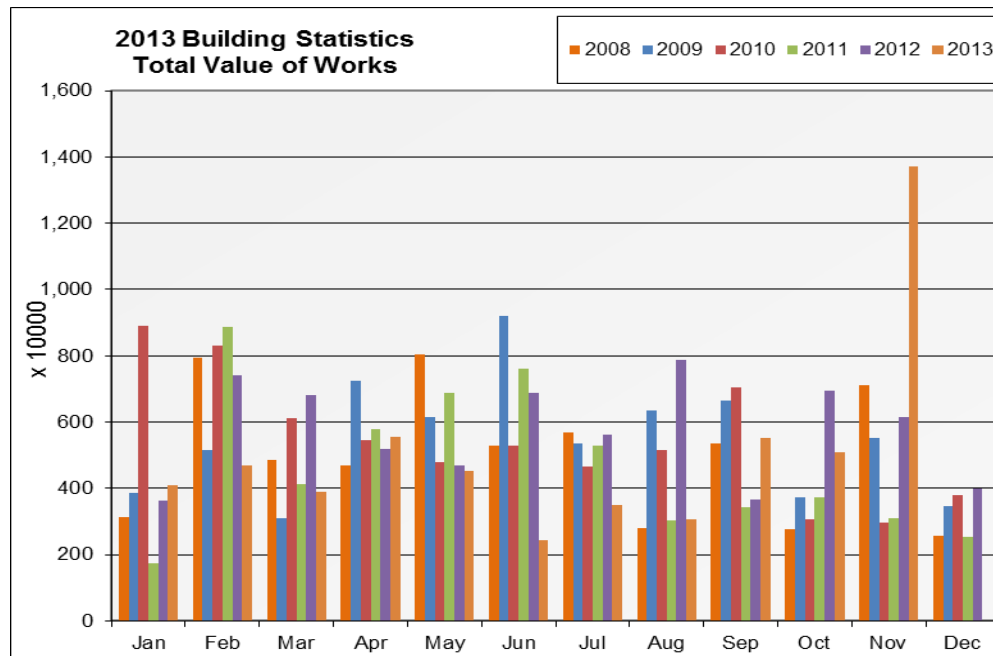
### Subdivision Applications for 2014





|               | 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           | 24         | 2,822,638         | 0            | 0                | 4          | 108,579          | 0        | 0                | 1          | 120,000          | 0                   | 0          | 1                | 6,610             | 30               | 3,057,827         |
| Sep           | 38         | 4,145,589         | 0            | 0                | 3          | 76,350           | 2        | 305,500          | 1          | 30,000           | 0                   | 0          | 7                | 980,624           | 51               | 5,538,063         |
| Oct           | 38         | 4,352,741         | 0            | 0                | 3          | 174,344          | 0        | 0                | 3          | 560,000          | 0                   | 0          | 1                | 17,200            | 45               | 5,104,285         |
| Nov           | 41         | 4,243,820         | 0            | 0                | 3          | 116,757          | 1        | 500,000          | 1          | 33,762           | 0                   | 0          | 3                | 8,834,626         | 49               | 13,728,965        |
| Dec           |            |                   |              |                  |            |                  |          |                  |            |                  |                     |            |                  |                   |                  |                   |
| <b>Totals</b> | <b>329</b> | <b>37,993,167</b> | <b>7</b>     | <b>2,553,241</b> | <b>40</b>  | <b>2,867,305</b> | <b>8</b> | <b>1,151,920</b> | <b>9</b>   | <b>1,083,507</b> | <b>0</b>            | <b>0</b>   | <b>23</b>        | <b>10,516,275</b> | <b>416</b>       | <b>56,165,415</b> |

\*Multi-Development



PC140904-2

**USE AND DEVELOPMENT OF TWO (2) HOLIDAY ACCOMMODATION UNITS, EXTENSIONS TO EXISTING DWELLING AND CONSTRUCTION OF SHED, AND REMOVAL OF VEGETATION AT 1 HARRISON STREET, MARENGO (PP167/2013-1).**

|             |                                    |           |            |
|-------------|------------------------------------|-----------|------------|
| AUTHOR:     | Ian Williams                       | ENDORSED: | Jack Green |
| DEPARTMENT: | Sustainable Planning & Development | FILE REF: | F13/6173   |

**Location:** 1 Harrison Street, Marengo

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

**Overlay controls:** Erosion Management Overlay (EMO1)  
Design and Development Overlay (DDO7)

**Proposed Amendments:** Nil

**Purpose:**

This application seeks planning permission for the use and development of two (2) units of holiday accommodation, together with buildings and works comprising extensions to the existing dwelling and the construction of a new shed on the site. In addition, a permit is required for the removal of three trees.

Consideration of this application by the Planning Committee is required as four (4) 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**

- A planning permit is sought for the use and development of two (2) holiday accommodation units, extensions to the existing dwelling and the construction of a shed on the land, and for the removal of trees.
- The proposed accommodation units would be contained in a two-storey building, with a unit on each floor. The units would be located to the north-east of the existing dwelling and would each contain a double bedroom with en-suite, and an open plan living room and kitchen, with entry via the north eastern side.
- The extension to the dwelling would comprise a lower ground floor extension to the family room and an upper floor containing family room, bedroom with en-suite, and north-facing (front) deck.
- The proposal includes the construction of a large shed to replace an existing garage, adjacent to the south eastern boundary shared with No. 2 Harrison Street.
- The proposed removal of three trees also triggers a requirement for a planning permit under the provisions of the Erosion Management Overlay.

- Four (4) objections have been received. The main reasons for objection were loss of view and that the proposal would be detrimental to the neighbourhood character.
- It is considered that the proposed holiday units building would constitute a prominent and incongruous form of development, out of keeping with and detrimental to the neighbourhood character. As such, it is recommended that the application be refused.

### **Background**

There is no relevant background on this site.

### **Issues / Options**

Council has the options of:

- a) Supporting the application subject to conditions;
- b) Supporting the application subject to conditions with changes;
- c) Refusing to grant a permit.

The key issues relating to the application are whether the proposal would have a detrimental impact on the surrounding neighbourhood character. It is recommended that Option c) is supported for the reasons outlined in the balance of this report.

### **Proposal**

Planning permission is sought for the construction of two (2) units for holiday accommodation, extensions to the existing dwelling and new shed, and for the removal of vegetation.

The application proposes two (2) holiday accommodation units, as described below:

- The proposed accommodation units would be located to the north-east of the dwelling and shed. The units would be in one double-storey building, with a unit on each floor.
- Each unit would be self-contained, containing a double bedroom with en-suite, and an open plan kitchen and living area. Separate entry to each unit would be provided via the north eastern side.
- The building in which the units would be located would have a total approximate height of 6m, an approximate width of 9.8m and a length of 10.8m (including decks and paving).
- Three car parking spaces would be located between the existing dwelling and the proposed units, with access via Panorama Crescent. A fourth car parking space would be located towards the north of the site and would be accessed via Harrison Street. It is proposed that these spaces would serve both the dwelling and the holiday accommodation.

The application also proposes the following works to the existing dwelling:

- Addition of a first floor to the existing dwelling, with internal staircase providing access to the upper floor. The proposed first floor would provide a family room, bedroom with en-suite, and a north-facing (front) deck. The height of the dwelling would be increased to approximately 7.4m.
- The extension would be constructed of weatherboard cladding with a colorbond roof.
- Ground floor family room extension (1.8m by 5.8m) over the existing deck.
- Replacement of existing garage with larger shed adjacent to the south-eastern boundary of the site shared with No. 2 Harrison Street. The proposed shed would be approximately 14.6m long, approximately 4.2m wide and approximately 3.9m high. The shed would be finished in weatherboard to match the existing dwelling.

## Site & Surrounds

The site is located within the Residential 1 Zone of Marengo. This area is a low density residential area, as reflected in its coverage by DDO7 (Apollo Bay and Marengo – Lower Density Residential Areas).

The site comprises a rectangular parcel of land located on the corner of Harrison Street and Panorama Crescent. The area is characterised by dwellings with low, or no front fencing. The two frontages of the application site are delineated by low post and rail fencing.

The site contains an existing single-storey dwelling located towards the rear of the lot. The setback of the dwelling is similar to those of the neighbouring dwellings fronting Harrison Street. Access to the dwelling is via an existing crossover on Panorama Crescent and via an existing crossover on Harrison Street. The existing dwelling is located at approximately 19.5m AHD. The site is located approximately 171m from the foreshore. The existing dwelling contains three bedrooms, kitchen and laundry, and has a detached garage.

The site is located within Precinct 8 of the Apollo Bay and Marengo Neighbourhood Character Study. Within this precinct, the study identifies that dwellings are sometimes two-storey to take advantage of sea views, but notes that they are generally set within the landform. Dwelling styles have an informal, beachside quality due to the frequent use of timber and lighter building styles and elements, and irregular placement on the lots. This informality is complemented by the lack of made footpaths and frequent lack of front fencing.

The site is in an area of cultural heritage sensitivity. However, Aboriginal Affairs Victoria has advised that a Cultural Heritage Management Plan is not required in this case.

There are no restrictions on title. A six foot (1.83m) wide drainage easement runs along the rear boundary of the site shared with No. 1 Mitchell Court. No part of the proposed development would encroach into the easement.

## Public Notice

Public notice of the application was given in accordance with Section 52 of the Planning and Environment Act by sending letters to adjoining owners/occupiers and by placing a sign on site. The public notice was undertaken by the applicant. The applicant has provided a Statutory Declaration in relation to the notification. It is considered that the advertising has been carried out in accordance with Council's requirements. At the conclusion of the notification period, four (4) objections had been received. The applicant provided a written response to address the objectors concerns, however the objections were not withdrawn. The objections are summarised as follows:

- a) The proposed extension and construction of two units will impact on the view of the Apollo Bay hills, the surrounding landscape and coastline resulting in the devaluation of surrounding properties.

*The applicant considers that views from adjacent properties will not be compromised as a result of this application; this opinion relies on the prominence of No. 26 Harrison Street which currently obscures views of the ocean from neighbouring properties. The applicant states that the proposal meets the planning scheme height limitations and provides a design response which meets the overall articulation of the built form within the context of the Marengo residential setting. The applicant adds that financial devaluation is not within the scope of matters that can be considered in the assessment of a planning permit under the provisions of the Planning and Environment Act.*

*View sharing is not a prescriptive requirement within the Colac Otway Planning Scheme. The Apollo Bay Neighbourhood Character Statement (reference document) includes a view sharing objective which seeks to 'provide for the reasonable sharing of views to the ocean coast and foothills' and avoid 'buildings that completely obscure existing private views to the coast, ocean and foothills'.*

*One of the Design Objectives of the Design and Development Overlay seeks to 'ensure that new development maintains space between buildings so that views to the surrounding landscape are retained'.*

*It is considered that the two proposed units would not completely obscure existing private views of the coast and would be of a similar height to the existing building at No. 26 Harrison Street when viewed from No. 1 Mitchell Court to the west. It should also be noted that there is a substantial vegetation screen between the application site and No. 1 Mitchell Court. Similarly, whilst it could be considered that space between buildings on the site would be restricted as a result of the proposal, overall it is considered that the views of the coast from No. 2 Harrison Street would not be unreasonably compromised as a result of this proposal.*

*Property devaluation is not a material planning consideration.*

- b) *There is insufficient space on the lot for the proposed buildings which if subdivided would require at a minimum 450sqm; the proposal does not present a spacious form of development and is not consistent with the surrounding neighbourhood character.*

*The applicant has submitted a neighbourhood character assessment. The applicant has advised that the proposed development would be of similar form and materials to the nearby buildings in the precinct but with less mass. The applicant adds that of the 110 properties within the precinct, 75 buildings have a setback of 9m or less from their front boundary. The applicant has also presented a visual impact illustration showing the location of the proposed units in relation to the surrounding properties. The applicant considers that the proposal meets the relevant decision guidelines, the relevant objectives and the neighbourhood characteristics of the area as a whole.*

*Within Precinct 8, DDO7 identifies that for subdivision, a new lot should have an area of 450sqm. The performance criteria specified within the overlay states that "applications for more than one dwelling on a lot should be at a density that would enable future subdivision in accordance with the subdivision requirements of this clause". The proposal is not for additional dwellings on the lot but for accommodation buildings, which could be used in the future as dwellings without the need for a separate planning application under the provisions of the Residential 1 Zone. The minimum lot size of 450sqm is not a mandatory requirement under DDO7; however the application site has an approximate area of only 780sqm which is not considered to be of a suitable size for subdivision should it be proposed in the future. The proposal is not considered to maintain the low density and spacious form of residential development currently exhibited within Marengo, having regard to the size of the lot and the location of the proposed development.*

*A proposal for a dwelling of similar size to the proposed holiday accommodation would be refused on the basis that it would not allow for the appropriate subdivision of the lot, and would be out of keeping with the neighbourhood character.*

*The design objectives underpinning this lower density residential area seek to a) facilitate a more spacious form of residential development; b) present a density consistent with the coastal town character; and c) provide permeable space between dwellings to sustain vegetation. It is considered that the proposed accommodation units would not be consistent with the spacious form of surrounding residential development, would not be consistent with the density of the surrounding area and would present limited space between built form to sustain future vegetation on the land. Overall it is considered that the proposal would be out of keeping with the prevailing residential character.*

- c) The purpose of the lot will be changed to a commercial operation with two motel styled units.

*The use of the land for accommodation is a Section 2 Use within the Residential 1 Zone. The applicant has advised that should Council choose to support this application, then a condition could be included to require a Section 173 Agreement to prevent the lot from being subdivided and to ensure the two (2) units can only be used for short term accommodation. The applicant has also provided information in support of the use of the units for holiday accommodation.*

*The principle of the use of the land for accommodation is considered to be consistent with a key purpose of the Residential 1 Zone which seeks to 'provide for residential development at a range of densities with a variety of dwellings to meet the housing needs of all households'. The proposal would provide additional residential accommodation which would meet the needs of visitors to Apollo Bay and Marengo. However, as noted above, the lot size and the proposed siting of the proposed development render the proposal inappropriate from a neighbourhood character perspective.*

- d) No vegetation plan has been provided with the application and three (3) trees are to be removed.

*A requirement for a permit is triggered for the removal of vegetation under the provisions of the Erosion Management Overlay. In support of this application, the applicant has submitted a Geotechnical Assessment which states that the proposal should be allowed as the calculated risk is within the 'acceptable' range. Given the residential nature of this lot, additional landscaping is not considered to be necessary.*

- e) The shed will be erected on the property boundary and over the easement.

*No part of the development would encroach into the easement. Council's Building Department has reviewed this application and no objection has been raised in relation to the location of the proposed shed subject to the submission of a 'report and consent application'. Council's Infrastructure Department raised no objection to the application.*

- f) The photographs submitted with the application are not current and do not show the excessive development at No. 26 Harrison Street.

*The applicant has provided a photomontage within an additional neighbourhood character analysis which details surrounding development. This is considered to be acceptable.*



## Referrals

The application was referred internally to Council's Health, Building, Environment and Infrastructure departments. No objections have been raised. Conditions were recommended should Council choose to allow this application.

## Planning Controls

The site is located within the Residential 1 Zone (R1Z) and is covered by the Erosion Management Overlay (EMO1) and the Design and Development Overlay (DDO7).

A permit is required under the following Clauses of the Colac Otway Planning Scheme:

- Clause 32.01-1 Use of land for Accommodation – R1Z
- Clause 32.01-4 Construction and extension of two or more dwellings on a lot, dwellings on common property and residential buildings – R1Z
- Clause 32.06-1 Buildings and works - Section 2 Use – R1Z
- Clause 43.02-2 Buildings and works – DDO7
- Clause 44.01-1 Buildings and works – EMO1
- Clause 44.01-2 Vegetation Removal – EMO1

### 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 Settlement
- Clause 12 Environmental and Landscape Values
- Clause 15 Built Environment and Heritage
- Clause 16 Housing
- Clause 19 Infrastructure
- Clause 21.03-1 General
- Clause 21.03-3 Apollo Bay and Marengo
- Clause 21.04-5 Erosion
- Clause 21.04-7 Climate Change
- Clause 21.04-9 Cultural Heritage

The proposal is not considered to be consistent with the broader principles of the State and Local Planning Policy Frameworks. It is accepted that the proposal would provide a diverse range of accommodation options accessible to all (Clause 12.02-4); however it is not considered that the proposed development would be sensitively sited and designed to respect the character of the coastal settlement (12.02-2). Furthermore, the proposal is not considered to respect the character of coastal towns (Clause 12.02-6).

The proposal is not considered to respond to its context in terms of urban character (Clause 15.01-1) and is not considered to protect the neighbourhood character and sense of place (15.01-5). The proposal is not considered to positively recognise distinctive urban forms and layout (15.01-5).

The Planning Scheme seeks to encourage medium density housing, and ensure that proposals strike a balance between achieving higher densities and respecting neighbourhood character. The Great Ocean Road Region Strategy (GORRS) identifies Apollo Bay and Marengo as a “*strategically located coastal settlement with the capacity for growth beyond its current boundaries*”. It also notes that growth in Apollo Bay “*presents an opportunity to create best practice future urban form that responds to the landscape around it.*”

The Municipal Strategic Statement, particularly Clause 21.03-1 (Settlement - General Overview) and 21.03-3 (Settlement – Apollo Bay and Marengo), together with the Apollo Bay Structure Plan, outline a number of strategies. The key thrust of these strategies is to concentrate higher and medium densities closer to the commercial node and existing facilities of Apollo Bay. The strategies also seek to provide a diversity of housing types with more traditional dwelling density in the residential areas further away from the town centre, whilst incorporating environmental sustainable initiatives and development integrated with the preferred neighbourhood character.

### **Apollo Bay Structure Plan (2007)**

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 weight to be given to the Structure Plan is addressed at Clause 21.07, which states that the listed reference documents have informed the preparation of the Planning Scheme and that all relevant material has been included in the Scheme. Therefore, the reference document provides guidance on decision making.

### **Apollo Bay and Marengo Neighbourhood Character Review Background Report (2003)**

The site is located within Precinct 8 of the Apollo Bay and Marengo Neighbourhood Character Study. The study seeks to avoid:

1. Unarticulated or non-textured, sheer facades and building forms.
2. Dwellings that do not reflect the coastal setting.
3. Development that has no relationship to its site or the coastal setting.
4. Buildings located close to the front boundary.

The design response associated with the Apollo Bay and Marengo Neighbourhood Character Study identifies that the current pattern of front setbacks should be maintained. The accommodation element of the proposal that forms the subject of this application would not have an appropriate relationship to the surrounding coastal setting, with the building located close to the front boundary compared to neighbouring development on this street. The dwelling on the application site has an existing front setback of approximately 20m, which would be reduced to 9m as a result of the proposal. Whilst it is noted that a 9m setback can be accepted under clause 55, in the case of the application site this would result in a prominent and incongruous form of development out of keeping with the character of the area.

There are no adjacent buildings forward of the front building line within Harrison Street and it is considered that the application proposal would undermine the prevailing neighbourhood character. It is considered that the proposal would negatively impact on the sense of openness of the property frontage when viewed from the properties immediately adjacent to the site and from the surrounding public domain.

b. Zone Provisions

The key purpose of the Residential 1 Zone is:

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

The use of the land for 'Accommodation' is a Section 2 Use (permit required) under the provisions of the Residential 1 Zone (Clause 32.01-1).

A permit is required to construct a building or construct or carry out works for a use in Section 2 of Clause 32.01-1.

A permit is required for the construction and extension of two or more dwellings on a lot and for residential buildings under Clause 32.01-4.

The proposal is considered against the provisions of the R1Z later in this report.

c. Overlay Provisions

Design and Development Overlay (Clause 43.02)

Schedule 7 – Apollo Bay and Marengo Lower Density Residential Areas

A key purpose of the Design and Development Overlay is:

- *To identify areas which are affected by specific requirements relating to the design and built form of new development.*

The Design Objectives (from DDO7 Schedule), which relates to lower density residential areas in Apollo Bay and Marengo, seek:

- *To limit building heights and ensure that upper levels are well articulated to respect the character of the area.*
- *To identify a lower density area facilitating a more spacious form of residential development.*
- *To ensure that development density is consistent with the coastal town character.*
- *To ensure that permeable space is available between dwellings to sustain vegetation.*
- *To ensure that new development maintains space between buildings so that views to the surrounding landscape are retained.*
- *To encourage building design that complements and responds to the cultural, environmental and landscape values of Apollo Bay, including appropriate use of coastal materials, colours, heights and setbacks.*

### DDO7 Performance Criteria

*Buildings and works should comply with the following standards unless it can be demonstrated that an alternative approach achieves the design objectives of this control:*

- *Simple building details.*
- *A mix of contemporary and traditional coastal materials textures and finishes.*
- *Colours and finishes that complement those occurring naturally in the area*
- *Articulated facades, incorporating setbacks to upper levels to reduce building bulk and overshadowing.*
- *Articulated roof forms on new developments to provide visual interest to the street.*
- *Buildings greater than 8 metres in height have a front setback at the upper level of 3 metres.*
- *Applications for more than one dwelling on a lot should be at a density that would enable future subdivision in accordance with the subdivision requirements of this clause.*

The key Decision guidelines (including Clause 43.02-5 and part 5.0 from Schedule) state *“Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:*

- *Whether the bulk, location and appearance of any proposed buildings and works will be in keeping with the character and appearance of adjacent buildings, the streetscape or the area.*
- *Whether the design, form, layout, proportion and scale of any proposed buildings and works is compatible with the period, style, form, proportion, and scale of any identified heritage places surrounding the site”.*

Under Clause 43.02-2 a permit is required to construct a building or construct or carry out works.

The proposal is considered against the provisions of the DDO7 later in this report.

### Erosion Management Overlay (EMO1)

The key purpose to the Erosion Management Overlay seeks:

- *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. Under the provisions of Clause 44.01-2, a permit is required for vegetation removal.

The proposal is considered against the provisions of the EMO1 later in this report.

#### d. Particular Provisions

##### i. Clause 52.06 - Car Parking

The key 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.*

Clause 52.06 applies to the proposed use of the land for accommodation. Clause 52.06 does not apply to the extension of one dwelling on a lot in the Residential 1 Zone.

ii. Clause 55 – Two or More Dwellings on a Lot and Residential Buildings

The key purpose of this clause is:

- *To achieve residential development that respects the existing neighbourhood character or which contributes to a preferred neighbourhood character.*
- *To encourage residential development that provides reasonable standards of amenity for existing and new residents.*
- *To encourage residential development that is responsive to the site and the neighbourhood.*

A development must meet all of the objectives of this clause and should meet all of the standards of this clause. A separate assessment against the objectives and standards of this Clause has been undertaken and is summarised later in this report.

## **Consideration of the Proposal**

### Residential 1 Zone

A key purpose of the Residential 1 Zone is to “provide for residential development at a range of densities with a variety of dwellings to meet the housing needs of all households”. Whilst this purpose largely relates to the provision of dwellings for permanent residents, it is considered that the proposal would provide additional residential accommodation which would meet the needs of visitors to Apollo Bay and Marengo. From this perspective, it is considered that the proposal would address, in principle, a key direction of the zone by providing a diversity of housing choice.

It is also accepted that new development places increased pressure on existing infrastructure, and that consideration needs to be given to making the most efficient use of existing infrastructure. A key objective of the Apollo Bay Structure Plan (2007) seeks to “ensure that urban development results in the efficient utilisation of existing infrastructure and minimises the requirements for new infrastructure” whilst encouraging new development to occur firstly in areas with existing infrastructure provision, and seeking to ensure that any new infrastructure is efficiently provided and utilised.

It is noted that the application has been referred to Council’s Infrastructure Department, which has not raised any objection to the proposal subject to permit conditions should Council allow the application.

Council's Building Department has also reviewed this proposal and no objection has been raised.

Whilst development that utilises existing infrastructure and adds to the diversity of accommodation available can be acceptable in principle, it must be noted that the Residential 1 Zone provisions also emphasise the importance of encouraging residential development that "*respects the underlying neighbourhood character*". The Planning Scheme seeks to ensure that proposals strike a balance between achieving appropriate residential density and respecting neighbourhood character.

With the exception of a small part of the north-west corner of the roof adjacent to Panorama Crescent, the proposed alterations to the dwelling comply with the desired standards of Clause 55 and overall it is considered that they could be allowed. The proposed alterations to the existing dwelling are considered to be acceptable and would respect the neighbourhood character.

However, it is considered that the proposed accommodation units would constitute a prominent and incongruous form of development out of keeping with the character of the area.

With specific reference to neighbourhood character, the applicant considers that:

*"...the proposed design response meets the demands of the emerging neighbourhood character. It is important to remember Marengo has limited urban expansion opportunities, therefore sites such as these will no doubt in future move towards infill development. This area of Marengo is also the high density area compared to other areas of Marengo (in terms of having the smallest minimum lot size) therefore it is expected these areas will experience additional development pressures to other areas in Marengo".*

It is considered that the proposal would not respect the underlying neighbourhood character of the immediate and surrounding area and, as such, it is considered that the proposal would be detrimental to the preferred future development of Marengo, having regard to the prevailing neighbourhood character. Whilst it is accepted that the proposal would provide additional residential accommodation, this is considered to be to the detriment of the prevailing neighbourhood character. The site is located within Precinct 8 of the Apollo Bay and Marengo Neighbourhood Character Study.

The study identifies the key characteristics of precinct 8 as:

- a. *Setbacks being 6-7m at the front and 3-4m on the side increasing to large sites 8-12m from the front and 3-4m on the sides.* The application site has an existing front setback of approximately 20m, which would reduce to 9m as a result of the proposal. Whilst it is acknowledged that the front setback is greater than that specified, of note is the fact that this setback reflects the setbacks of neighbouring dwellings along Harrison Street, which has resulted in the creation of a strong and distinct sense of openness along the street.
- b. *Ensuring building setbacks from boundaries contribute to the informality of the dwelling settings.* Harrison Street comprises a mix of single and double storey dwellings set back from the front boundaries on average by 15m. There are no buildings forward of the front façade building line within Harrison Street and it is considered that the application proposal would undermine this existing character.
- c. *Maintain a sense of openness at the property frontages.*

It is considered that the proposal would constitute a prominent and incongruous form of development that would negatively impact on the sense of openness of the property frontage when viewed from properties immediately adjacent to the site and from the public domain.

The study also provides design guidelines which seek:

- a. *To provide for the reasonable sharing of views to the ocean, coast and foothills.* As noted earlier in this report, it is considered that the proposal would not unreasonably compromise the views to the ocean from the immediate neighbour at No. 2 Harrison Street or 1 Mitchell Court.
- b. *To ensure that new buildings are designed to demonstrate a high standard of contemporary expression.* With the exception of the north-east elevation, the proposed elevations for the units are considered to be relatively unarticulated, boxy and sheer, without being recessed at the upper level.
- c. *To ensure building setbacks from boundaries contribute to the informality of the dwelling settings.* The proposed units would be located relatively close to the front boundary, particularly having regard to neighbouring dwellings. In addition, it is noted that the units would be reliant on open space provision within the front setback.

In summary, whilst the proposed units would add to the diversity of available accommodation and utilise existing infrastructure, the proposed development is not considered acceptable under the provisions of the Residential 1 Zone due to the impact its prominent and inappropriate location would have on the neighbourhood character.

#### Design and Development Overlay Schedule 7

The site is located within Precinct 8 of the Apollo Bay and Marengo Neighbourhood Character Study. Within this precinct, the study identifies that dwellings are sometimes two storeys to take advantage of sea views, but notes that they are generally set within the landform. Existing dwellings are set within the topography and, while sometimes large, are sited to allow space around dwellings to respect existing views. The informality of the area is complemented by openness of properties to the street. The study also identifies that setbacks are average (6m-7m front, and 3-4m side) to large (8m- 12m front, 3m-4m sides) and that building setbacks from boundaries contribute to the informality of the dwelling settings. The design response identifies that the current pattern of varied front setbacks, including some dwellings set back substantially from the front boundary should be maintained.

With specific regard to this application, the Character Study identifies that new development should address the following:

- *Providing for the reasonable sharing of views to the ocean, coast and foothills.*
- *Ensuring that new buildings are designed to demonstrate a high standard of contemporary expression.*
- *Ensuring building setbacks from boundaries contribute to the informality of the dwelling settings.*
- *Maintaining the sense of openness at the property frontages*

The applicant has provided a written response to demonstrate why it is considered that the proposal meets the objectives and provisions of the overlay. As noted earlier in this report, the proposed extensions to the dwelling and the construction of a replacement shed are considered to be consistent with the design objectives of the overlay. With regard to the accommodation units and the specified design objectives, the following comments are made:

To limit building heights and ensure that upper levels are well articulated to respect the character of the area.

The applicant has advised that the proposal includes a decked area towards the front of the site which adds a design feature and provides articulation. It is considered that, with the exception of the north-east elevation, the proposed accommodation units would be relatively unarticulated, sheer and boxy on the southwest, southeast and northwest facades and should present as a more articulated façade onto Panorama Crescent and Harrison Street.

To identify a lower density area facilitating a more spacious form of residential development.

The applicant has advised that two dwellings on this lot would be consistent with the lower density of the area. Officers disagree with this view. Within Precinct 8, DDO7 identifies that for subdivision a new lot should have an area of 450sqm. The performance criteria specified within the overlay specifies that “applications for more than one dwelling on a lot should be at a density that would enable future subdivision in accordance with the subdivision requirements of this clause”. It is accepted that the proposal is for accommodation, but noted that the building could be used as a dwelling without a planning permit and therefore consideration should be given to the potential for the accommodation units to be adapted in the future. Whilst the minimum lot size of 450sqm is not a mandatory requirement, the application site presents an area of only 780sqm and, as such, the lot is not considered to be suitable for future subdivision. Should an application be submitted to Council for the future subdivision of this lot and the excision of the accommodation building, it is not considered that this would be likely to be granted a permit by Council. It is not considered that the proposed units would maintain the low density and spacious form of residential development currently exhibited within Marengo.

To ensure that development density is consistent with the coastal town character.

The applicant has advised that the area includes other density responses similar to this application, and therefore considers that the application is consistent with existing and preferred coastal town character. Officers disagree with this view. The design objectives (DDO7) underpinning this “lower density residential area” seek to a) facilitate a more spacious form of residential development, b) present a density consistent with the coastal town character and c) provide permeable space between dwellings to sustain vegetation.

The applicant has cited two examples within Precinct 8 where lots smaller than the desired 450sqm are evident. One example is the five unit development at No. 9 Great Ocean Road, Marengo which presents an average lot size of 229sqm. This unit development was approved in 1998 (PP297/1997-1), prior to the introduction of DDO7 in 2009. Similarly, the smaller lots (332sqm and 360sqm) at No. 24 Harrison Street, Marengo were approved in 2004 (PP314/2003-1) prior to the introduction of DDO7.

It is considered that the proposed accommodation units would not be consistent with the spacious form of surrounding residential development and would not be consistent with the density of the surrounding area, ultimately presenting limited space between built form to sustain any suitable future vegetation on the land.

To ensure that new development maintains space between buildings so that views to the surrounding landscape are retained.

The applicant has advised that the dwelling is sited lower than dwellings to the rear or west, and that view lines would be maintained and not compromised. It is considered that the two proposed units would not completely obscure existing private views of the coast and the unit development would be of a similar height to the existing building at No. 26 Harrison Street when viewed from No. 1 Mitchell Court to the west. It should also be noted that there is a substantial vegetation screen between the application site and No. 1 Mitchell Court.



Similarly, whilst it could be considered that space between buildings on the site would be restricted as a result of the proposal, overall it is considered that the views of the coast from No. 2 Harrison Street would not be unreasonably compromised as a result of this proposal.

*To encourage building design that complements and responds to the cultural, environmental and landscape values of Apollo Bay, including appropriate use of coastal materials, colours, heights and setbacks.*

The applicant has advised that the design response includes materials and finishes that would complement the natural setting and layout of the site and surrounds. The applicant further considers that the variance in materials would also contribute to articulation. It is considered that, with the exception of the north east elevation, the proposed elevations of the accommodation units would be relatively unarticulated and sheer, without being recessed at the upper level. It is not considered that the development would provide visual interest to the street, but instead that it would present as a boxy, bulky built form. The proposed design does not incorporate setbacks to upper levels to reduce building bulk. The design of the proposed accommodation units is not considered to positively respond to the coastal setting.

#### Erosion Management Overlay

In support of this application, the applicant has submitted a Geotechnical Assessment dated 24 May 2013, reference ES1389. The report states that the proposal should be allowed as the calculated risk is within the 'acceptable' range. The submitted report is specific to the works proposed and addresses the extension to the existing dwelling, the removal of vegetation and the stand alone accommodation building. The applicant has also submitted the required Form A, which confirms the works are within the acceptable range.

#### Car parking

One car parking space has been provided on site for each of the accommodation units. This would meet the requirements of Clause 52.06. The existing dwelling has three bedrooms and therefore two spaces have been provided. Three of the spaces would be approximately 4.9m by 2.6m and one space would be 6.0m by 3.5m. This complies with the standard.

#### Clause 55 – Two or more dwellings on a lot and Residential Buildings

The application has been assessed against the provisions of Clause 55. The proposal is not considered to address the following objectives:

a. Neighbourhood Character

*Design respects or contributes to the neighbourhood character.*

The design response associated with the Apollo Bay and Marengo Neighbourhood Character Study identifies that the current pattern of front setbacks should be maintained.

The building in which the holiday units would be located would not have an appropriate relationship to the site or the coastal setting. The application site has an existing front setback of approximately 20m, which would be reduced to 9m as a result of the proposal. There are no buildings forward of the front façade building line within Harrison Street and it is considered that the application proposal would undermine the existing character. It is considered that the proposal would negatively impact on the sense of openness of the property frontage when viewed from the properties immediately adjacent to the site and from the public domain.

b. Street Setback

The proposal is considered to meet the standard specified under Clause 55.03; however the objective seeks to '*ensure that the setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site*'.

It is also noted that clause 55 states that “a standard contains the requirements to meet the objective”. Whilst the street setback standard is met, it is considered that the prominent and incongruous location of the proposed unit development would fail to meet the standard or objective set out in clause 55.02-1 (Neighbourhood Character).

### Cultural Heritage

The applicant was advised by Council, in a request for further information dated 9 August 2013, that a Cultural Heritage Management Plan was required as the site is located within an area of cultural heritage sensitivity and significant ground disturbance is proposed. On 26 August 2013, the applicant emailed a copy of the application along with all plans to the Office of Aboriginal Affairs Victoria. On 27 August 2013, Aboriginal Affairs Victoria confirmed by email to the applicant that, based on the information provided, the extension to the existing dwelling and construction of two (2) accommodation units at No. 1 Harrison Street, Marengo would not require a Cultural Heritage Management Plan to be provided, as the works are an exempt activity as per Part 2, Division 2, (r8).

The Office of Aboriginal Affairs Victoria also confirmed with the email that the extension/renovation to the existing house also falls under an exempt activity as per Regulation 11 (Alteration of buildings). Whilst Council would question the classification of the two units as a single dwelling, it is considered that the decision by Aboriginal Affairs Victoria must be respected. In view of this, a Cultural Heritage Management Plan is not considered to be required to be submitted to Council.

### **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**

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 report.

### **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 holiday accommodation element of the proposal would have an appropriate or acceptable relationship to the site or the coastal setting. The units would be relatively unarticulated, sheer and boxy on most facades. There are no buildings forward of the front building line within Harrison Street and it is considered that the application proposal would undermine the existing preferred neighbourhood character. The proposed holiday units would constitute a prominent and incongruous form of development that would negatively impact on the sense of openness of the property frontage when viewed from the properties immediately adjacent to the site and from the public domain.

It is not considered that the proposal would maintain the low density and spacious form of residential development currently exhibited within Marengo.

**Attachments**

Nil

**Recommendation(s)**

***That Council's Planning Committee resolves to Refuse to Grant a Planning Permit for the use and development of two (2) holiday accommodation units, extensions to an existing dwelling, construction of a shed, and removal of vegetation at 1 Harrison Street, Marengo for the following reasons:***

***Grounds of Refusal:***

- 1. The proposal does not accord with relevant State and local planning policies, which seek to ensure that development is sensitively sited and designed to respect the character of coastal towns, protecting the neighbourhood character and sense of place and overall layout. It has not been demonstrated that the proposal appropriately responds to the preferred neighbourhood character. As such, the proposal is contrary to clauses 12.02-2, 12.02-6, 15.01-1, 15.01-5, 21.03-1, 21.03-3 and 65 of the Colac Otway Planning Scheme.***
- 2. The proposal does not accord with the purpose and relevant decision guidelines of the Residential 1 Zone set out in clause 32.01 of the Planning Scheme, as the proposed holiday accommodation building would not respect the preferred neighbourhood character.***
- 3. The proposal does not accord with the purpose and relevant decision guidelines of the Design and Development Overlay Schedule 7 – Apollo Bay and Marengo Lower Density Residential Areas set out in clause 43.02, given that;***
  - The proposal would not facilitate a more spacious form of residential development.***
  - The proposal would not ensure that development density is consistent with the coastal town character.***
  - The proposal would not ensure that permeable space is available between dwellings to sustain vegetation.***
  - The proposal does not respond to the appropriate building setback.***
- 4. The proposal constitutes a prominent and incongruous form of development that does not accord with the purpose and relevant decision guidelines of clause 55.02 (Neighbourhood Character Objectives) which seeks to ensure that the design respects the existing neighbourhood character or contributes to a preferred neighbourhood character.***

~~~~~\ ~~~~~