



**Colac Otway
SHIRE**

AGENDA

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

14 MAY 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

14 MAY 2014

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NOTICE is hereby given that the next **PLANNING COMMITTEE MEETING OF THE COLAC-OTWAY SHIRE COUNCIL** will be held in COPACC Meeting Rooms on 14 May 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.

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5. DECLARATION OF INTEREST

6. VERBAL SUBMISSIONS FROM APPLICANTS/OBJECTORS

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

7. CONFIRMATION OF MINUTES

- **Planning Committee held on the 09/04/14.**

Recommendation

That Council confirm the above minutes.

OFFICERS' REPORTS

Sustainable Planning and Development

- | | |
|------------|---|
| PC141405-1 | PLANNING AND BUILDING STATISTICAL REPORT |
| PC141405-2 | 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). |
| PC141405-3 | CONSTRUCTION OF A FREEZER STORE AND TWO FREEZER CHILLERS FOR EXISTING ABATTOIR AND ASSOCIATED WORKS AT 1 TRISTANIA DRIVE AND 2-14 CLARK STREET, COLAC (PP6/2014) |

Rob Small
Chief Executive Officer

PC141405-1

PLANNING AND BUILDING STATISTICAL REPORT

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

Summary

Planning Statistics

26 Planning Permit Applications were received for the period 1 April 2014 to 30 April 2014.

18 Planning Permit Applications were considered for the period 1 April 2014 to 30 April 2014.

Building Statistics

The Victorian Building Authority data has been updated to February 2014.

Attachments

1. Planning Statistical Report - April 2014 - (Determinations) - Agenda Copy

Recommendation(s)

That Council's Planning Committee take note of the statistical report for April 2014.

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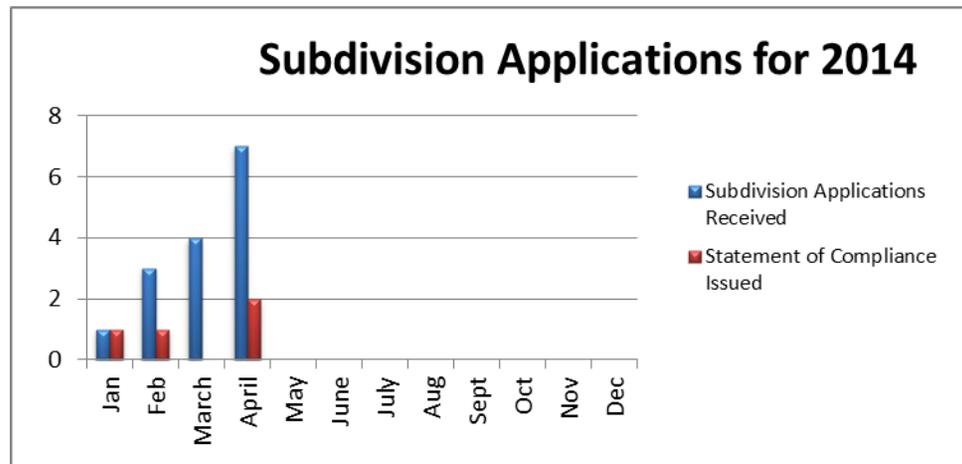
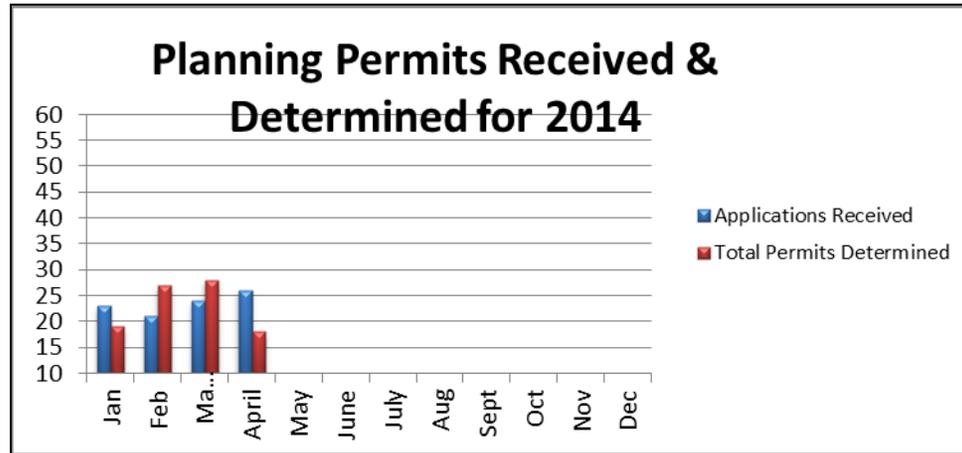
## PLANNING STATISTICAL REPORT – APRIL 2014 – (DETERMINATIONS)

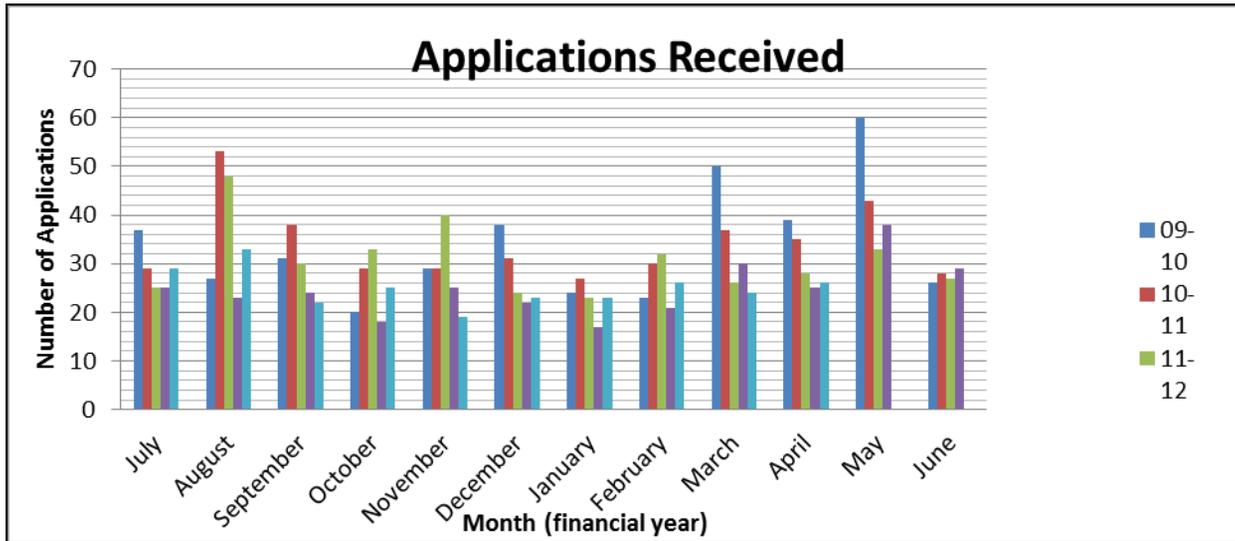
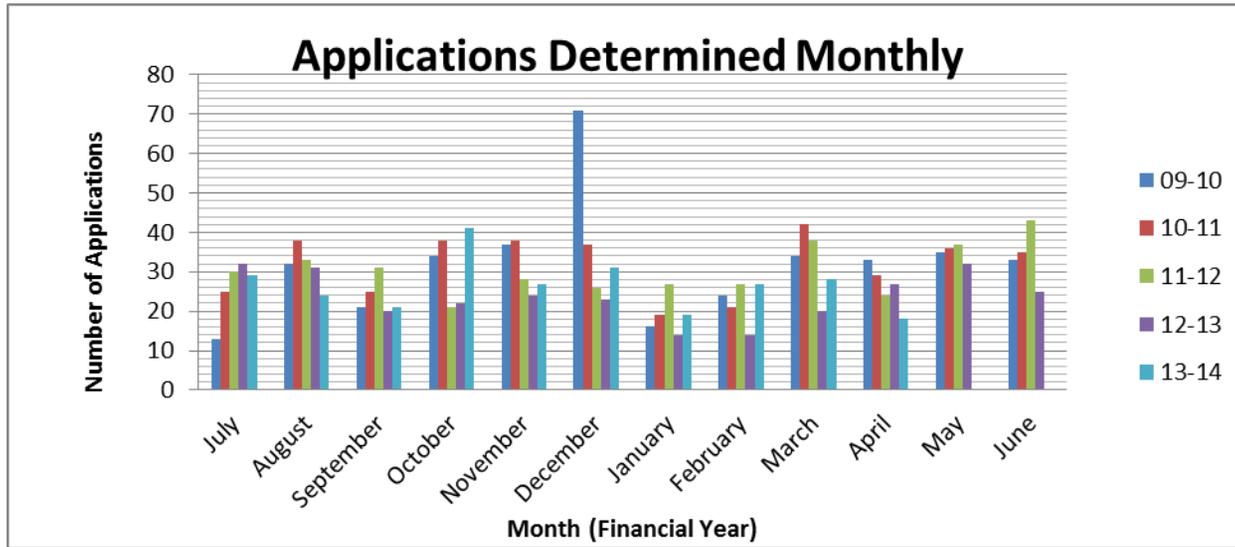
| APPLICATION NUMBER | DATE RECEIVED | LOCATION                               | PROPOSAL                                                                                                                    | STATUTORY DAYS | DATE DETERMINED | DETERMINATION & AUTHORITY |
|--------------------|---------------|----------------------------------------|-----------------------------------------------------------------------------------------------------------------------------|----------------|-----------------|---------------------------|
| 170/2012-1         | 1-AUG-12      | 4860 GREAT OCEAN ROAD WONGARRA         | USE & DEVELOPMENT OF THE LAND FOR A DWELLING, REMOVAL OF NATIVE VEGETATION AND CONSTRUCTION OF A ROAD WITHIN A ROAD RESERVE | 36             | 11-APR-14       | PERMIT ISSUED DELEGATE    |
| 178/2013-1         | 6-AUG-13      | 310 BARHAM RIVER ROAD APOLLO BAY       | TWO LOT RE-SUBDIVISION OF THE LAND (REALIGNMENT OF BOUNDARY)                                                                | 14             | 14-APR-14       | PERMIT ISSUED DELEGATE    |
| 189/2013-1         | 14-AUG-13     | 935 COLAC LAVERS HILL ROAD BARONGAROOK | CONSTRUCTION OF REPLACEMENT DWELLING AND REMOVAL OF NATIVE VEGETATION (ONE TREE)                                            | 45             | 7-APR-14        | PERMIT ISSUED DELEGATE    |
| 190/2013-1         | 19-AUG-13     | 19 FORREST STREET CRESSY               | RE-SUBDIVISION OF LAND INTO THREE (3) LOTS                                                                                  | 138            | 3-APR-14        | PERMIT ISSUED DELEGATE    |
| 253/2013-1         | 12-NOV-13     | 48 OLD COACH ROAD SKENES CREEK         | CONSTRUCTION OF A FENCE                                                                                                     | 142            | 8-APR-14        | PERMIT ISSUED DELEGATE    |
| 270/2013-1         | 9-DEC-13      | 6 BATH STREET COLAC                    | CONSTRUCTION OF A STORE                                                                                                     | 33             | 16-APR-14       | PERMIT ISSUED DELEGATE    |
| 19/2014-1          | 29-JAN-14     | 50 BIRREGURRA ROAD BIRREGURRA          | BUILDINGS AND WORKS COMPRISING CONSTRUCTION OF OUTBUILDING                                                                  | 31             | 10-APR-14       | PERMIT ISSUED DELEGATE    |
| 21/2014-1          | 24-JAN-14     | 110 BARRYS ROAD BARONGAROOK WEST       | BUILDINGS AND WORKS COMPRISING THE CONSTRUCTION OF AN OUTBUILDING (SHED)                                                    | 22             | 8-APR-14        | PERMIT ISSUED DELEGATE    |
| 26/2014-1          | 6-FEB-14      | 295 SINCLAIR STREET SOUTH ELLIMINYT    | BUILDINGS AND WORKS COMPRISING CONSTRUCTION OF OUTBUILDING                                                                  | 31             | 23-APR-14       | PERMIT ISSUED DELEGATE    |
| 29/2014-1          | 11-FEB-14     | 38 MURRELL STREET BIRREGURRA           | BUILDINGS AND WORKS COMPRISING CONSTRUCTION OF OUTBUILDING                                                                  | 55             | 7-APR-14        | PERMIT ISSUED DELEGATE    |
| 36/2014-1          | 19-FEB-14     | 34 CONNOR STREET COLAC                 | BUILDINGS AND WORKS COMPRISING THE ERECTION OF A NOTICE BOARD                                                               | 51             | 11-APR-14       | PERMIT ISSUED DELEGATE    |
| 45/2014-1          | 28-FEB-14     | 90 POLLEYS ROAD BARONGAROOK WEST       | CONSTRUCTION OF AN OUTBUILDING                                                                                              | 7              | 2-APR-14        | PERMIT ISSUED DELEGATE    |

| APPLICATION NUMBER                                        | DATE RECEIVED | LOCATION                                | PROPOSAL                                                                                                  | STATUTORY DAYS | DATE DETERMINED | DETERMINATION & AUTHORITY   |
|-----------------------------------------------------------|---------------|-----------------------------------------|-----------------------------------------------------------------------------------------------------------|----------------|-----------------|-----------------------------|
| 49/2014-1                                                 | 28-FEB-14     | 390 AIRE SETTLEMENT ROAD JOHANNA        | CONSTRUCTION OF A SHED                                                                                    | 5              | 8-APR-14        | PERMIT ISSUED DELEGATE      |
| 54/2014-1                                                 | 7-MAR-14      | 160 MURRAY STREET COLAC                 | DISPLAY OF BUSINESS IDENTIFICATION SIGNAGE (RETROSPECTIVE)                                                | 31             | 7-APR-14        | PERMIT ISSUED DELEGATE      |
| 65/2014-1                                                 | 21-MAR-14     | 680 BIRREGURRA DEANS MARSH ROAD WHOOREL | BUILDINGS AND WORKS COMPRISING CONSTRUCTION OF OUTBUILDING                                                | 20             | 10-APR-14       | PERMIT ISSUED DELEGATE      |
| 249/2013-1                                                | 7-NOV-13      | 20 WARNCOORT CEMETARY ROAD WARNCOORT    | THREE LOT RESUBDIVISION                                                                                   | 118            | 24-APR-14       | NOTICE OF DECISION DELEGATE |
| 262/2013-1                                                | 28-NOV-13     | 470 BIRREGURRA ROAD BIRREGURRA          | USE AND DEVELOPMENT OF THE LAND FOR A DWELLING AND CREATION OF ACCESS TO A ROAD IN A ROAD ZONE CATEGORY 1 | 28             | 28-APR-14       | PERMIT ISSUED DELEGATE      |
| AVERAGE STATUTORY DAYS TO DETERMINE PLANNING APPLICATIONS |               |                                         |                                                                                                           | 47             |                 |                             |

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

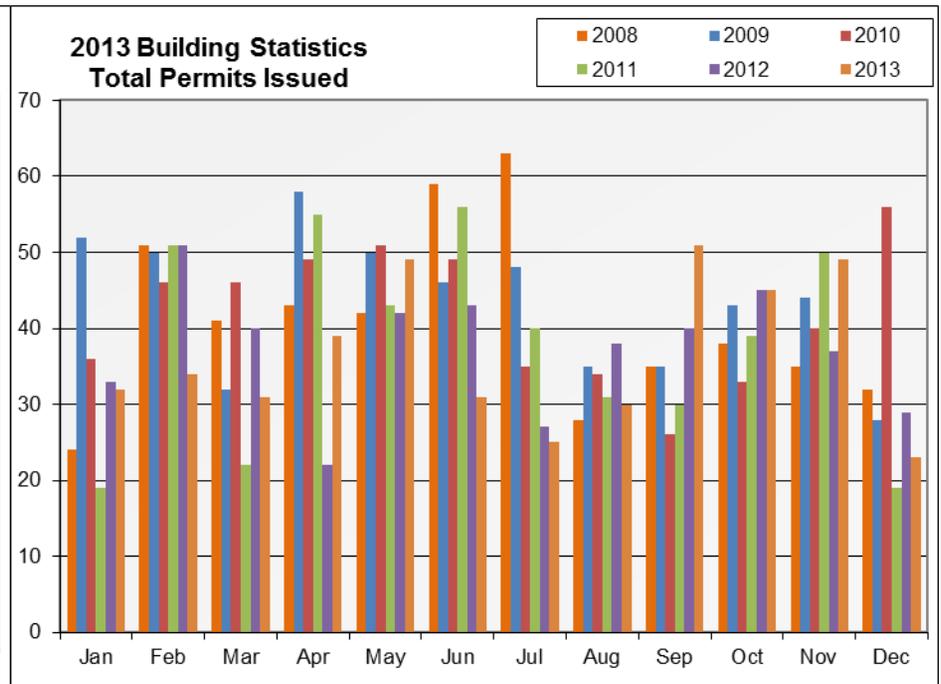
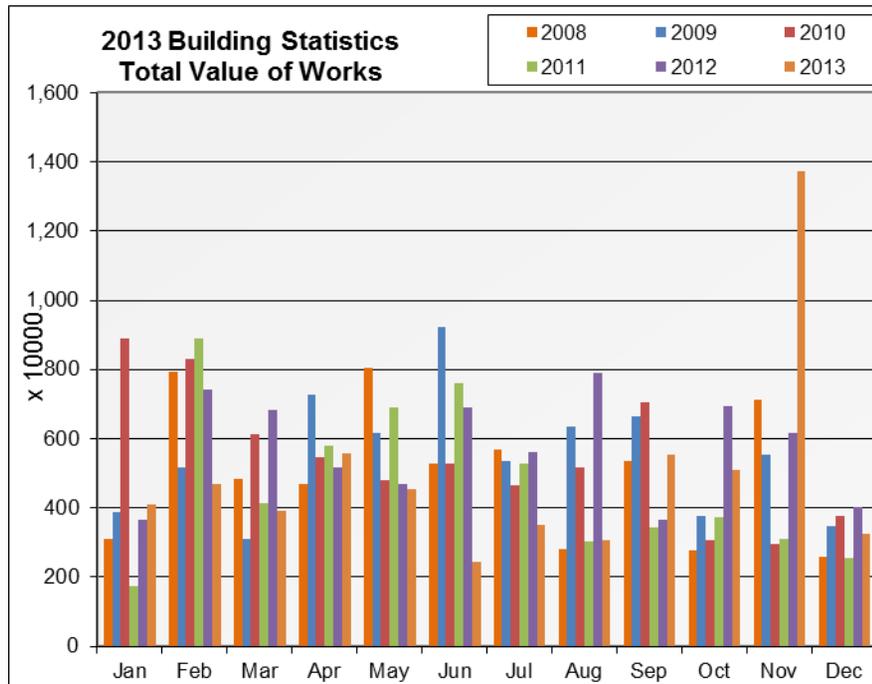
| APPLICATION NUMBER                              | DATE RECEIVED | LOCATION                         | PROPOSAL                                | STATUTORY DAYS | DATE DETERMINED | DETERMINATION & AUTHORITY   |
|-------------------------------------------------|---------------|----------------------------------|-----------------------------------------|----------------|-----------------|-----------------------------|
| 280/2013-1                                      | 19-DEC-13     | 1020 GREAT OCEAN ROAD APOLLO BAY | ANIMAL SHELTER AND PLANT RETAINING WALL | 0              | 2-APR-14        | PLANNING APPLICATION LAPSED |
| TOTAL AVERAGE STATUTORY DAYS (ALL APPLICATIONS) |               |                                  |                                         | 45             |                 |                             |





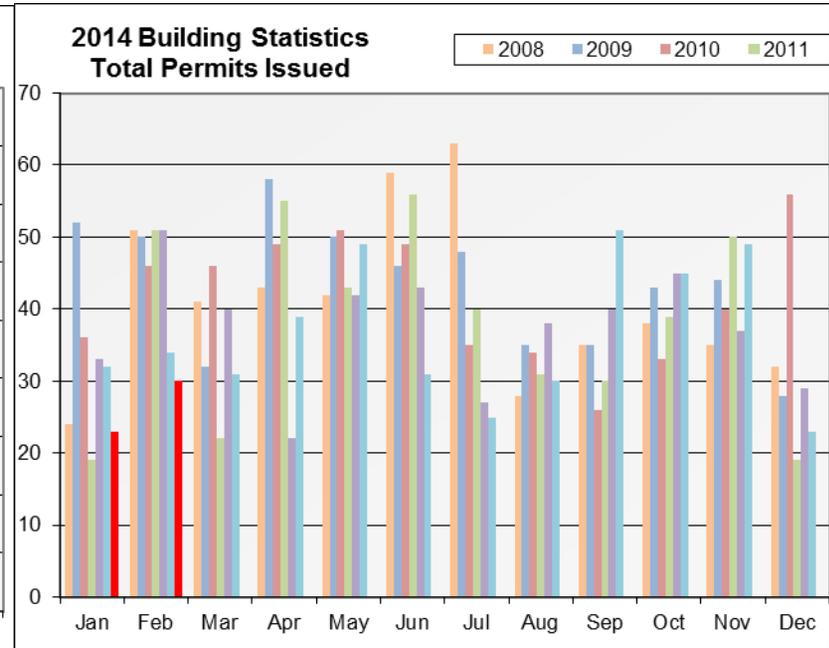
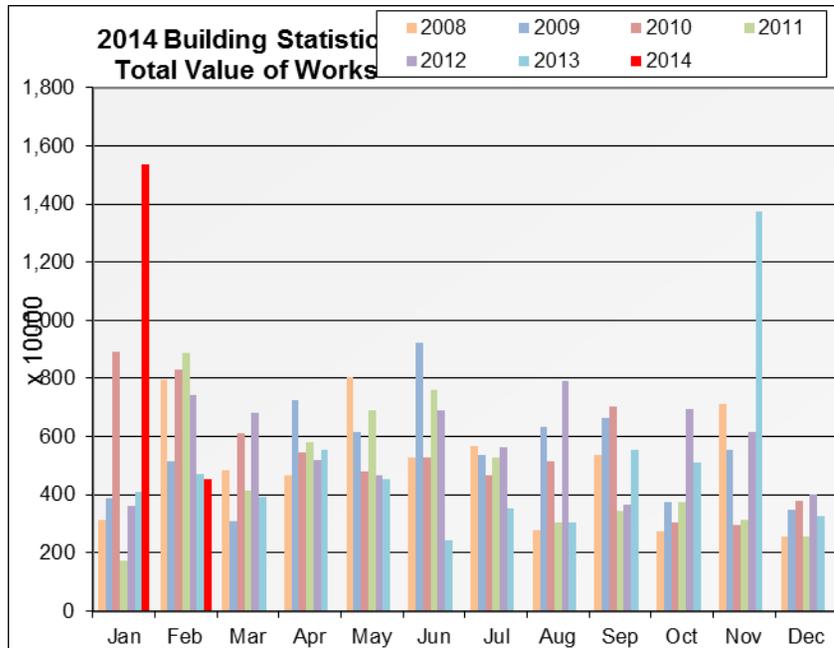
| 2013          | Domestic   |                   | Residential* |                  | Commercial |                  | Retail   |                  | Industrial |                  | Hospital/HealthCare |            | Public Buildings |                   | Municipal Totals |                   |
|---------------|------------|-------------------|--------------|------------------|------------|------------------|----------|------------------|------------|------------------|---------------------|------------|------------------|-------------------|------------------|-------------------|
|               | No of BP   | Value (\$)        | No of BP     | Value (\$)       | No of BP   | Value (\$)       | No of BP | Value (\$)       | No of BP   | Value (\$)       | No of BP            | Value (\$) | No of BP         | Value (\$)        | No of BP         | Value (\$)        |
| Jan           | 21         | 3,757,719         | 0            | 0                | 5          | 117,068          | 1        | 2,000            | 1          | 39,745           | 0                   | 0          | 4                | 177,495           | 32               | 4,094,027         |
| Feb           | 31         | 4,341,165         | 1            | 280,929          | 1          | 10,000           | 1        | 69,000           | 0          | 0                | 0                   | 0          | 0                | 0                 | 34               | 4,701,094         |
| Mar           | 26         | 3,132,341         | 0            | 0                | 3          | 504,374          | 0        | 0                | 1          | 150,000          | 0                   | 0          | 1                | 118,320           | 31               | 3,905,035         |
| Apr           | 31         | 3,658,781         | 1            | 1,400,419        | 3          | 256,200          | 1        | 29,000           | 1          | 150,000          | 0                   | 0          | 2                | 61,400            | 39               | 5,555,800         |
| May           | 38         | 3,559,921         | 2            | 463,410          | 6          | 228,823          | 0        | 0                | 0          | 0                | 0                   | 0          | 3                | 290,000           | 49               | 4,542,154         |
| Jun           | 20         | 1,578,822         | 2            | 353,483          | 6          | 214,810          | 2        | 246,420          | 0          | 0                | 0                   | 0          | 1                | 30,000            | 31               | 2,423,535         |
| Jul           | 21         | 2,399,630         | 1            | 55,000           | 3          | 1,060,000        | 0        | 0                | 0          | 0                | 0                   | 0          | 0                | 0                 | 25               | 3,514,630         |
| Aug           | 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           | 20         | 3,105,944         | 0            | 0                | 2          | 125,860          | 1        | 19,000           | 0          | 0                | 0                   | 0          | 0                | 0                 | 23               | 3,250,804         |
| <b>Totals</b> | <b>349</b> | <b>41,099,111</b> | <b>7</b>     | <b>2,553,241</b> | <b>42</b>  | <b>2,993,165</b> | <b>9</b> | <b>1,170,920</b> | <b>9</b>   | <b>1,083,507</b> | <b>0</b>            | <b>0</b>   | <b>23</b>        | <b>10,516,275</b> | <b>439</b>       | <b>59,416,219</b> |

\*Multi-Development



| 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 o BP          | Value (\$)        |
| Jan           | 18        | 2,378,119        | 0            | 0          | 3          | 1,863,073        | 0        | 0          | 0          | 0          | 0                   | 0              | 2                | 11,108,934        | 23               | 15,350,126        |
| Feb           | 25        | 4,221,848        | 0            | 0          | 4          | 162,030          | 0        | 0          | 0          | 0          | 1                   | 168,273        | 0                | 0                 | 30               | 4,552,151         |
| Mar           |           |                  |              |            |            |                  |          |            |            |            |                     |                |                  |                   |                  |                   |
| Apr           |           |                  |              |            |            |                  |          |            |            |            |                     |                |                  |                   |                  |                   |
| May           |           |                  |              |            |            |                  |          |            |            |            |                     |                |                  |                   |                  |                   |
| Jun           |           |                  |              |            |            |                  |          |            |            |            |                     |                |                  |                   |                  |                   |
| Jul           |           |                  |              |            |            |                  |          |            |            |            |                     |                |                  |                   |                  |                   |
| Aug           |           |                  |              |            |            |                  |          |            |            |            |                     |                |                  |                   |                  |                   |
| Sep           |           |                  |              |            |            |                  |          |            |            |            |                     |                |                  |                   |                  |                   |
| Oct           |           |                  |              |            |            |                  |          |            |            |            |                     |                |                  |                   |                  |                   |
| Nov           |           |                  |              |            |            |                  |          |            |            |            |                     |                |                  |                   |                  |                   |
| Dec           |           |                  |              |            |            |                  |          |            |            |            |                     |                |                  |                   |                  |                   |
| <b>Totals</b> | <b>43</b> | <b>6,599,967</b> | <b>0</b>     | <b>0</b>   | <b>7</b>   | <b>2,025,103</b> | <b>0</b> | <b>0</b>   | <b>0</b>   | <b>0</b>   | <b>1</b>            | <b>168,273</b> | <b>2</b>         | <b>11,108,934</b> | <b>53</b>        | <b>19,902,277</b> |

\*Multi-Development



**PC141405-2 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   |

Planning Committee at its meeting on 09 April 2014 resolved that the matter be deferred to the meeting to be held on 14 May 2014.

No alterations have been made to the report that was on the 9 April 2014 agenda.

**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.***

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PC141405-3 CONSTRUCTION OF A FREEZER STORE AND TWO FREEZER CHILLERS FOR EXISTING ABATTOIR AND ASSOCIATED WORKS AT 1 TRISTANIA DRIVE AND 2-14 CLARK STREET, COLAC (PP6/2014)

| | | | |
|-------------|------------------------------------|-----------|------------|
| AUTHOR: | Ian Williams | ENDORSED: | Jack Green |
| DEPARTMENT: | Sustainable Planning & Development | FILE REF: | F14/410 |

Location: 1 Tristania Drive and 2-14 Clark Street, Colac (Lot 1 PS413157N, Lot 1 TP11449 and Lot 1 TP562975D)

Zoning: Industrial 1 Zone (IN1Z)

Overlay controls: Development Plan Overlay Schedule 1 (DPO1)

Proposed Amendments: Nil

Purpose:

This application seeks a permit for buildings and works comprising the construction of a 500 pallet freezer store, two freezer chillers and associated works at the Australian Lamb (Colac) Pty Ltd abattoir and meat processing plant at 1 Tristania Drive, Colac. The proposal also includes works to provide car parking at 2-14 Clark Street; this land already forms part of the existing abattoir site.

The application is before Council's Planning Committee as some of the proposed works would exceed a height of 8 metres above natural ground level.

It is recommended that a planning permit be issued, subject to conditions.

Declaration of Interests

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

Summary

- The site is in an Industrial 1 Zone and is covered by Schedule 1 to the Development Plan Overlay (DPO1 – Colac Abattoir and Food Production).
- An abattoir is nested in the 'Industry Group' in the Planning Scheme. Industry is a section 1 use (permit not required) in an Industrial 1 Zone provided that specific conditions are met, including conditions relating to threshold distances to certain other sensitive zones. In this case, the proposed works would be ancillary to the existing and long-established industrial use of the site, and would not introduce any new uses or processes. As such, it is considered that a permit is not required for use in this case.
- However, a permit is required to construct a building or construct or carry out works in an Industrial 1 Zone.
- The application is exempt from notice and review under Industrial 1 Zone provisions as the proposed building and works would not, inter alia, be within 30 metres of land (not a road) in the nearest residential zone.

- As noted, the site is also covered by a Development Plan Overlay - DPO1 (Colac Abattoir and Food Production). A Development Plan was endorsed by Colac Otway Shire in June 1999 and amended on 28 January 2005.
The proposal is considered to be in accordance with the approved development plan pertaining to the site. The approved development plan identifies areas for future chiller expansion adjacent to the main building and these areas are consistent with those proposed under this application.
- Under Clause 43.04-2 of the DPO1, an application under any provision of the Planning Scheme which is generally in accordance with the development plan is exempt from notice and review.
- The application was referred to the Environment Protection Authority (EPA) and Powercor. The application was also referred internally to Council's Infrastructure, Building and Environmental Health departments.
- Council's Infrastructure, Building and Health departments have raised no objection to the application, subject to permit conditions which have been included in the recommendation at the end of this report.
- The EPA raised no objection to the application, but recommended a condition for inclusion on any permit issued. No response was received from Powercor.
- It is recommended that the application be allowed, given that the proposed development would match existing buildings in terms of siting, style, scale and materials, and the development would not be highly visible from approaches to the site. Importantly, the proposal would result in improved productivity, operations and safety at the plant, in addition to economic benefits for the business and the local community.

Background

The site has been used as an abattoir for both sheep and cattle for over 30 years, previously being owned by CRF Assets Pty Ltd. In June 1999, Council approved a Development Plan for CRF Foods Pty Ltd, which allowed development of a stock processing facility at CRF's site adjacent to Clark Street, Colac. This plan was amended on 28 January 2005. The Development Plan approval included a condition requiring that the layout of the site and the size of the proposed buildings and works as shown on the endorsed plans not be altered or modified without the consent of the Responsible Authority.

The site was recently purchased by Australian Lamb (Colac) Pty Ltd. Australian Lamb (Colac) Pty Ltd plans to undertake buildings and works on the site associated with the existing meat processing use. The proposed works would allow meat to be stored on-site prior to distribution. Currently a substantial amount of the meat is stored off-site at a facility in Melbourne, which will soon be no longer available. The applicant has advised that the proposed works would improve productivity, operations and safety on the site, and that the estimated cost of works is approximately \$1.8 million. The applicant has also confirmed that the capacity of the site would not increase as a result of the proposed development and that truck movements would decrease as there would not be a requirement to store "finished product" off site.

Various planning permits have been granted in the past in association with the existing use of the land as a meat processing plant. These planning permits include extensions to the chiller units, construction of sheds, laundry and amenities buildings, a new reception building, staff entry area and boot wash room.

Issues / Options

Council has the option of:

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

It is recommended that a permit be issued, subject to conditions.

Proposal

A planning permit is sought for the construction of a five hundred (500) pallet freezer store, two freezer chillers and associated works. Any permit issued would also need to allow for works to formally designate additional parking spaces at the abattoir site.

The proposed pallet freezer store would abut an existing building in the eastern portion of the site. It would be approximately 38.75 metres long, 22.34 metres wide and 8.75 metres high. The external walls would be constructed of Colorbond cladding with Colorbond Trimdeck fascia and roof cladding at an 8 degree pitch to match the existing building. All external materials would be light grey in colour, to match the existing building. The pallet freezer store would have a semi-automatic plate freezer, holding freezer and palletising room. It would increase on-site capacity from 1,025 to 1,525 pallets; increase throughput capacity from 29,000 animals per day to 39,000 per day; and reduce the load on cold storage distribution. This area would only require 3 staff members due to the introduction of conveyors and robotic packoff. A new truck loading bay is proposed to the immediate east of the pallet freezer store extension. Loading would be via a roller door from the freezer store.

It is also proposed to construct two (2) additional freezer chillers to the south of five (5) existing freezer chillers on the site. The new freezer chillers would have a frontage to Tristania Drive. This addition would be approximately 21.55 metres long, 16.71 metres wide and 7.33 metres high. It would be constructed of Colorbond wall panels, Colorbond Trimdeck fascia cladding and Colorbond Trimdeck roofing at an 8 degree pitch to match the existing building. All external materials would be light grey in colour to match the existing building.

The works would be staged, with the construction of the freezer store as Stage 1 and the construction of the two additional freezer chillers as Stage 2.

The provision of additional freezer/chiller space would reduce the need for off-site storage. The applicant advises that the meat would be stored in a contained environment and no additional odour would be generated. These works would also improve productivity, efficiency and safety of operations at the plant. The estimated cost of works is \$1.8 million.

The applicant advises that there would be no change to the hours of operation of the plant; no additional noise, odour or waste; no increase in staff numbers; and no increase in truck movements or increase in size of trucks used for distribution. The provision of on-site storage is expected to reduce truck movements with only changes to the traffic movement within site. The applicant has also advised that no large trucks are required and staff numbers would remain as existing.

The new works would be accessed from Clark Street via Tristania Drive and an existing circular driveway on the eastern portion of the site.

Whilst there is not expected to be an increase in car parking demand as a result of the proposed works, a former gravelled car parking area (approximately 2,000sqm) on the south side of Tristania Drive (at 2-14 Clark Street - Lot 1 TP11449 and Lot 1 TP562975D) would be reopened to provide any additional car parking required to comply with the relevant standard in the Planning Scheme. The existing car parking areas are not sealed and the proposed car parking area would also not be sealed. There would be no additional advertising signage associated with the proposed works. Existing 'one way' traffic signage would be changed to 'two way', and sensor lights are proposed over the new loading bay area and the exit from it.

Site & Surrounds

The site is located on the eastern side of Clark Street, Colac, to the south of Treatment Works Road.

The site is currently being purchased by Australian Lamb (Colac) Pty Ltd and comprises some ten (10) separate titles, extending from Treatment Works Road in the north to Dalton Street in the south. Tristania Drive bisects the site in a west to east direction at a midway point in the site. The site has been used as an abattoir for over 30 years and was previously owned by CRF Assets Pty Ltd.

The majority of the proposed works would be undertaken on Lot 1 on Plan of Subdivision 413157N, which is located in the northwest corner of the site adjacent to Clark Street and Treatment Works Road. It has an irregular shape and an area of 4.083 hectares. An electricity easement (E-1) is located in the southeast corner of this lot. This easement ranges in width from 8 metres to 10 metres and is in favour of Powercor Australia Limited. The works required to designate additional parking spaces would take place on Lot 1 TP11449 and Lot 1 TP562975D.

A Section 173 Agreement dated 27 January 2000 (reference W551288P) is registered on the title to this site. The specific obligations set out within the Agreement are as follows:

Construction of Export Facility

'the owner will cause the construction of the Export Facility to commence on the Subject Land on or before the 14 August 1999, and to reach Final Completion on or before 31 March 2000; and

New Business

the Owner must cause trading of the New Business to commence as soon as is reasonably practicable after the Final Completion of the Export Facility and cause the New Business to be conducted from the Export Facility for the period of at least five years after trading commences; and

Permitted Use and Development

the owner will not use or develop the Subject Land for any purpose other than as an abattoir and food production plant'.

The current proposal is considered consistent with the requirements of this Agreement.

The north western section of the site is identified as being within an area of cultural heritage sensitivity. The area of the proposed works would be outside this culturally sensitive area and therefore it is considered that a Cultural Heritage Management Plan is not required for this application. It should also be noted that the existing meat processing plant has been lawfully operating from this site prior to 28 May 2007. As such, under regulation 43 of the Aboriginal Heritage Regulations 2007, the proposed development is not a high impact activity as it would be for, or associated with, a purpose for which the land was being lawfully used immediately before the commencement day.

The site is within the Industrial 1 Zone, which extends from Treatment Works Road in the north, through to the buildings within the Business 4 Zone adjacent to the Princes Highway in the south. To the west of the site are residential properties within the Residential 1 Zone facing onto Lake Colac. The land to the north of the application site is within the Public Use Zone (PUZ1) and is occupied by Barwon Water as a sewerage treatment plant. The Geelong to Warrnambool railway line and more Industrial 1 zoned land adjoins to the east, and land within the Rural Activity Zone is located further east.

Public Notice

The application is exempt from notice and review under Clause 33.01-4 of the Industrial 1 Zone as the works would not be within 30 metres of land (not a road) which is in a residential zone or land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre.

Similarly, the application is exempt from notice and review under Clause 43.04-2 of the Development Plan Overlay, as the proposed works are deemed to be in accordance with the approved Development Plan.

Referrals

The application was referred internally to Council's Infrastructure, Building and Environmental Health departments. No objections have been received to the application subject to permit conditions recommended within this report.

A site visit was carried out by the Infrastructure department, which noted that the existing car parking areas are not sealed. The Infrastructure department therefore advised that it would not require the proposed car park to be sealed, only requiring a condition relating to stormwater runoff to be imposed on any permit issued.

The application was externally referred to the following authorities under Section 55 of the Act:

- EPA under Clause 66.02-7 - To use land for an industry or warehouse for a purpose listed in the table to Clause 52.10 shown with a Note 1 *or if the threshold distance is not to be met*. A 500m threshold distance is required for an abattoir – this is the minimum distance from any part of the land of the proposed use *or buildings and works* to land (not a road) in a residential zone, Capital City Zone or Docklands Zone, land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre.

It is considered that the proposed development would be ancillary to the existing and lawful use of the site. A requirement for a permit is therefore not required for 'use' in this case and the use of the site as an abattoir is not being considered as part of this application. The applicant has advised that the capacity of the site would not be increased as a result of this proposal.

The Environment Protection Authority (EPA) raised no objection to the application, but recommended that Council consider a permit condition to ensure the freezers be designed and installed to comply with NIRV (Noise from Industry in Regional Victoria – EPA Publication 1411). The condition has been included in the recommendation at the end of this report.

- Powercor – Clause 66.02-4 as works would be within 60m of an electricity transmission easement. No response has been received from Powercor Australia.

Planning Controls

The following State and local planning policies are considered to be relevant to the consideration of this application:

- Clause 13.04-1 Noise abatement
- Clause 13.04-2 Air quality
- Clause 15.03-2 Aboriginal cultural heritage
- Clause 17.01-1 Business
- Clause 17.02-1 Industrial land development
- Clause 17.02-2 Design of industrial development
- Clause 18.02-5 Car parking
- Clause 19.03 Development infrastructure
- Clause 21.03-2 Colac
- Clause 21.04-9 Cultural heritage
- Clause 21.05-3 Manufacturing

a) State Planning Policy Framework

The proposal is considered to be consistent with the broader principles of the State and Local Planning Policy Frameworks. The proposal would assist in intensifying and consolidating the existing industrial use, enhancing its long term viability. Australian Lamb (Colac) Pty Ltd is one of the major business employers within Colac and the proposal would support and improve the existing industrial land use. The proposal would also promote the sustainable growth and development of regional Victoria within a location in which utility, transport, infrastructure and services are available. The proposal would contribute to the economic well-being of the existing facility and the local community. The proposed works would be sited in the most suitable location to assist the control of any potential amenity impacts on sensitive land uses adjacent to the site, and the design and location of the additional plant would be consistent with the existing built form.

Colac Structure Plan (2007)

The proposal is considered to be consistent with the preferred direction as specified within the Colac Structure Plan, for the reasons outlined above.

c) Zoning Provisions

The site is in an Industrial 1 Zone (Clause 33.01), the key purpose of which is:

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

An abattoir is included in 'Rural Industry' in the Planning Scheme, which in turn is nested in 'Industry'. Industry is a section 1 use (permit not required) in an Industrial 1 Zone provided that specific conditions are met. The conditions specified in the Planning Scheme include a requirement that an industrial use is at least the threshold distance listed in the table to Clause 52.10 from land in a residential zone or land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre.

The threshold distance referred to in clause 52.10 is the minimum distance from any part of the land of the proposed use or buildings and works to, inter alia, land (not a road) in a residential zone. A 500 metre minimum threshold distance is required from any part of the land of the abattoir to a residential zone under Clause 52.10 (Uses with Adverse Amenity Potential). In this instance, the threshold distance is not met; however the existing industrial use (abattoir and meat processing facility) has been established on this site for many years. The proposed works would be ancillary to the existing industrial use of the site and would not introduce any new uses or processes. As such, it is considered that a permit is not required for 'use' under Clause 33.01-1.

Under the provisions of Clause 33.01-4, a permit is required to construct a building or construct or carry out works. As noted earlier in this report, the application is exempt from notice under the provisions of the zone.

Decision Guidelines

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- Any natural or cultural values on or near the land.
- Streetscape character.
- Built form.
- Landscape treatment.
- Interface with non-industrial areas.
- Parking and site access.
- Loading and service areas.
- Outdoor storage.
- Lighting.
- Stormwater discharge.

Maintenance

All buildings and works must be maintained in good order and appearance to the satisfaction of the responsible authority.

Assessment

As discussed above, the minimum threshold distance for land used as an abattoir from a residential area of 500 metres is not met; however the use of the land for an abattoir and meat processing facility is long established on this site. The proposed works would be ancillary to the existing industrial use of the site, and would not involve the introduction of any new uses or processes. The application was referred to the EPA as the threshold distance for the buildings and works would not be met, but no objection was raised. It is also noted that the proposed buildings and works would not result in development being located closer to a residential zone than existing development at the site.

A permit is required under Clause 33.01-4 of the Industrial 1 Zone to construct a building or construct or carry out works, and consideration of the above decision guidelines is required in the assessment of this proposal.

The buildings and works proposed under this application are required to facilitate the ongoing efficiency of the existing industrial use at this site.

It is considered that the proposed freezer/chiller buildings would be suitably located on the site and recessed from both Clark Street and Treatment Works Road, towards the middle of the existing facility, behind the existing industrial built form. The proposed works would be offset a considerable distance from property boundaries and surrounding uses, and would not impact on the existing character of the area or on the streetscape.

The proposed works would be located towards the southern end of the site, to the south of the area identified as being culturally sensitive. As noted earlier in this report, a Cultural Heritage Management Plan or referral to Aboriginal Affairs Victoria is not required.

It is considered that the proposed materials, height, bulk, mass and position of the works would be acceptable in the context of the surrounding industrial buildings on the site. The works would be surrounded by other buildings and structures that are typical of the industrial complex. The proposed works would have a maximum height of approximately 8.75 metres, which would be consistent with the existing built form.

In view of this, it is considered that the proposed built form and interface with the existing buildings on the site would be acceptable. The proposed external finishes have been selected to match existing buildings on site. It should also be noted that the works would be partially screened from Treatment Works Road by the existing vegetation on the northern boundary of the site, and by the existing plant to the south of Tristania Road. The proposal would not result in buildings and works exceeding 60% of the total site area (approximate site coverage would be 11%). It is also considered that the works would be of a suitable scale and location to ensure that views of the lake and the landscape character would be preserved.

The proposal would maintain the locations of the existing site accesses via Clark Street and Treatment Works Road, with a proposed additional loading area located adjacent to the east of the proposed holding freezer. Proposed parking and loading are considered to be appropriate, as discussed below in the Particular Provisions section of this report, and permit conditions would ensure that lighting and stormwater discharge are appropriately managed.

It is considered that the proposal could be allowed as an acceptable outcome when assessed against Industrial 1 Zone provisions.

d) Overlay Controls

The site is covered by a Development Plan Overlay (Clause 43.04), the key purpose of which is:

- *To identify areas which require the form and conditions of future use and development to be shown on a development plan before a permit can be granted to use or develop the land.*
- *To exempt an application from notice and review if it is generally in accordance with a development plan.*

Clause 43.04-1 Requirement before a permit is granted

A permit must not be granted to use or subdivide land, construct a building or construct or carry out works until a development plan has been prepared to the satisfaction of the responsible authority. A permit granted must:

- *Be generally in accordance with the development plan.*

- *Include any conditions or requirements specified in a schedule to this overlay.*

Schedule 1 to the Development Plan Overlay is specific to Colac Abattoir and Food Production. Under the provisions of this overlay, it is stated that the Responsible Authority may grant a permit for subdivision, use or development prior to approval of a development plan provided that the Responsible Authority is satisfied that the subdivision, use or development would not prejudice the future use or development of the land for the purpose of the zone, overlay or any other aspect of Clause 21. An application under any provision of this scheme which is generally in accordance with the development plan is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.

Assessment

A Development Plan was endorsed by Colac Otway Shire and subsequently amended on 28 January 2005. The Schedule to the DPO1 identifies that a permit granted must be generally in accordance with the development plan.

The proposal is considered to be in accordance with the approved development plan pertaining to this site. The development plan identifies areas for future chiller expansion adjacent to the main building and these areas are consistent with those proposed under this application.

It is considered that the proposal could be allowed under DPO1 provisions given that the site coverage of all buildings would not exceed 60%; there would be no works within 100 metres of Lake Colac; all external building colours would be muted tonings of natural non-reflective colours and roofing materials would be non-reflective to match existing buildings; the location and layout of all vehicular parking, loading and access would be acceptable as discussed below; there would be no additional emissions from the site (noise, odour waste or light) and no change to storage and disposal of materials and wastes; all infrastructure services are available for connection to the works (drainage, sewerage, wastewater disposal and water supply); there would be no additional signage; the works would be partially screened by existing buildings and landscaping; and permit conditions would address potential amenity impacts.

Given that the use of the site for an abattoir is already established and the freezer/chiller buildings would be ancillary to the existing use, it is considered that the proposal could be allowed in accordance with DPO1.

e) Particular Provisions

i. Clause 52.06 – Car Parking

Prior to a new use commencing, or the floor area or site area of an existing use being increased, the car parking spaces required under clause 52.06-5 must be provided on the land or as approved under Clause 52.06-3 to the satisfaction of the responsible authority.

Under the provisions of Clause 52.06, the car parking requirement for 'freezing and cool storage' is 1.5 car spaces to each 100sqm of net floor area. The proposed pallet freezer store would have an area of 865.67sqm, and the two (2) additional freezer chillers would have an area of 360.10sqm, for a total additional area of 1,225.77sqm. The car parking requirement for this additional area based on 1.5 car spaces to each 100sqm of net floor area is 18.38 (18) spaces.

It is proposed to re-open a former gravelled car parking area on the south side of Tristania Drive (Lot 1 TP11449 and Lot 1 TP562975D) to provide the parking spaces required to accord with the standard in the Planning Scheme and accommodate any increase in parking associated with the proposed development. This car parking area has an area of approximately 2,000sqm, which would be more than sufficient to accommodate the 18 spaces required by this clause. As no reduction in parking has been sought, any permit issued would need to require the provision of 18 additional parking spaces at the site. An appropriate condition addressing this has been included in the recommendation at the end of this report.

Council's Infrastructure Department has considered car parking and access associated with the proposal. Following a site inspection, the Infrastructure department advised that it would not be necessary to seal the proposed car parking area. No objection was raised to the proposal, subject to the inclusion of a permit condition relating to stormwater runoff which has been included in the recommendation at the end of this report.

ii. Clause 52.07 Loading and Unloading of Vehicles

This clause specifies that no building or works may be constructed for the manufacture, servicing, storage or sale of goods or materials unless space is provided on the land for loading and unloading vehicles as specified in the accompanying table (area 27.4sqm, length 7.6m, width 3.6m, height clearance 4.0m).

The proposed works would result in additional storage and, as such, a loading bay is required under the provisions of this clause. A new truck loading bay is proposed to the immediate east of the new pallet freezer store. The dimensions of this loading area would exceed the requirements of Clause 52.07. There are also sufficient hard standing areas adjacent to existing buildings to accommodate additional loading/unloading facilities should the need arise in the future.

iii. Clause 52.10 Uses with Adverse Amenity Potential

The threshold distance referred to in the table to this clause is the minimum distance from any part of the land of a proposed use or buildings and works to land (not a road) in a residential zone, Capital City Zone or Docklands Zone, land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre. The threshold distance for an abattoir is 500m. There is no note attached to this use.

The distance from any part of the land of the proposed buildings and works to the nearest Residential 1 zoned land in Clark Street is less than 500m (being only 20m, approximately).

Under the provisions of Clause 66, proposals to use land listed in the table to Clause 52.10 shown with a Note 1, or if the threshold distance would not be met, must be referred to the Environmental Protection Authority under Section 55 of the Planning and Environment Act.

The application was referred to the EPA under Section 55 of the Act. The EPA has not raised any objection to the proposal and recommended that Council consider a permit condition to ensure the freezers be designed and installed to comply with NIRV (Noise from Industry in Regional Victoria – EPA Publication 1411). The permit condition has been included in the recommendation at the end of this report.

As discussed above, the proposed works would be ancillary to the established use of the site. No new uses or processes are proposed. The works would be centrally recessed within the site, and the existing built form would act as a suitable buffer. As such, it is considered that the proposed separation distance would be sufficient to prevent any discernible impact on nearby residential areas.

With regard to potential odour impacts associated with the freezer storage, the applicant has advised that the meat would be stored in a contained environment and no additional odour would be generated.

Council's Health Department has considered the application and has not raised any objection to the proposal subject to a permit condition which is included in the recommendation at the end of this report.

iv. Clause 52.34 Bicycle Facilities

A new use must not commence or the floor area of an existing use must not be increased until the required bicycle facilities and associated signage have been provided on the land. For an industrial use there is a requirement for one (1) bicycle space to each 1000sqm of net floor area for employees. Given that the proposed works would have an area of 1,225.77sqm, one (1) bicycle space is required. There are ample areas available on-site for bicycle parking. To ensure the additional bicycle space is provided on site, an appropriate permit condition has been recommended in this report. There are existing showers and change room facilities on-site.

Consideration of the Proposal

The site is in an Industrial 1 Zone (IN1Z) and is covered by Schedule 1 to the Development Plan Overlay (DPO1 – Colac Abattoir and Food Production). A planning permit is required for buildings and works pursuant to Clause 33.01-4 of the IN1Z. The proposed development would be ancillary to the established use of the site as an abattoir and for meat processing, and no new uses or processes are proposed. The application is exempt from notice and review under IN1Z and DPO1 provisions.

It is considered that the proposal would provide an acceptable outcome against the purpose of the Industrial 1 Zone. The works would be suitably located on the site, being recessed from street frontages behind the existing industrial built form, so as to not impact on the existing character of the area or on the streetscape. The materials, bulk, mass and position of the proposed buildings would be acceptable, and the maximum height of approximately 8.75m would be consistent with the existing built form on the site. The external finishes would match existing buildings, and the proposed development would be partially screened by existing vegetation and plant on the site. The works would also be of a suitable scale and location to ensure that views of the lake and the landscape character are preserved. Access, parking and loading are also considered acceptable. Permit conditions would ensure that potential amenity impacts (lighting, emissions, drainage etc.) are appropriately managed.

The proposal is also considered to be in accordance with the Development Plan approved for this site. The Development Plan identifies areas for future chiller expansion adjacent to the main building and the current proposal would be consistent with the plan. The site coverage would not exceed 60%; there would be no works within 100 metres of Lake Colac; the siting and scale of works would be acceptable; the built form and external materials would match existing buildings and would be non-reflective; the location and layout of all vehicular parking, loading and access would be acceptable; and there would be no additional emissions (noise, odour waste or light) or additional amenity impacts as a result of this proposal.

It is also noted that the proposed works would be outside the area identified as being of cultural heritage sensitivity.

It is considered that the proposal could be allowed in light of relevant State and local planning policies, as it would assist in consolidating the existing industrial use, improving the long term viability of one of Colac's major employers. The proposal would also result in improved productivity, operations and safety at the plant, and would promote the development of a regional Victorian town in a location with good access and a full range of infrastructure services.

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

The proposal would result in economic benefit for the existing business and for the town of Colac. There are no other resource implications associated with this proposal.

Risk Management & Compliance Issues

There are no risk management and compliance issues associated with this proposal.

Environmental Consideration / Climate Change

The applicant advises that there would be no additional emissions or environmental impacts as a result of this proposal.

Communication Strategy / Consultation Period

The application was exempt from public notice.

Conclusion

It is considered that the proposal responds acceptably to relevant planning controls, including State and local planning policy, Industrial 1 Zone (IN1Z) requirements and Development Plan Overlay (DPO1) provisions. The proposed siting, scale, design and materials of the works would be consistent with existing buildings on the site and would have no significant visual impact or detriment to the character of the area. It is considered that the proposal could be allowed, as it would provide improved productivity, operations and safety at the plant, and economic benefit to the business and the region.

Attachments

Nil

Recommendation(s)

That Council was exempt from giving public notice under the Planning Scheme provisions and, having considered all the matters required under Section 60 of the Planning and Environment Act 1987, decides to Grant a Permit under the Colac Otway Planning Scheme in respect of the land known and described as Lot 1 on PS 413157N, Lot 1 TP11449 and Lot 1 TP562975D commonly known as 1 Tristania Drive and 2-14 Clark Street, Colac East for Buildings and Works Comprising Construction of a Freezer Store and Two Freezer Chillers for Existing Abattoir and Associated Works in accordance with the plans dated 5 March 2014 and 7 March 2014, subject to the following conditions:

Endorsed Plans

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

Amenity

- 2. The development hereby permitted must be managed so that the amenity of the area is not detrimentally affected, through the:***
 - a) transport of materials, goods or commodities to or from the land;***
 - b) appearance of any building, works or materials;***
 - c) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;***
 - d) presence of vermin.***
- 3. Any external lighting on the development hereby permitted must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the Responsible Authority.***
- 4. The buildings and works hereby permitted must be maintained in good order and appearance, to the satisfaction of the Responsible Authority.***

Parking

- 5. Prior to the commencement of development, a minimum of 18 car parking spaces must be marked out in the proposed re-opened parking area shown on the endorsed site plan and this area must thereafter be kept available for parking purposes only. Details of the method(s) of defining the parking spaces, which must be of dimensions that accord with the requirements of clause 52.06-8 (Design Standards for Car Parking) of the Colac Otway Planning Scheme, must be submitted to and approved in writing by the Responsible Authority.***
- 6. Prior to the commencement of development, provision must be made for a bicycle rack to accommodate a minimum of one (1) additional bicycle. The bicycle rack must be designed, constructed and located on the site to the satisfaction of the Responsible Authority in accordance with the requirements of clause 52.34 of the Planning Scheme.***

Loading Bay

7. *The loading bay associated with the development hereby permitted, as shown on the endorsed plans, must be kept available solely for the purpose of loading and unloading at all times.*

Stormwater

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

Acoustic Management Plan

9. *Within 6 months of the commencement of development, an acoustic management plan must be submitted to and approved in writing by the Responsible Authority. When approved, such information will be endorsed and will form part of the permit. The management plan must include:*
- a) *An acoustic assessment report of the plant hereby permitted (including hours of refrigeration plant operation, siting on site, acoustic rating of the plant and noise attenuation measures) and operational activities demonstrating compliance with relevant noise levels as determined using Noise from Industry in Regional Victoria (EPA publication 1411), October 2011, as required by condition 10 of this permit.*
 - b) *Actions to address any non-compliance with the requirements of condition 10.*
 - c) *Actions to manage noise impacts should operational activity increase.*

EPA condition

10. *The freezers and all associated plant hereby approved must be designed and installed to comply with NIRV (Noise from Industry in Regional Victoria – EPA Publication 1411).*

Expiry

11. *This permit will expire if one of the following circumstances applies:*
- a) *The development is not commenced within two (2) years of the date of this permit.*
 - b) *The development is not completed within four (4) years of the date of this permit.*

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

Notes

- 1. This permit does not authorise the commencement of any building works. Prior to commencement of the development, it will be necessary to apply for and obtain building approval for the proposed works.***

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