



Colac Otway
SHIRE

AGENDA

PLANNING COMMITTEE MEETING
OF THE
COLAC-OTWAY SHIRE
COUNCIL

13 OCTOBER 2010

at 10:30 AM

COPACC

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

COLAC-OTWAY SHIRE PLANNING COMMITTEE MEETING

13 OCTOBER 2010

TABLE OF CONTENTS

OFFICERS' REPORTS

PC101310-1	PLANNING & BUILDING STATISTICAL REPORT.....	5
PC101310-2	EXTENSION TO BUILDING WITH INTERNAL & EXTERNAL ALTERATIONS (HEIGHT ABOVE 8 METRES) AT 168-170 MURRAY STREET, COLAC.	13
PC101310-3	USE OF LAND FOR A MEDICAL CENTRE AND WAIVER OF TWO (2) CAR SPACES AT 398 MURRAY STREET, COLAC.	19
PC101310-4	ALTERATIONS AND ADDITIONS TO THE EXISTING BUILDING, INSTALLATION OF BUSINESS IDENTIFICATION SIGNAGE, LIQUOR LICENCE AND A WAIVER OF 13 CAR SPACES AT 58 MURRAY STREET, COLAC.	24

NOTICE is hereby given that the next *PLANNING COMMITTEE MEETING OF THE COLAC-OTWAY SHIRE COUNCIL* will be held in COPACC on 13 October 2010 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 active community input and participation in Council decisions. Council meetings provide one of these opportunities as members of the community may ask questions to Council either verbally at the meeting or in writing.

Please note that some questions may not be able to be answered at the meeting, these questions will be taken on notice. Council meetings also enable Councillors to debate matters prior to decisions being taken.

I ask that we all show respect to each other and respect for the office of an elected representative.

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5. DECLARATION OF INTEREST

6. VERBAL SUBMISSIONS FROM APPLICANTS/OBJECTORS

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

7. CONFIRMATION OF MINUTES

- **Planning Committee held on the 08/09/10.**

Recommendation

That Council confirm the above minutes.

OFFICERS' REPORTS

Sustainable Planning and Development

PC101310-1	PLANNING & BUILDING STATISTICAL REPORT
PC101310-2	EXTENSION TO BUILDING WITH INTERNAL & EXTERNAL ALTERATIONS (HEIGHT ABOVE 8 METRES) AT 168-170 MURRAY STREET, COLAC.
PC101310-3	USE OF LAND FOR A MEDICAL CENTRE AND WAIVER OF TWO (2) CAR SPACES AT 398 MURRAY STREET, COLAC.
PC101310-4	ALTERATIONS AND ADDITIONS TO THE EXISTING BUILDING, INSTALLATION OF BUSINESS IDENTIFICATION SIGNAGE, LIQUOR LICENCE AND A WAIVER OF 13 CAR SPACES AT 58 MURRAY STREET, COLAC.

Rob Small
Chief Executive Officer

PC101310-1**PLANNING & BUILDING STATISTICAL REPORT**

AUTHOR:	Janole Cass	ENDORSED:	Jack Green
DEPARTMENT:	Sustainable Planning & Development	FILE REF:	GEN000450

Summary

This report provides statistics relating to the months of August and September 2010.

Planning Statistics – August 2010

- 53 Planning Permit Applications were received for the period 1 August 2010 to 31 August 2010.
- 38 Planning Permit Applications were considered for the period 1 August 2010 to 31 August 2010.

Planning Statistics – September 2010

- 38 Planning Permit Applications were received for the period of 1 September 2010 to 30 September 2010.
- 25 Planning Permit Applications were considered for the period of 1 September 2010 to 30 September 2010.

Building Statistics

Please note that the Building Commission Website has been updated to July 2010.

Attachments

1. Planning Statistical Report August 2010
2. Planning Statistical Report September 2010

Recommendation(s)

That Council's Planning Committee note the statistical report.

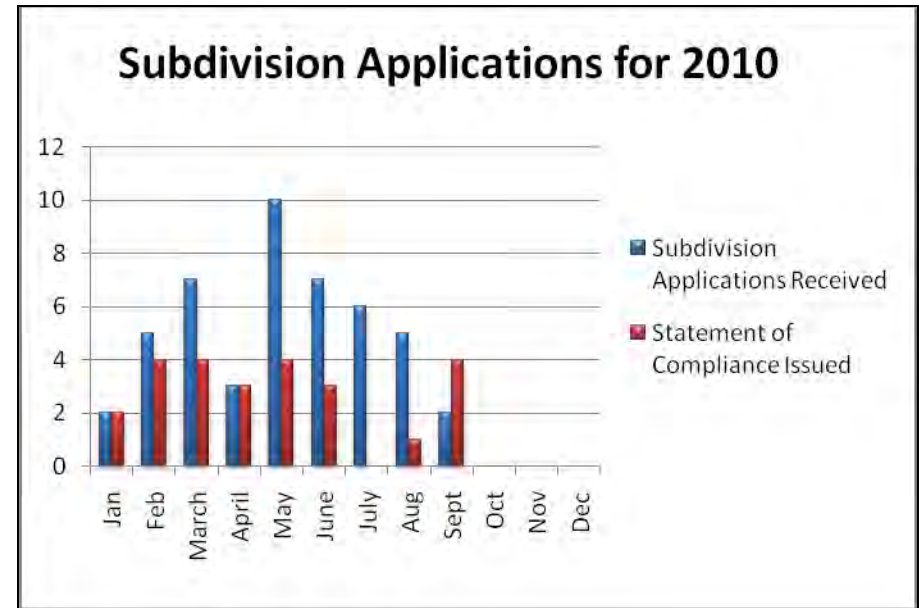
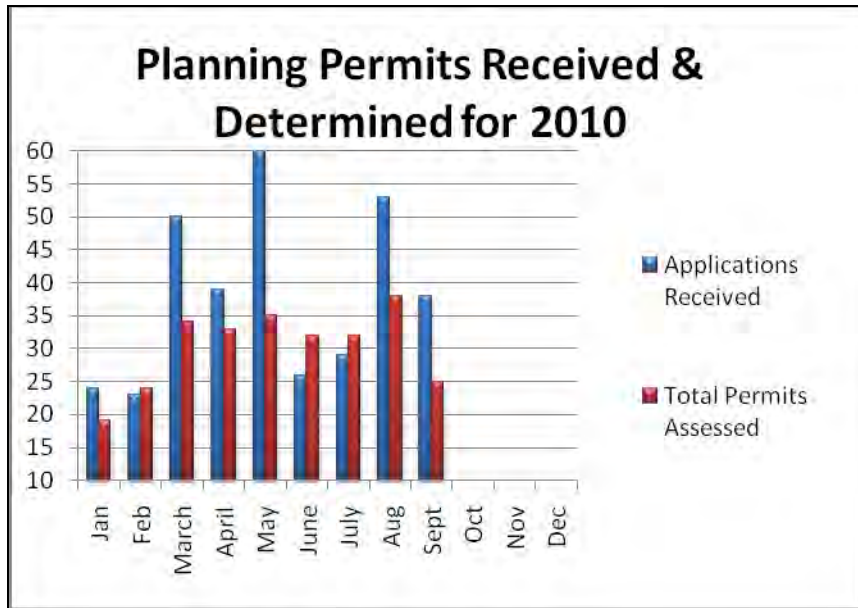
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## Planning Statistical Report August 2010

| APPLIC NO  | DATE RECEIVED | LOCATION                                     | PROPOSAL                                                                                                                                         | DATE ISSUED | ACTUAL TIME | AUTHORITY          | DECISION           |
|------------|---------------|----------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------|-------------|-------------|--------------------|--------------------|
| 419/2008-1 | 1 DEC 08      | 5 MARTIN STREET, APOLLO BAY                  | DEVELOPMENT OF THREE DWELLINGS                                                                                                                   | 13 AUG 10   | 203         | UNDER DELEGATION   | NOTICE OF DECISION |
| 279/2005-2 | 4 MAY 10      | 105 BELVERDERE DRIVE, ELLIMINYT              | NINETY SIX (96) LOT SUBDIVISION – AMENDMENT                                                                                                      | 27 AUG 10   | 103         | UNDER DELEGATION   | PERMIT ISSUED      |
| 191/2007-3 | 9 AUG 10      | 7 HART STREET, COLAC                         | AMENDMENT TO THE BUILDING & PROVISION OF CARPARKING – AMENDMENT                                                                                  | 9 AUG 10    | 0           | UNDER DELEGATION   | WITHDRAWN          |
| 245/2007-2 | 11 FEB 10     | 25-27 CAWOOD STREET, APOLLO BAY              | CHANGE OF USE TO ACCOMMODATION & CONSOLIDATION OF TITLES                                                                                         | 16 AUG 10   | 153         | PLANNING COMMITTEE | REFUSAL TO GRANT   |
| 118/2009-3 | 20 APR 10     | 5 BELVERDERE DRIVE, ELLIMINYT                | FIVE (5) LOT SUBDIVISION                                                                                                                         | 5 AUG 10    | 107         | UNDER DELEGATION   | PERMIT ISSUED      |
| 175/2009-2 | 15 JUN 10     | 270-302 MURRAY STREET, COLAC                 | USE & DEVELOPMENT OF THE LAND FOR A WAREHOUSE, CARPARK AND BUILDING & WORKS THAT INTENSIFY THE EXISTING USE OF THE LAND FOR INDUSTRY - AMENDMENT | 13 AUG 10   | 22          | UNDER DELEGATION   | PERMIT ISSUED      |
| 177/2009-2 | 7 JUN 10      | 85 GRAVESEND STREET, COLAC                   | DEVELOPMENT OF FIVE (5) DWELLINGS & STAGED FIVE (5) LOT SUBDIVISION - AMENDMENT                                                                  | 10 AUG 10   | 40          | UNDER DELEGATION   | PERMIT ISSUED      |
| 239/2009-2 | 1 JUL 10      | 160 LIDGERWOODS LANE, BIRREGURRA             | CONSTRUCTION OF A DWELLING – AMENDMENT                                                                                                           | 9 AUG 10    | 39          | UNDER DELEGATION   | PERMIT ISSUED      |
| 27/2010-1  | 4 FEB 10      | 37 MCRAE ROAD, WYE RIVER                     | REMOVAL OF EXISTING DWELLING & CONSTRUCTION OF A NEW DWELLING                                                                                    | 27 AUG 10   | 158         | UNDER DELEGATION   | PERMIT ISSUED      |
| 56/2010-1  | 15 MAR 10     | 10 ANDERSON STREET, BIRREGURRA               | TWO (2) LOT SUBDIVISION                                                                                                                          | 9 AUG 10    | 54          | UNDER DELEGATION   | PERMIT ISSUED      |
| 82/2010-1  | 31 MAR 10     | 730 COLAC LAVERS HILL ROAD, BARONGAROOK WEST | EXTENSIONS TO EXISTING DWELLING & CARPORT/GARAGE                                                                                                 | 10 AUG 10   | 97          | UNDER DELEGATION   | PERMIT ISSUED      |
| 89/2010-1  | 19 APR 10     | 68 CAMPBELL STREET, COLAC                    | TWO (2) LOT SUBDIVISION                                                                                                                          | 11 AUG 10   | 87          | UNDER DELEGATION   | PERMIT ISSUED      |
| 91/2010-1  | 21 APR 10     | 53-81 GREAT OCEAN ROAD, LAVERS HILL          | VARIATION TO CARRIAGEWAY EASEMENT                                                                                                                | 12 AUG 10   | 90          | UNDER DELEGATION   | PERMIT ISSUED      |
| 92/2010-1  | 11 MAY 10     | 570 CORANGAMITE LAKE ROAD, COROROKE          | TWO (2) LOT SUBDIVISION                                                                                                                          | 9 AUG 10    | 49          | UNDER DELEGATION   | PERMIT ISSUED      |
| 95/2010-1  | 20 APR 10     | 33 DONALDSON STREET, COLAC                   | DEVELOPMENT OF THE LAND FOR A PHARMACY & ASSOCIATED WORKS INCLUDING A WAIVER OF 20 CAR SPACES                                                    | 16 AUG 10   | 33          | PLANNING COMMITTEE | NOTICE OF DECISION |
| 101/2010-1 | 5 MAY 10      | 85 SPRINGS ROAD, YEO                         | TWO (2) LOT SUBDIVISION                                                                                                                          | 9 AUG 10    | 54          | UNDER DELEGATION   | PERMIT ISSUED      |
| 110/2010-1 | 29 APR 10     | 20 SAUNDERS STREET, COLAC                    | DEVELOPMENT OF THE LAND FOR A WAREHOUSE                                                                                                          | 12 AUG 10   | 0           | UNDER DELEGATION   | LAPSED             |

| APPLIC NO  | DATE RECEIVED | LOCATION                                 | PROPOSAL                                                                                                               | DATE ISSUED | ACTUAL TIME | AUTHORITY        | DECISION      |
|------------|---------------|------------------------------------------|------------------------------------------------------------------------------------------------------------------------|-------------|-------------|------------------|---------------|
| 118/2010-1 | 4 MAY 10      | 4 MULLER ROAD, SKENES CREEK              | REMOVAL OF TREES & CONSTRUCTION OF A TWO (2) STOREY DWELLING FOR SHORT TERM ACCOMMODATION                              | 30 AUG 10   | 50          | UNDER DELEGATION | PERMIT ISSUED |
| 125/2010-1 | 6 MAY 10      | 16 SANDERSON LANE, FORREST               | CONSTRUCTION OF A DWELLING                                                                                             | 30 AUG 10   | 117         | UNDER DELEGATION | PERMIT ISSUED |
| 137/2010-1 | 17 MAY 10     | 5225 COLAC LAVERS HILL ROAD, LAVERS HILL | HARVESTING OF TREE FERNS                                                                                               | 20 AUG 10   | 0           | UNDER DELEGATION | LAPSED        |
| 138/2010-1 | 17 MAY 10     | 20 HUGH MURRAY DRIVE, COLAC              | USE & DEVELOPMENT OF THE LAND FOR A TENPIN BOWL INCLUDING AN ON-PREMISES LIQUOR LICENCE AND PROVISION OF 48 CAR SPACES | 9 AUG 10    | 36          | UNDER DELEGATION | PERMIT ISSUED |
| 145/2010-1 | 25 MAY 10     | 20 HAWDON AVENUE, KENNET RIVER           | ALTERATIONS & ADDITIONS TO EXISTING DWELLING                                                                           | 27 AUG 10   | 14          | UNDER DELEGATION | PERMIT ISSUED |
| 153/2010-1 | 24 MAY 10     | 119 MAIN STREET, BEEAC                   | CONSTRUCTION OF STORAGE SHED & REMOVAL OF EXISTING SHED                                                                | 10 AUG 10   | 20          | UNDER DELEGATION | PERMIT ISSUED |
| 156/2010-1 | 15 JUN 10     | 2/235 MCKAYS ROAD, IRREWARRA             | CONSTRUCTION OF AN AEROPLANE HANGER                                                                                    | 27 AUG 10   | 45          | UNDER DELEGATION | PERMIT ISSUED |
| 157/2010-1 | 20 MAY 10     | 15 TULLAMORE COURT, ELLIMINYT            | BUILDINGS AND WORKS FOR THE PURPOSE OF ADDITIONS TO AN EXISTING OUTBUILDING (SHED)                                     | 27 AUG 10   | 22          | UNDER DELEGATION | PERMIT ISSUED |
| 158/2010-1 | 26 MAY 10     | 10 MOTTS LANE, SKENES CREEK              | NAVTIVE VEGETATION REMOVAL                                                                                             | 12 AUG 10   | 0           | UNDER DELEGATION | LAPSED        |
| 166/2010-1 | 23 JUN 10     | 29 GELLIBRAND STREET, COLAC              | CONSTRUCTION OF CARPORTS                                                                                               | 30 AUG 10   | 68          | UNDER DELEGATION | PERMIT ISSUED |
| 167/2010-1 | 21 JUN 10     | 30 KNOWLEDGE TRACK, YUULONG              | EXTENSION TO EXISTING DWELLING                                                                                         | 31 AUG 10   | 71          | UNDER DELEGATION | PERMIT ISSUED |
| 168/2010-1 | 22 JUN 10     | 470 RIFLE BUTTS ROAD, WHOOREL            | BUILDINGS AND WORKS FOR THE PURPOSE OF CONSTRUCTING A MULTIPURPOSE SHED                                                | 30 AUG 10   | 41          | UNDER DELEGATION | PERMIT ISSUED |
| 171/2010-1 | 23 JUN 10     | 592 CORANGAMITE LAKE ROAD, COROROOKE     | CONSTRUCTION OF A DWELLING                                                                                             | 10 AUG 10   | 48          | UNDER DELEGATION | PERMIT ISSUED |
| 174/2010-1 | 28 JUN 10     | 2340 COLAC FORREST ROAD, GERANGAMITE     | BUILDINGS AND WORKS FOR THE PURPOSE OF CONSTRUCTING AN OUTBUILDING (GREENHOUSE).                                       | 12 AUG 10   | 8           | UNDER DELEGATION | PERMIT ISSUED |
| 176/2010-1 | 26 AUG 10     | 725 CORANGAMITE LAKE ROAD, CORAGULAC     | EXTENSION & UPGRADE OF EXISTING KINDERGARTEN                                                                           | 27 AUG 10   | 56          | UNDER DELEGATION | PERMIT ISSUED |
| 186/2010-1 | 8 JUL 10      | 59 LYONS STREET, CRESSY                  | TREE STUMP CARVING - SCULPTURE OF A BROLGA                                                                             | 31 AUG 10   | 35          | UNDER DELEGATION | PERMIT ISSUED |
| 190/2010-1 | 19 JUL 10     | 123 MURRAY STREET, COLAC                 | EXTERNALLY PAINT THE BUILDING AND ERECTION OF BUSINESS IDENTIFICATION SIGNAGE                                          | 12 AUG 10   | 24          | UNDER DELEGATION | PERMIT ISSUED |
| 195/2010-1 | 23 JUL 10     | 172-176 MURRAY STREET                    | ERECTION OF BUSINESS IDENTIFICATION SIGNAGE AND WORKS COMPRISING THE PAINTING OF THE GROUND FLOOR FAÇADE               | 30 AUG 10   | 38          | UNDER DELEGATION | PERMIT ISSUED |
| 196/2010-1 | 24 JUL 10     | 165 FRY'S ROAD, KAWARREN                 | CONSTRUCTION OF A SWIMMING POOL                                                                                        | 31 AUG 10   | 38          | UNDER DELEGATION | PERMIT ISSUED |

| APPLIC NO  | DATE RECEIVED | LOCATION                             | PROPOSAL                                             | DATE ISSUED | ACTUAL TIME | AUTHORITY        | DECISION      |
|------------|---------------|--------------------------------------|------------------------------------------------------|-------------|-------------|------------------|---------------|
| 204/2010-1 | 29 JUL 10     | 5 ACACIA CL, ELLIMINYT               | CONSTRUCTION OF A CARPORT                            | 12 AUG 10   | 13          | UNDER DELEGATION | PERMIT ISSUED |
| 217/2010-1 | 6 AUG 10      | 415 CORANGAMITE LAKE ROAD, COROROOKE | DEVELOPMENT OF A SHED FOR CAR STORAGE                | 31 AUG 10   | 25          | UNDER DELEGATION | PERMIT ISSUED |
|            |               |                                      | <b>AVERAGE DAYS TO PROCESS PLANNING APPLICATIONS</b> |             |             | <b>54</b>        |               |

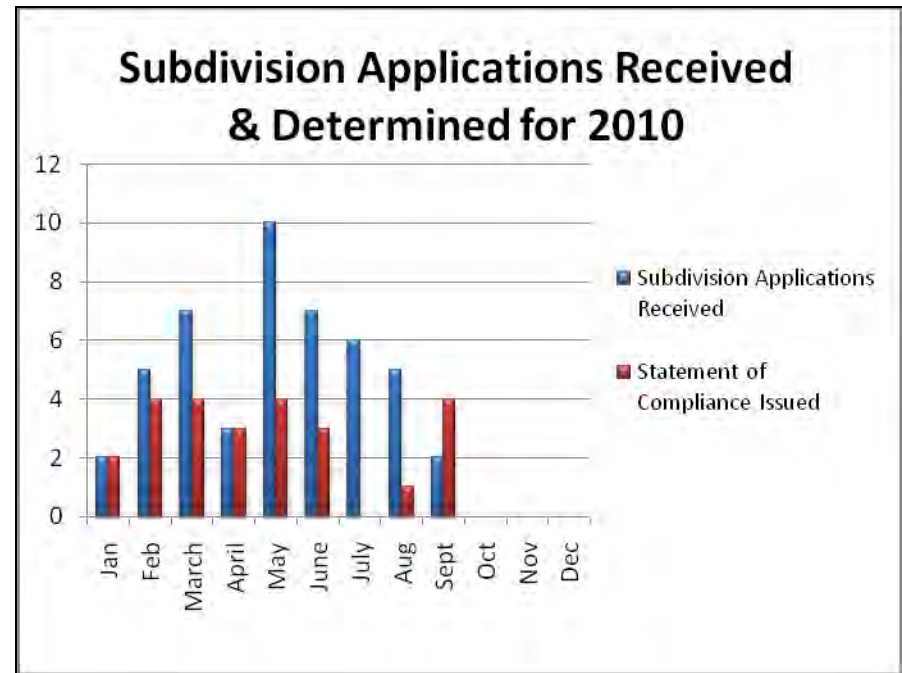
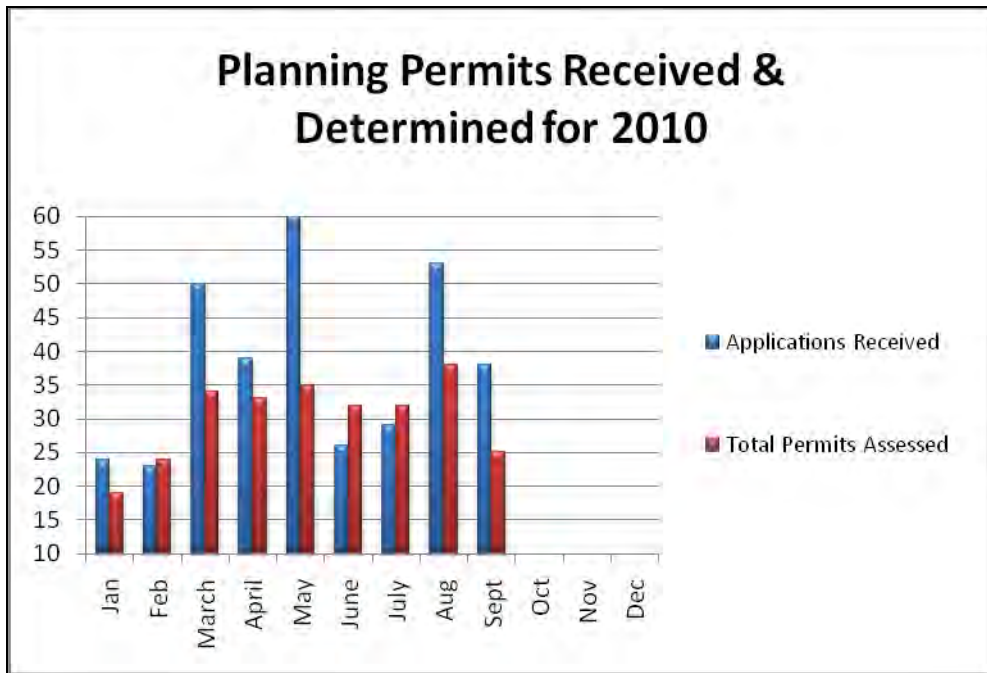




## Planning Statistical Report September 2010

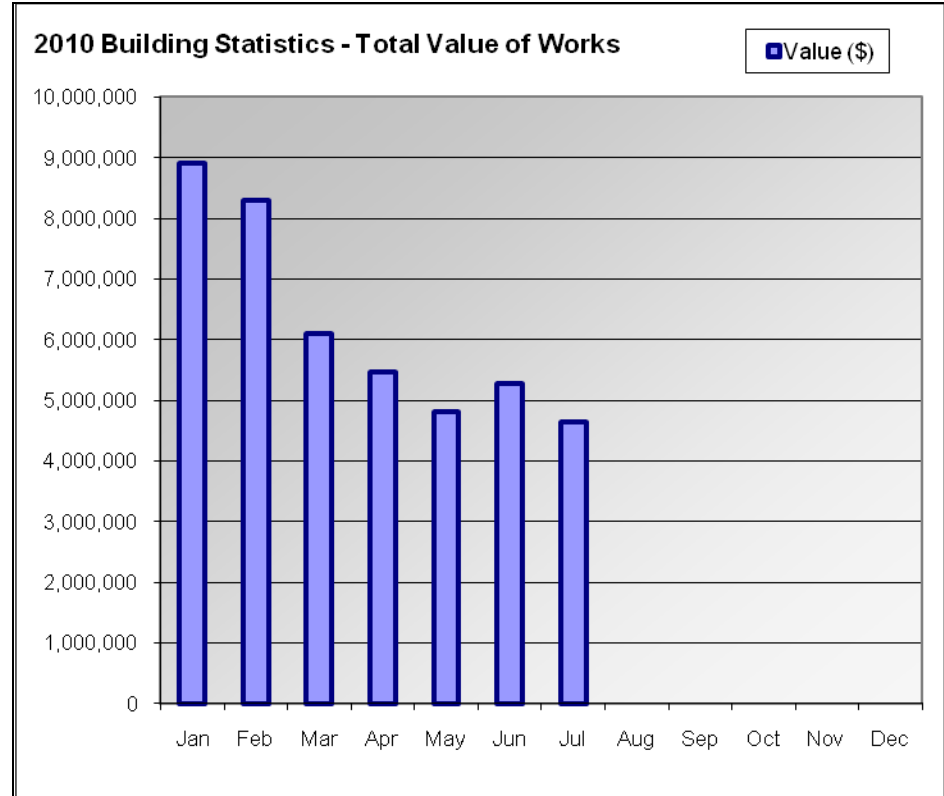
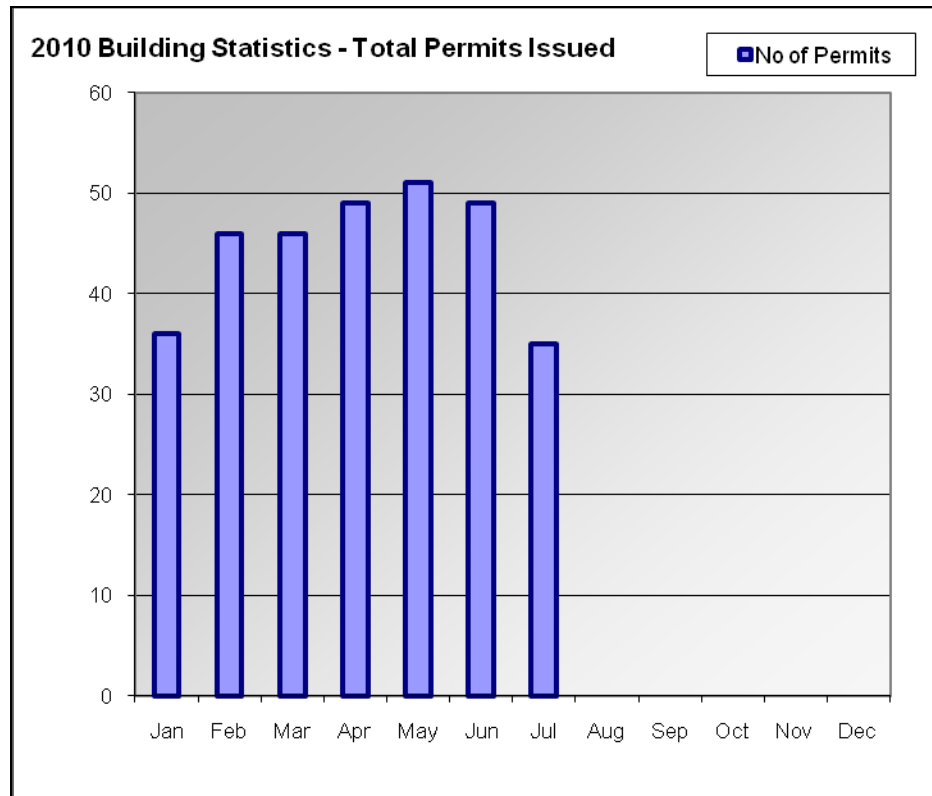
| APPLIC NO  | DATE RECEIVED | LOCATION                              | PROPOSAL                                                                                 | DATE ISSUED | ACTUAL TIME | AUTHORITY          | DECISION            |
|------------|---------------|---------------------------------------|------------------------------------------------------------------------------------------|-------------|-------------|--------------------|---------------------|
| 393/04-4   | 6 SEP 2010    | 1 DOLLAR DRIVE, SEPARATION CREEK      | FOUR (4) LOT SUBDIVISION – AMENDMENT                                                     | 10 SEP 2010 | 4           | UNDER DELEGATION   | PERMIT ISSUED       |
| 18/2010-1  | 20 JAN 2010   | 788 WILD DOG ROAD, APOLLO BAY         | USE & DEVELOPMENT OF A DWELLING & CONSOLIDATION OF TWO (2) TITLES                        | 13 SEP 2010 | 104         | PLANNING COMMITTEE | REFUSAL TO GRANT    |
| 52/2010-1  | 11 MAR 2010   | 65 CASPERS ACCESS, FORREST            | USE & DEVELOPMENT OF A TELECOMMUNICATIONS FACILITY (50 METRES)                           | 15 SEP 2010 | 71          | PLANNING COMMITTEE | NOTICE OF DECISION  |
| 106/2010-1 | 27 APR 2010   | 16 BASS CRESCENT, SKENES CREEK        | ALTERATIONS & ADDITIONS TO EXISTING DWELLING                                             | 20 SEP 2010 | 110         | UNDER DELEGATION   | PERMIT ISSUED       |
| 147/2010-1 | 26 MAY 2010   | 45 COLAC LAVERS HILL ROAD, ELLIMINYT  | CONSTRUCTION OF A STORAGE SHED FOR MACHINERY & TOOLS                                     | 17 SEP 2010 | 25          | UNDER DELEGATION   | PERMIT ISSUED       |
| 184/2010-1 | 16 JUL 2010   | 340-342 MURRAY STREET, COLAC          | CHANGE OF USE TO A SERVICE INDUSTRY (IRONING & LAUNDRY SERVICE)                          | 14 SEP 2010 | 33          | UNDER DELEGATION   | PERMIT ISSUED       |
| 188/2010-1 | 19 JUL 2010   | 255 TRASKS ROAD, WARNCOORT            | EXTENSION TO EXISTING SHED                                                               | 2 SEP 2010  | 0           | UNDER DELEGATION   | PERMIT NOT REQUIRED |
| 189/2010-1 | 13 JUL 2010   | 17 DIANA STREET, APOLLO BAY           | TWO (2) LOT SUBDIVISION                                                                  | 20 SEP 2010 | 21          | UNDER DELEGATION   | PERMIT ISSUED       |
| 197/2010-1 | 23 JUL 2010   | 96-98 HEARN STREET, COLAC             | BUILDINGS & WORKS FOR THE PURPOSE OF CONSTRUCTING A SHED                                 | 20 SEP 2010 | 59          | UNDER DELEGATION   | PERMIT ISSUED       |
| 199/2010-1 | 27 JUL 2010   | 8 COSTIN STREET, APOLLO BAY           | CONSTRUCTION OF A SECOND DWELLING ON A LOT                                               | 17 SEP 2010 | 51          | UNDER DELEGATION   | REFUSAL TO GRANT    |
| 209/2010-1 | 5 AUG 2010    | 3715 COLAC LAVERS HILL ROAD, FERGUSON | BUILDINGS AND WORKS FOR THE PURPOSE OF CONSTRUCTING AN OUTBUILDING (STORAGE SHED)        | 20 SEP 2010 | 46          | UNDER DELEGATION   | PERMIT ISSUED       |
| 215/2010-1 | 6 AUG 2010    | 445 BIRREGURRA ROAD, BIRREGURRA       | CONSTRUCTION OF TWO (2) STORAGE SHEDS                                                    | 13 SEP 2010 | 25          | PLANNING COMMITTEE | PERMIT ISSUED       |
| 218/2010-1 | 6 AUG 2010    | 3810 CAPE OTWAY ROAD, BIRREGURRA      | CONSTRUCTION OF A STORAGE SHED                                                           | 9 SEP 2010  | 20          | UNDER DELEGATION   | PERMIT ISSUED       |
| 220/2010-1 | 10 AUG 2010   | 36-44 COSTIN STREET, APOLLO BAY       | WORKS FOR THE PURPOSE OF INSTALLING A WATER TANK                                         | 2 SEP 2010  | 0           | UNDER DELEGATION   | PERMIT NOT REQUIRED |
| 231/2010-1 | 18 AUG 2010   | 20 FYANS STREET, COLAC                | CONSTRUCTION OF A PATIO TO REAR OF EXISTING DWELLING & INSTALLATION OF A RAIN WATER TANK | 17 SEP 2010 | 30          | UNDER DELEGATION   | PERMIT ISSUED       |
| 243/2010-1 | 26 AUG 2010   | 53-57 MAIN STREET, BIRREGURRA         | BUILDINGS & WORKS COMPRISING THE RECONSTRUCTION OF A VERANDAH                            | 20 SEP 2010 | 25          | UNDER DELEGATION   | PERMIT ISSUED       |
| 247/2010-1 | 30 AUG 2010   | 108 MURRAY STREET, COLAC              | ERECTION OF BUSINESS IDENTIFICATION SIGNAGE                                              | 20 SEP 2010 | 4           | UNDER DELEGATION   | PERMIT ISSUED       |
| 267/2009-1 | 8 SEP 2009    | 275 GREAT OCEAN ROAD, MARENGO         | NATIVE VEGETATION REMOVAL                                                                | 23 SEP 2010 | 372         | UNDER DELEGATION   | WITHDRAWN           |

| APPLIC NO  | DATE RECEIVED | LOCATION                                 | PROPOSAL                                                                                                                                                                 | DATE ISSUED | ACTUAL TIME | AUTHORITY        | DECISION            |
|------------|---------------|------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|-------------|------------------|---------------------|
| 123/2010-1 | 5 MAY 2010    | 20 OLIVE STREET, SEPARATION CREEK        | REMOVAL OF RESERVE STATUS FROM THE WHOLE OF THE LAND                                                                                                                     | 23 SEP 2010 | 141         | UNDER DELEGATION | REFUSAL TO GRANT    |
| 185/2010-1 | 15 JUL 2010   | 20 MAIN STREET, BIRREGURRA               | ALTERATIONS & ADDITIONS TO EXISTING DWELLING                                                                                                                             | 21 SEP 2010 | 48          | UNDER DELEGATION | PERMIT ISSUED       |
| 191/2010-1 | 20 JUL 2010   | 10 RAMSDEN AVENUE, APOLLO BAY            | TWO (2) LOT SUBDIVISION                                                                                                                                                  | 21 SEP 2010 | 42          | UNDER DELEGATION | PERMIT ISSUED       |
| 200/2010-1 | 27 JUL 2010   | 4745 PRINCES HIGHWAY, BIRREGURRA         | CONSTRUCTION OF A FARMSHED / WORKSHOP                                                                                                                                    | 21 SEP 2010 | 56          | UNDER DELEGATION | PERMIT ISSUED       |
| 241/2010-1 | 13 AUG 2010   | 25 EVERETT CRESCENT, BARONGAROOK WEST    | CONSTRUCTION OF A PERGOLA                                                                                                                                                | 21 SEP 2010 | 39          | UNDER DELEGATION | PERMIT ISSUED       |
| 24/2010-1  | 3 FEB 2010    | 17-21 SARSFIELD STREET, SEPARATION CREEK | REMOVAL OF EXISTING DWELLING, OUTBUILDINGS & TREE, CONSTRUCTION OF 1 NEW DWELLING TO EACH LOT AND REMOVAL OF RESTRICTION RELATING TO THE BUILDING AND EFFLUENT ENVELOPES | 30 SEP 2010 | 37          | UNDER DELEGATION | PERMIT ISSUED       |
| 219/2010-1 | 9 AUG 2010    | 15 MONTROSE AVENUE, APOLLO BAY           | RELOCATION OF TRANSPORTABLE DWELLING                                                                                                                                     | 23 SEP 10   | 0           | UNDER DELEGATION | PERMIT NOT REQUIRED |
|            |               |                                          | <b>AVERAGE DAYS TO PROCESS PLANNING APPLICATIONS</b>                                                                                                                     |             | <b>55</b>   |                  |                     |



|               | Domestic   |                   | Residential* |                | Commercial |                  | Retail   |                | Industrial |                  | Hospital/HealthCare |              | Public Buildings |                  | Municipal Totals |                   |
|---------------|------------|-------------------|--------------|----------------|------------|------------------|----------|----------------|------------|------------------|---------------------|--------------|------------------|------------------|------------------|-------------------|
|               | No of BP   | Value (\$)        | No of BP     | Value (\$)     | No of BP   | Value (\$)       | No of BP | Value (\$)     | No of BP   | Value (\$)       | No of BP            | Value (\$)   | No of BP         | Value (\$)       | No of BP         | Value (\$)        |
| Jan           | 28         | 4,006,262         | 0            | 0              | 3          | 2,156,102        | 0        | 0              | 1          | 700,000          | 0                   | 0            | 4                | 2,044,000        | 36               | 8,906,364         |
| Feb           | 35         | 4,714,164         | 0            | 0              | 5          | 1,116,245        | 2        | 202,000        | 1          | 200,000          | 0                   | 0            | 3                | 2,063,065        | 46               | 8,295,474         |
| Mar           | 30         | 3,682,282         | 1            | 10,000         | 6          | 246,720          | 2        | 239,000        | 0          | 0                | 0                   | 0            | 7                | 1,931,805        | 46               | 6,109,807         |
| Apr           | 43         | 5,063,194         | 0            | 0              | 3          | 124,230          | 0        | 0              | 0          | 0                | 0                   | 0            | 3                | 275,640          | 49               | 5,463,064         |
| May           | 41         | 3,516,484         | 0            | 0              | 5          | 155,750          | 0        | 0              | 1          | 250,000          | 0                   | 0            | 4                | 885,425          | 51               | 4,807,659         |
| Jun           | 39         | 3,673,155         | 2            | 837,632        | 5          | 290,855          | 1        | 50,000         | 0          | 0                | 0                   | 0            | 2                | 432,437          | 49               | 5,284,079         |
| Jul           | 27         | 3,691,419         | 0            | 0              | 2          | 47,900           | 3        | 229,014        | 1          | 34,000           | 1                   | 2500         | 1                | 642,640          | 35               | 4,647,473         |
| Aug           |            |                   |              |                |            |                  |          |                |            |                  |                     |              |                  |                  |                  |                   |
| Sep           |            |                   |              |                |            |                  |          |                |            |                  |                     |              |                  |                  |                  |                   |
| Oct           |            |                   |              |                |            |                  |          |                |            |                  |                     |              |                  |                  |                  |                   |
| Nov           |            |                   |              |                |            |                  |          |                |            |                  |                     |              |                  |                  |                  |                   |
| Dec           |            |                   |              |                |            |                  |          |                |            |                  |                     |              |                  |                  |                  |                   |
| <b>Totals</b> | <b>243</b> | <b>28,346,960</b> | <b>3</b>     | <b>847,632</b> | <b>29</b>  | <b>4,137,802</b> | <b>8</b> | <b>720,014</b> | <b>4</b>   | <b>1,184,000</b> | <b>1</b>            | <b>2,500</b> | <b>24</b>        | <b>8,275,012</b> | <b>312</b>       | <b>43,513,920</b> |

\*Multi-Development



**PC101310-2                    EXTENSION TO BUILDING WITH INTERNAL & EXTERNAL ALTERATIONS (HEIGHT ABOVE 8 METRES) AT 168-170 MURRAY STREET, COLAC.**

|             |                                    |           |            |
|-------------|------------------------------------|-----------|------------|
| AUTHOR:     | Ros Snaauw                         | ENDORSED: | Jack Green |
| DEPARTMENT: | Sustainable Planning & Development | FILE REF: | PP179/2010 |

**Location:** 168-170 Murray Street, Colac

**Zoning:** Business 1 Zone

**Overlay controls:** Heritage Overlay HO143

**Proposed Amendments:** N/A

**Purpose:**

An application has been submitted for internal and external alterations to an existing building which is greater than 8 metres in height.

This application is before Council for consideration as the existing building is 10 metres in height and the external alterations enclosing part of the building is above 8 metres.

It is recommended that a planning permit be granted.

**Declaration of Interests**

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

**Summary**

- The proposed external extension is minor in nature and proposes to infill a rear portion of the roof line behind the front facade and will not impact on the heritage significance of the building.
- The scale, height and overall size of the proposed extension is considered to be in keeping with the development as the extension to the second level will not exceed the current height of the building.
- A change of use is proposed for the upper level from a Place of Assembly (martial arts classes) to a shop. As the land is in the Business 1 Zone, no planning approval is required to use the building as a shop and no additional car parking is required.
- It is recommended that a planning permit be issued.

**Background**

The planning history of the site is as follows:

- PP2/1976 allowed the use of the site for a bank and shop.

**Issues / Options**

Council has the options of:

- a) supporting the application through the issue of a Planning Permit subject to conditions; or
- b) supporting the application with changes; or

c) refusing to grant a permit.

The key issue is the external alterations and any impact on the heritage significance of the building.

### **Proposal**

The proposal comprises of internal re-arrangement of the ground and upper floors and an external extension to the upper floor.

The external alterations to the building are located centrally on the upper level of the building behind the front facade. The internal alterations to the ground floor require the removal of an internal brick wall, stores, offices and include an internal central stair case and extension of the retail area.

The upper level will remove the external brick wall to extend to the south of the existing building and remove internal walls and rooms. An internal staircase will provide access to the lower level. The extension to the south will have a total new floor area of 88.85sqm.

The extension will be of brick to match the existing external wall material with custom orb roof sheeting to also match the existing roofing material.

### **Site & Surrounds**

The subject site is rectangular in shape with an overall area of 476m<sup>2</sup>, and fronts Murray Street with access to the rear from Johnstones Lane.

The existing two storey brick building has a height of 10 metres to the pitch of the existing roof and is one of a few examples of Inter-War Art Deco styles of architectural design found in Colac. The ground level of the building has been altered however the first floor facade has remained relatively intact. The building covers the entire site with brick walls ranging from 4 metres to 8.1 metres in height along all boundaries. The extension of the upper level of an area of 88.85m<sup>2</sup> will increase the existing 4 metre wall height to 8 metres providing a consistent wall height along the side of the building.

The building has been used as shops since 1925 and is located in the heart of the commercial precinct of Colac within a heritage precinct. Surrounding sites are developed in similar ways, being shops of single and multiple levels within the commercial district.

### **Public Notice**

Under Clause 34.01-4 – Business 1 Zone and Clause 43.01-3 of the Heritage Overlay, a planning application for external alterations to a building is exempt from the public notice requirements of Section 52 and review rights under Section 82.

### **Referrals**

The application was referred to Council's Building, Infrastructure and Health Departments. No Departments object to the proposal however the Infrastructure Department requires a condition to be placed on any permit issued concerning stormwater drainage. The proposal was not referred to Council's Heritage Advisor as the external alterations are to the rear of the building and do not impact on the front facade of the building.

## Planning Controls

### a. State and Local Planning Policy Framework

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

- Clause 11.03-5 Economic well-being
- Clause 15.11 Heritage
- Clause 17.02 Business
- Clause 19.03 Design and built form
- Clause 21.01-5 Economic Development
- Clause 21.03-2 Colac
- Clause 21.04-9 Cultural Heritage
- Clause 22.01-9 Heritage Overlay 305 Murray Street Precinct, Colac

The proposal is considered to be in keeping with the objectives of the above policies. The proposal proposes to extend the retail function of the building by altering the use of the upper floor to a shop. The external extension to the buildings will be consistent and respectful to the current built form and style.

### b. Zone provisions

The site is included in the Business 1 Zone.

The objectives of the Business 1 Zone are outlined below:

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

A permit is required for external alterations to a building, to construct a building or construct or carry out works pursuant to Clause 34.01-4 of the Colac Otway Planning Scheme. No planning approval is required for the change of use to a shop providing the car parking requirements are satisfied.

### c. Overlay Provisions

The site is individually listed under the Heritage Overlay – HO143. The building is of historic and aesthetic importance. The shops are historically important for their association with local baker, Harold Bartlett, whose business expansion in the early twentieth century illustrates the town's retail and demographic growth. The shops are important for their aesthetic characteristics, demonstrated in the unusual Inter War Art Deco modelling of the upper storey of the building.

The objectives of the Heritage Overlay are outlined below:

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To conserve and enhance heritage places of natural or cultural significance.

- To conserve and enhance those elements which contribute to the significance of heritage places.
- To ensure that development does not adversely affect the significance of heritage places.
- To conserve specifically identified heritage places by allowing a use that would otherwise be prohibited if this will demonstrably assist with the conservation of the significance of the heritage place.

A permit is required to carry out external alterations to a building. No planning approval is required for the internal alterations as there are no internal controls under the Heritage Overlay. External paint controls apply.

d. Car parking

The use of the upper level of the building is being changed from a Place of Assembly to a Shop. In accordance with Clause 52.06 of the Colac Otway Planning Scheme, a Place of Assembly requires the provision of 0.3 car spaces for each m<sup>2</sup> of net floor area. The upper floor area being used as a place of assembly is 110m<sup>2</sup> which results in a credit of 33 car spaces based on the current planning provisions. It is proposed to convert and increase this area to 274m<sup>2</sup> for use as a shop. A shop use attracts a car parking rate of 8 spaces per 100sqm which results in a car parking requirement of 22 car spaces. When the car parking credit is applied, the car parking requirements for the change of use are satisfied.

### **Consideration of the Proposal**

The proposed development is minor in nature and will not have an impact on the heritage values of the building, particularly the facade as the external alterations sit behind the facade and do not exceed the existing height of the building. No alterations are proposed to the front of the property.

The height of the proposed upper level extension will bring the height of the structure to 9.6 metres centrally on the west elevation. Part of the roof will be replaced toward the front which will also increase the height of this area to the existing 10 metres on the west elevation.

The development will be graduated down from the front (Murray Street) being 10 metres to the rear at 9 metres in height.

The height of the proposed extension is consistent with the existing buildings on-site and on surrounding commercial properties. The subject site is completely covered by single and double storey buildings with the subject site being large enough to accommodate the upper level of built form. The proposed increase in the upper level centrally will fit proportionally on the site and will not be out of character with surrounding sites.

No additional car parking is required for the change of use.

### **Corporate Plan / Other Strategies / Policy**

#### Colac Otway Heritage Study(2003)

The 2003 Colac Otway Heritage Study is implemented through a local policy at Clause 22.01 of the Planning Scheme. Clause 22.01-2 objectives are:

- To encourage the retention of locally significant and contributory heritage places within Heritage Overlay areas.



- To ensure that new land uses and developments and external alterations of existing buildings are sympathetic with the appearance and character of heritage places and areas and are consistent with the Statement of Significance and Physical Description of the relevant heritage place or area as listed in the 'Colac Otway Heritage Study (2003)'.
- To support the demolition of buildings that are 'non-contributory' in a heritage precinct as identified in the 'Colac Otway Heritage Study (2003)'.
- To ensure that subdivision or consolidation complements and supports the significance of heritage places.
- To encourage sympathetic reuse of heritage places so that such places are maintained and enhanced.

The proposed development is consistent with these objectives. The extension to the existing structure is not able to be viewed from the Murray Street frontage and the materials used will be the same as existing. The proposed works will not adversely affect the significance of this heritage place.

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

There are no financial implications arising from this report.

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

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

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

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

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

Public notice of the application was not undertaken as it is exempt from notice requirements of the Act.

#### **Conclusion**

Overall the proposal is considered to be a positive outcome and will not result in any detriment to the amenity of the surrounding area or any persons. The proposal will allow for the existing use to continue in an economically viable manner. The height of the proposed extension will be consistent with the existing building and surrounding development.

#### **Attachments**

Nil

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

***That the Planning Committee resolve to grant a permit for external alterations to the building at 168-170 Murray Street, Colac subject to the following conditions:***

- 1. The layout of the site and the size of the proposed buildings and works as shown on the endorsed plans must not be altered or modified without the written consent of the Responsible Authority.***
- 2. All run off from stormwater, including overflow from water storage, must be taken to a legal point of discharge to the satisfaction of the Responsible Authority.***

#### ***Expiry of Permit***

- 3. This permit will expire if one of the following circumstances applies:***
  - a) The development is not started within two years of the date of this permit.***

***b) The development is not completed within four years of the date of this permit.***

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

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PC101310-3 USE OF LAND FOR A MEDICAL CENTRE AND WAIVER OF TWO (2) CAR SPACES AT 398 MURRAY STREET, COLAC.

| | | | |
|-------------|------------------------------------|-----------|------------|
| AUTHOR: | Ros Snaauw | ENDORSED: | Jack Green |
| DEPARTMENT: | Sustainable Planning & Development | FILE REF: | PP149/2010 |

Location: 398 Murray Street, Colac

Zoning: Residential 1 Zone

Overlay controls: Nil

Proposed Amendments: Nil

Purpose:

An application has been submitted for a change of use from a dwelling to a Medical Centre and the waiver of two (2) car spaces.

The application is before Council for consideration for the waiver of car parking spaces.

It is recommended that a planning permit be issued.

Declaration of Interests

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

Summary

- The application proposes to use an existing dwelling for the purposes of a Medical Centre to provide counselling, massage and naturopath services.
- It is proposed that a Psychologist will provide counselling services 3 days a week and a Massage Therapist and Naturopath will operate two days a week with two (2) practitioners only at any one time on the premises.
- A waiver for two car spaces is required as 8 onsite car spaces are being provided in lieu of the 10 car spaces required for the change of use to a medical centre under the planning scheme.
- The waiver of car parking is minimal and considered to be justified on the basis that on street car parking is also available nearby if required.
- The site is in Murray Street, between Armstrong & Sinclair Streets, not far from the commercial precinct of Colac.
- It is recommended that a planning permit be granted.

Background

The subject site has been used as a dwelling over previous years.

Issues / Options

Council has the options of:

- a) Supporting the application through the issue of a Planning Permit subject to conditions.
- b) Supporting the application with changes.

- c) Refusing to grant a permit.

The key issue is whether a waiver of the two (2) car spaces is justified.

Proposal

The proposal is to change the use of a dwelling to a Medical Centre and waiver two (2) car spaces.

The Medical Centre will predominantly be used by a Psychologist but will also accommodate other part time health professionals such as a Massage Therapist and a Naturopath. No more than two practitioners will operate from the premises at any one time and it is proposed that the operating hours will be Monday-Friday, 8.30am-6.00pm.

The existing dwelling fronts Murray Street and will be converted to include two consulting rooms, a reception area, staff, store and kitchen areas. A total of 8 car spaces, including 1 disabled car space, will be provided at the rear of the site on the eastern property boundary. One-way access to the car parking area will be from Murray Street and exit onto a laneway at the rear of the site to Armstrong Street. The existing garage will be removed to facilitate the one-way access manoeuvre proposed.

The applicant has advised that this location was chosen as it is close to the commercial area of Colac, hospital precinct and other allied health facilities, and provides privacy for clients.

Site & Surrounds

The subject site is within the Residential 1 Zone with the Business 2 Zone 68 metres to the east. The site has access from Murray Street to the north which is a Road Zone Category 1 and a laneway to the south.

The site is rectangular in shape and is surrounded by similar sized allotments within the same zone. The subject site has a total area of 776.4sqm and currently contains a dwelling.

Public Notice

Public notice of the proposal was given in accordance with Section 52 of the Planning and Environment Act by means of a letter to surrounding occupiers and owners and by placing a sign on site. The applicant has provided a Statutory Declaration stating that the advertising has been carried out in accordance with Council's requirements. No objections have been received.

Referrals

The application was referred internally to Council's Building, Infrastructure and Health Departments. No Department objected to the proposal subject to conditions being placed on any planning permit granted.

The application was referred to Vic Roads who advised that they had no objection to the proposal subject to a condition that the vehicular access to the site at the Murray Street entrance be widened to 4 metres.

Planning Controls

- a) State and Local Planning Policy Framework

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

The following policies are relevant to the consideration of this application.

- Clause 11.03-4 Economic well-being
- Clause 17.02 Business
- Clause 19.03 Design and Built Form
- Clause 21.01-5 Economic Development
- Clause 21.03-2 Colac

The proposal is considered to be in keeping with the objectives of the above policies. The use of the dwelling as a Medical Centre will meet the community's needs and provide for net community benefit. The built form will remain relatively unchanged with only the removal of a garage on the west elevation. The site is relatively close to the existing commercial centre of Colac and unlikely to have an unreasonable impact on the amenity of the residences nearby.

b) Zone provision

The site is included within the Residential 1 Zone with no overlays affecting it. The objectives of the Residential 1 Zone are outlined below:

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and Local planning policies.
- To provide for residential development at a range of densities with a variety of dwellings to meet the housing needs of all households.
- To encourage residential development that respects the neighbourhood character in appropriate locations, to allow educational, recreational, religious, community and limited range of other non-residential uses to serve local community needs.

A permit is required for the use of the land for a Medical Centre and works pursuant to Clause 32.01-1 (Use) and Clause 32.01-6 Buildings and works associated with a Section 2 use (car parking) of the Colac Otway Planning Scheme.

c) Car Parking

Pursuant to Clause 52.06 of the Colac Otway Planning Scheme a new use must not commence until the required car spaces have been provided on the land.

Pursuant to Clause 52.06 the use for land as a Medical Centre requires 5 car spaces provided for each practitioner. There will be no more than two practitioners on site at any one time, therefore 10 car spaces are required to be provided. The application is able to provide 8 car spaces on-site, requiring a waiver of two car spaces. As there is only two consulting rooms, it is likely that there would be no more than 4 clients on the premises at any one time, two practitioners and a receptionist. The provision of eight car spaces on site is considered adequate given that on-site car parking is available in front of the dwelling should there be any additional demand.

Consideration of the Proposal

The proposed use and development requires assessment against the provisions of the Residential 1 Zone for the appropriateness of the location to allow other non residential uses to serve local community needs.

The use of the dwelling for a medical centre to provide counselling, massage and naturopath services is considered appropriate given the proximity to the commercial centre of Colac. Although the dwelling is situated in a residential area the services proposed are such that it is unlikely that any unreasonable impact on the amenity of existing residences would result. Services will be provided during the week only with hours restricted.

Car parking

The applicant is providing the majority of car spaces on-site and additional on-street car parking is available in Murray Street should the need arise. The waiver of two car spaces is not considered to result in any impact on the road network or amenity of the area.

Corporate Plan / Other Strategies / Policy

The relevant planning policies have been discussed in the report above.

Financial & Other Resource Implications

There are no financial implications arising from this report for Council

Risk Management & Compliance Issues

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

Environmental Consideration / Climate Change

There are no environmental or climate change implications for Council.

Communication Strategy / Consultation Period

Public notice of the application was required in accordance with Section 52 of the Planning and Environment Act as discussed earlier in the report. No objections were received.

Conclusion

Support for the proposed use will facilitate the provision of additional allied health services for Colac. The change of use is unlikely to result in any unreasonable impact on the amenity of the immediate area and the waiver of car parking is not considered sufficient to warrant a refusal of the application.

Attachments

Nil

Recommendation(s)

That Council's Planning Committee resolve to grant a permit for the use of land for a medical centre to provide counselling, massage and naturopath allied health services and waiver of two car spaces at 398 Murray Street, Colac subject to the following conditions:

- 1. The use and development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.***
- 2. No more than two practitioners may operate from the premises at any one time without the written consent of the responsible authority.***
- 3. The use may operate only between Monday-Friday, 8.30am to 6.00 pm.***
- 4. The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:***
 - a. Transport of materials, goods or commodities to or from the land;***
 - b. Appearance of any building, works or materials;***
 - c. Emission of noise, artificial light, vibration, smell, fumes, smoke, wastewater, waste products.***
- 5. An application to construct a vehicle crossing must be lodged and approved by***

the Responsible Authority prior to the commencement of works.

6. *All run off from stormwater, including overflow from water storage, must be taken to a legal point of discharge to the satisfaction of the Responsible Authority.*
7. *Prior to development a Construction Plan is to be submitted for approval by the Responsible Authority. The Construction Plan must show:*
 - *the laneway section behind the property being constructed to a sealed road condition; and*
 - *proper drainage system from the proposed car park to Armstrong Street.*
8. *Drainage from the property needs to be managed so as the discharge rate does not exceed 30l/s/ha.*
9. *Prior to the commencement of the use, vehicular access from the property to Murray Street shall be widened to four (4) metres as shown on the plan and constructed to the satisfaction of VicRoads and the Responsible Authority.*
10. *Before the use commences, the areas set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:*
 - a. *in accordance with Australian Standard AS2890.1:2004.*
 - b. *line marked to indicate each car space and all access lanes*
 - c. *entry sign must be provided at Murray Street and exit sign provided at the laneway exit to show the direction of traffic and access ways*
 - d. *vehicular crossing must be constructed to suit the proposed driveway*
 - e. *the driveway and parking areas must be constructed to an all weather surface*

to the satisfaction of the Responsible Authority

Expiry of Permit

11. *This permit will expire if one of the following circumstances applies:*
 - *The development and use are not started within two (2) years of the date of this permit.*
 - *The development is not completed within four (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 three months afterwards.

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PC101310-4

**ALTERATIONS AND ADDITIONS TO THE EXISTING BUILDING, INSTALLATION OF BUSINESS IDENTIFICATION SIGNAGE, LIQUOR LICENCE AND A WAIVER OF 13 CAR SPACES AT 58 MURRAY STREET, COLAC.**

|             |                                    |           |            |
|-------------|------------------------------------|-----------|------------|
| AUTHOR:     | Ros Snaauw                         | ENDORSED: | Jack Green |
| DEPARTMENT: | Sustainable Planning & Development | FILE REF: | PP258/2010 |

**Location:** 58 Murray Street, Colac  
**Zoning:** Business 1 Zone  
**Overlay controls:** Heritage Overlay Schedule - HO305  
**Proposed Amendments:** Nil

**Purpose:**

This application is seeking approval for alterations and additions to the existing building, installation of business identification signage and internally illuminated signage with an application for a liquor licence and the waiver of 13 car spaces.

The application is before the Planning Committee due to the request to waiver car parking.

It is recommended that a planning permit be granted.

**Declaration of Interests**

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

**Summary**

- The application seeks approval for alterations and additions to the existing heritage building for use as a restaurant.
- The change of use to a restaurant generates additional car parking requirements that cannot be accommodated onsite. The site has a car parking credit of 6 car spaces. The applicant is seeking a waiver of 18 car spaces as five car spaces can be provided on-site.
- Business identification signage is proposed at the front of the proposed restaurant with an illuminated under awning box sign and signage to the rear of the site on a fence and on the fascia of the building.
- The application seeks approval for a liquor licence for a restaurant/café with a proposed red line area for the consumption of liquor.
- The site is located within the commercial centre of Colac opposite Memorial Park with a public car park to the rear of the premises.
- The use of the site will add to the vibrancy of the commercial centre and the waiver of car parking is considered appropriate given the scale of the use and the availability of car parking to the rear of the site and along Murray Street.
- It is recommended that a planning permit be issued subject to conditions.



## **Issues / Options**

Council has the options of:

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

The key issue is whether a waiver of the 18 car spaces is justified.

## **Proposal**

The proposal seeks to use the land for the purpose of a restaurant, alterations to the existing building and a waiver of car parking. The restaurant will cater for a total of 48 patrons with seating proposed on the footpath for 8 people and seating inside for 40 people. It is proposed that the restaurant will operate Wednesday-Monday from 6pm till 11pm, Friday and Saturday 6pm to 1am and on Sunday from 11am till 11pm. It is proposed that 4 part time staff will be employed.

### Extension to building

The application proposes to extend the existing building to the south to increase the floor area from 78m<sup>2</sup> by a further 36m<sup>2</sup>, bringing the total floor area to 114m<sup>2</sup>. This extension will provide a kitchen with the provision for a disabled toilet and water closet. The extension will be constructed of brick with the roof being zincalume custom orb sheeting. An entrance door will provide access to and from the rear of the building for patrons and staff.

### Business identification signs

A sign on the fascia at the front (Murray Street) elevation will be 4.8m in width x 55cm in height with white lettering on a black background.

The sign above the window to the front (Murray Street) elevation will be 4.42m in width x 53cm in height with white lettering on a black background.

An illuminated awning box under the verandah to the front (Murray Street) will be 2.5m in width x 50cm in height and will be 2.1m off the footpath.

Signage on the front door will be 40cm in width x 15cm in height for the business name and 35cm in width x 25cm in height for hours of operation etc. This will be in black lettering on the glass.

A lectern sign will be displayed to the right of the entrance door in a small window alcove. This will display a menu 90cm in height x 44cm with lettering 21cm x 30cm in black writing.

On the fascia above the entrance at the rear of the building will be a sign 4.42m in width x 53cm in height with white lettering on a black background.

Positioned on the east fence will be a sign 1m in width x 80cm in length with white lettering on black background.

### Liquor Licence

The application requires planning approval for an on premises liquor licence. This form of licence is associated with a restaurant and café use. The plan submitted with the application shows the proposed red line area (which delineates the liquor licence area) covering some of the parking spaces to the rear of the site and extending to cover the full floor area of the restaurant. The red line area will also incorporate two tables on the footpath along Murray Street.

### Car parking

The applicant is proposing to provide 5 car spaces at the rear on the subject site for staff parking. As part of the request for a waiver of car parking, the applicant has provided an analysis of car parking demand and supply based on a weekend survey.

### **Site & Surrounds**

The subject site is situated on the southern side of Murray Street immediately to the south of Memorial Square with an overall area of 241m<sup>2</sup>. It is rectangular in shape with a frontage of 5 metres and a depth of 48 metres. The site is located in the heart of the commercial precinct in Colac with nearby buildings being used for retail/commercial purposes.

The site contains a single storey building, developed for commercial purposes and has previously been used as a shop. The structure is built to the street frontage of Murray Street with a verandah extending out from the building over the footpath. The existing building has large glass windows and a door located on its façade.

Vehicular access to the rear of the site is via the Sitlington Carpark in Bromfield Street. The existing footprint of the building is 78m<sup>2</sup>.

Parallel parking is available along Murray Street, Hesse Street and to the rear of the subject site within the Sitlington Carpark where there is approximately 60 car spaces.

### **Public Notice**

Public notice of the application was given in accordance with Section 52 of the Planning and Environment Act by sending a copy of the notice to adjoining property owners and occupiers and two signs were placed on site one being placed on the Murray Street frontage and the other on the fence at the rear of the site facing the Sitlington Carpark. These signs were on the site for a period of 14 days.

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

### **Referrals**

The application was referred internally to Council's Infrastructure, Building, Health and Local Laws Departments. No objections were received subject to conditions being imposed should a permit be issued. Local Laws did not object to granting a permit for the tables and chairs on the footpath at the Murray Street frontage.

The application was not referred to Council's Heritage Advisor as the alterations are minor and not considered to impact on the heritage significance of this heritage precinct. The alterations are behind the facade and not visible from the Murray Street frontage.

The application was referred to the Victoria Police for comment in relation to the liquor licence sought. No objections were lodged.

### **Planning Controls**

The land is included in the Business 1 Zone and subject to the Heritage Overlay – Schedule 305 – Murray Street Precinct Colac under the Colac Otway Planning Scheme. A planning permit is required for buildings and works pursuant to the zone provisions at Clause 34.01 and overlay provision at Clause 43.01. The use of the land for a restaurant does not require planning approval.

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

The State and Local Planning Policy Framework provides the strategic direction for the consideration of land use and development proposals. The following policies are considered relevant to the consideration of this application:

- Clause 11 – Introduction, Goal and Principles
- Clause 14.01 – Settlement
- Clause 15.11 – Heritage
- Clause 17.02 – Business
- Clause 19.03 – Design and built form
- Clause 21.02 – Vision
- Clause 21.03 – Settlement
- Clause 21.03-2 – Colac
- Clause 21.05 – Economic Development
- Clause 22.01 – Heritage Places and Areas

This proposal is considered to be consistent with the broader principles of the State and Local Planning Policy Framework as it proposes to upgrade and internally modernise an existing commercial building consistent with the intent of the heritage significance of the precinct. Use of the building for a restaurant will add to the vitality of the immediate area.

b) Zoning

The site is located in the Business 1 Zone. The key objective in relation to this proposal is:

- To encourage the intensive development of business centres for retailing and other complementary commercial, entertainment and community uses.

Consideration of the following decision guidelines is required in the assessment of the proposal:

- The provision of car parking.
- The streetscape, including the conservation of buildings, the design of verandahs, access from the street front, protecting active frontages to pedestrian areas, the treatment of the front and backs of buildings and their appurtenances, illumination of buildings or their immediate spaces and the landscape of land adjoining a road.

A permit is required for buildings and works in a Business 1 Zone. From a streetscape aspect, the proposed changes to the front of the building are cosmetic changes in the form of painting the façade and this is discussed further in the 'Overlays' section of this report.

The proposed extension of the building is to the rear of the site and will not impact on the streetscape but will enhance the commercial activity to be conducted on site.

c) Overlay Provisions

This site is included in the Heritage Overlay - Schedule 305 – Murray Street Precinct (HO305) and the Heritage Policy at Clause 22.01 provides guidance for decision making on applications. The Murray Street precinct extends from Queen Street to Corangamite Street and is of historic and architectural importance through the association with Colac's late 19<sup>th</sup> and early 20<sup>th</sup> century period of prosperity and consolidation as a large regional service centre for the surrounding rich agricultural and grazing district. The precinct is defined by a group of late 19<sup>th</sup> Century or early-mid 20<sup>th</sup> Century commercial and civic buildings.

The southern section of Murray Street opposite Memorial Square, between Hesse and Corangamite streets, within which this building sits, comprises buildings from predominately the early decades of the 20<sup>th</sup> century. These buildings comprise commercial premises that have been constructed in the popular styles of Art Nouveau shops, an Arts and Craft style arcade and Inter-War-Georgian Revival commercial shop facades. The building on the subject site is identified as a 'contributory' building in the precinct.

The purpose of the Heritage Overlay seeks:

- To conserve and enhance heritage places of natural or cultural significance.
- To conserve and enhance those elements which contribute to the significance of heritage places.
- To ensure that development does not adversely affect the significance of heritage places.

In accordance with the HO305, a planning permit is required to construct a building or carry out works including displaying a sign; or carrying out works, repairs and routine maintenance which change the appearance of a heritage place or which are not undertaken to the same details, specifications and materials (ie painting in a different colour).

The extension to the rear of the building to extend the kitchen and to include a toilet and a disabled toilet will not be visible from Murray Street and is not considered to have an impact on the heritage values of the precinct.

The front façade (above front window) and fascia is also proposed to be painted in black background with white lettering. The colours should in fact improve its current appearance which has at some stage been painted white.

d) Relevant Particular Provisions

Signage

Signage requirements are set out in Clause 52.05. Within a Business 1 Zone, a permit is not required for business identification signage that does not exceed 8 metres in total advertisement area. A permit is also not required for internally illuminated signage where the total advertisement area does not exceed 1.5 square metres.

A permit is not required for the illuminated sign however a permit is required for the business identification signage as it exceeds 8 metres in total advertising area.

The signage does not detract from the heritage values of the precinct and is not excessive.

Clause 52.06 - Car parking

Car parking requirements are set by the table at Clause 52.06 which requires that 0.6 car spaces to each seat be available to the public for a restaurant. The applicant has advised that the internal seating capacity of the restaurant is 40 seats (with 8 seats on the footpath) which generate a car parking requirement of 24 car spaces. The applicant is able to provide 5 car spaces on site.

The site has previously been used as a shop which requires a car parking provision of 8 per 100m<sup>2</sup> of leasable floor area. The existing building has an area of 78m<sup>2</sup> and a credit of 6 car spaces could be applied under the current provision of the planning scheme. If support is given for the credit of 6 car spaces and 5 car spaces are provided on site then there is a short fall of 13 car spaces that will be required to be waived.

The decision guidelines suggest that a reduced parking provision may be justified based on consideration of:

- The availability of car parking in the locality.
- The availability of public transport in the locality.
- Any parking deficiency or surplus associated with the existing use of the land.

Recent surveys conducted as part of the 'Colac Parking Study – Issues and Opportunities Paper indicated that the on street parking occupancy rate adjacent to the subject site is 50 – 75% whilst Sitlington car park is only 50% occupied during peak periods. A draft Car Parking Study is currently being prepared for Colac. Based on the outcome of the car parking surveys undertaken for Colac it would appear that the Sitlington car park at the rear of the premise is not fully utilized even at peak periods. It is also noted that the restaurant is intended to mainly operate during evening hours when retail demand for car parking is less.

As Council is aware the State Government Advisory Committee Report relating to the Car Parking Provisions prepared in August 2007 recommends adopting a rate of 0.4 car spaces to each patron for a use as a "restaurant". The State Government has not at this stage incorporated the recommendations of the Advisory Committee Report into planning schemes and it is widely accepted through VCAT determinations that the existing car parking requirements are unrealistic and that the recommendations in the advisory report are generally more appropriate. If you were to apply the State Government Advisory Committee Report rate of 0.4 then only 5 car spaces would be required for the waiver for the restaurant for this proposal. Given the site constraints, the existing car parking available on the street and in the local neighbourhood area, it is considered that the level of car parking being provided is adequate for the proposed use.

### **Consideration of the Proposal**

Overall the proposed renovations to the existing building are consistent with the heritage significance of the building and the heritage precinct within which its sits. The works will improve the presentation of the building from the streetscape perspective and the extension to the building of a kitchen and toilets will facilitate improvements to the operation and amenities provided to customers.

While the on premises liquor license is supported, the area available for consumption of liquor on the premises should exclude the car park area at the rear of the building. This will be addressed by an appropriate condition should the planning permit be granted.

It is considered that there is adequate car parking available on Murray Street and in nearby public car parking areas along Hesse Street and Bromfield Street and also in Sitlington Carpark, at the rear of the site.

The restaurant will not compete with retail activities as it will generally operate in the evening hours and demand for car parking will off-set normal retail demand.

**Corporate Plan / Other Strategies / Policy**

The Colac Otway Heritage Study provides guidance as to the significance of the heritage precinct. This building is a contributory building within the Murray Street Precinct. The Murray Street Precinct is of both historic and architectural importance to the Colac Otway Shire and a detailed assessment of this issue is included earlier in the report.

The Colac Structure Plan, February 2007 encourages the consolidation of the business precinct and seeks to support business ventures that add vitality to the centre.

**Financial & Other Resource Implications**

The proposal raises no financial or resourcing implications for Council.

**Risk Management & Compliance Issues**

There are no risk management or compliance implications for Council.

**Environmental Consideration / Climate Change**

There are no environmental or climate change implications for Council.

**Communication Strategy / Consultation Period**

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

**Conclusion**

The proposed use and alterations to the building are consistent with the planning provisions of the relevant policies. The proposed extension to the building is to be undertaken at the rear of the site and does not alter the architectural design of the building. The proposed business signage on the façade above the front window and fascia along the verandah will compliment the design of the building and also improve the overall look of the building.

Given the supply of existing car parking in the vicinity of the site and current demand estimates, a waiver of 18 car spaces is supported on the grounds that there is sufficient car spaces available in surrounding streets and to the rear in the Sitlington Carpark.

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

**Attachments**

Nil

### **Recommendation(s)**

**That Council's Planning Committee resolve to issue a Planning Permit for the alterations and additions to the existing building, installation of business identification signage, restaurant and cafe liquor licence and waiver of 18 car spaces at 58 Murray Street, Colac in accordance with the following conditions:**

- 1. Before the use and development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and copies must be provided. The plans must be generally in accordance with the plans submitted with the application prepared by Toronga Design and Drafting dated August 2010 (Ref. AD DP 1717) but modified to show a red line area for the liquor license to be reduced so that it does not extend past the rear of the building to ensure that the car parking area at the rear of the building is excluded.**
- 2. The layout of the site and the size of the proposed buildings and works as shown on the endorsed plans must not be altered or modified without the written consent of the Responsible Authority.**
- 3. The amenity of the area must not be detrimentally affected by the use or development 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**to the satisfaction of the Responsible Authority.**
- 4. Accommodation for patrons within the building must not exceed 40 seats within the building except with the prior written consent of the Responsible Authority.**
- 5. The driveway must be constructed to an all weather surface to the satisfaction of the Responsible Authority**
- 6. All run off from stormwater, including overflow from water storage, must be taken to a legal point of discharge to the satisfaction of the Responsible Authority.**
- 7. Carparking areas shall be sealed for all weather surface to a concrete or similar finish and be designated for staff parking only.**
- 8. The provision and or consumption of liquor hereby permitted must be subject to the issue of a Liquor Licence, pursuant of the provision of the Liquor Control Reform Act, 1988, as amended.**
- 9. The premises must be operated in strict conformity with all requirements of the Liquor Licence.**
- 10. The premises may be used for the consumption of liquor only within the following hours:**

- **Wednesday to Monday between 5.30pm and 11pm, other than on Friday, Saturday and Sunday, Good Friday or ANZAC Day.**
- **Friday and Saturday between 5:30pm to 1am the following day.**
- **Sunday between 11am to 11pm.**
- **Good Friday and ANZAC day 12 noon and 11pm.**

11. **The applicant shall submit to the Health Department of Council for approval a floor plan giving details of the floor, wall and ceiling surfaces and the fixtures and fittings to be installed.**
12. **Before the premises can open a suitable number of staff shall be trained in food handling, a food safety supervisor with suitable qualifications appointed and a food safety plan forwarded to Council's Health Department for approval. The applicant must liaise with the Food Safety Officer at Council in regards to construction and matters regarding food safety/training.**
13. **Alcohol consumption must be strictly limited to only those areas marked in red on the endorsed plan to the satisfaction of the Responsible Authority.**
14. **The owner/operator must take all reasonable measures to ensure that patrons consuming alcohol remain within the licensed area, so as not to breach Council's Local Laws or conditions of the Liquor Licence, and that patron's behaviour is acceptable, so as not to create an off-site nuisance.**
15. **No additional signage is to be erected on the subject site or adjacent footpath without the prior written consent of the Responsible Authority.**

**Expiry of Permit**

16. **This permit will expire if one of the following circumstances applies:**
  - **The development and use are not started within two (2) years of the date of this permit**
  - **The development is not completed within four years of the date of this permit.**

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

**Expiry of Permit for Business Identification Signage.**

17. **This permit as it relates to advertising signs expires fifteen years after the date it is issued.**

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