Colac Otway
SHIRE

AGENDA

PLANNING COMMITTEE MEETING

OF THE

COLAC-OTWAY SHIRE

COUNCIL

10 NOVEMBER 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

10 NOVEMBER 2010

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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 on 10 November 2010 at 10.30 am.

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 13/10/10.**

Recommendation

That Council confirm the above minutes.

OFFICERS' REPORTS

Sustainable Planning and Development

PC101011-1	PLANNING & BUILDING STATISTICAL REPORT
PC101011-2	WAIVER OF CAR PARKING REQUIREMENT FOR ADDITIONAL STORAGE AREA AT 76 CORANGAMITE STREET, COLAC (COPACC)
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PC101011-6	DEVELOPMENT OF TWO OUTBUILDINGS (STORAGE) AND THE WAIVER OF CAR SPACES AT 18 GRANT STREET, FORREST
PC101011-7	USE OF THE LAND FOR TRADE SUPPLY AND REDUCTION OF CARPARKING REQUIREMENT AT 52A RAE STREET, COLAC

Rob Small
Chief Executive Officer

PC101011-1 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 month of October 2010.

Planning Statistics
29 Planning permit applications were received for the period of 1 October 2010 to 31 October 2010.

38 Planning permit applications were considered for the period of 1 October 2010 to 31 October 2010.

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

Attachments
1. Planning Statistical Report October 2010

Recommendation(s)

That Council's Planning Committee note the statistical report.

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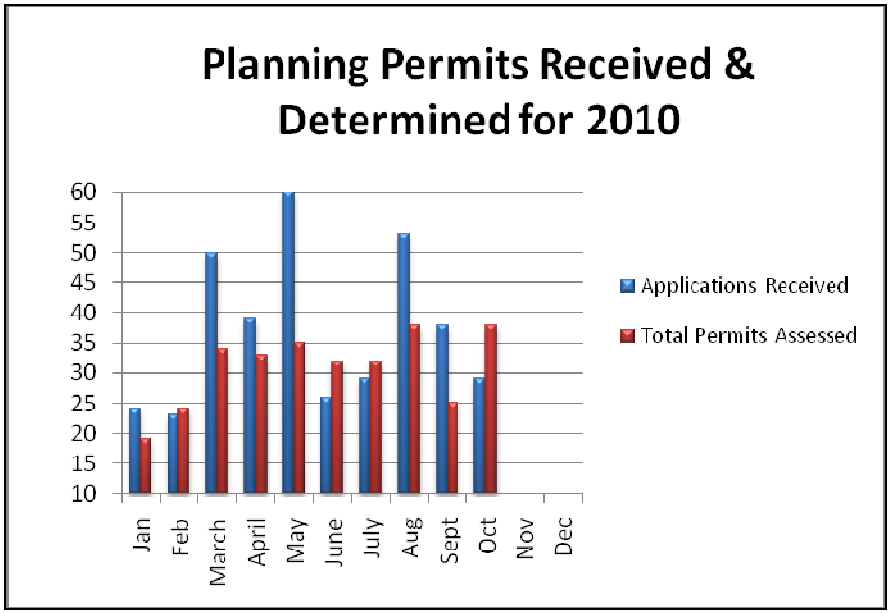
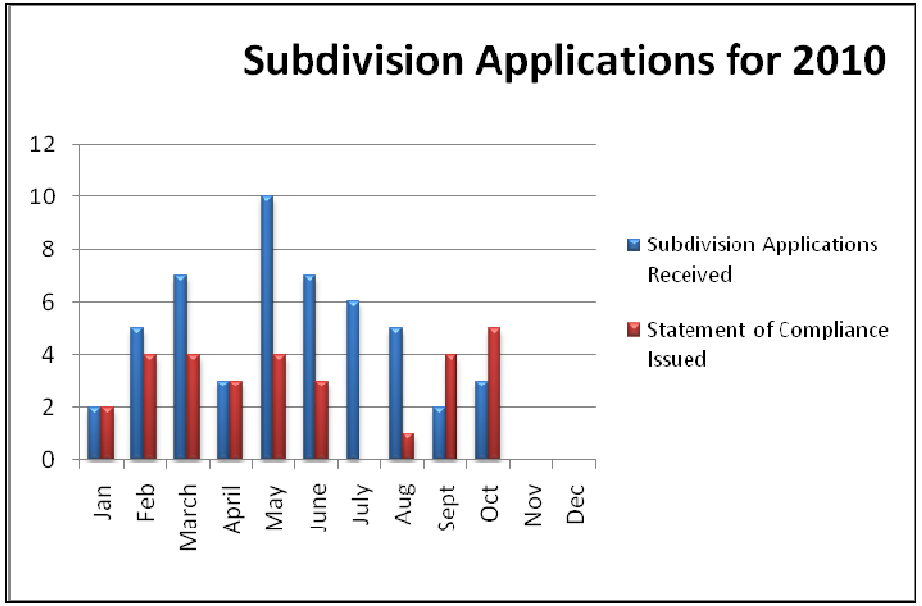
Planning Statistical Report October 2010

APPLIC NO	DATE RECEIVED	LOCATION	PROPOSAL	DATE ISSUED	ACTUAL TIME	AUTHORITY	DECISION
276/2007-3	4 OCT 2010	145 AIRE SETTLEMENT ROAD, JOHANNA	USE & DEVELOPMENT OF A DWELLING – AMENDMENT	6 OCT 2010	2	UNDER DELEGATION	PERMIT NOT REQUIRED
10/2008-2	20 AUG 2010	22-26 GREAT OCEAN ROAD, APOLLO BAY	NINE (9) LOT STAGED SUBDIVISION & REMOVAL OF DRAINAGE	20 OCT 2010	28	UNDER DELEGATION	PERMIT ISSUED
187/2008-2	17 SEP 2010	5-7 PENGILLEY AVENUE, APOLLO BAY	USE & DEVELOPMENT OF THE LAND FOR SIX (6) DWELLINGS & A SIX (6) LOT SUBDIVISION – AMENDMENT	13 OCT 2010	26	UNDER DELEGATION	PERMIT ISSUED
324/2009-1	26 NOV 2009	14A PASCOE STREET, APOLLO BAY	VARIATION TO LIQUOR LICENCE - HOURS OF TRADING TO BE EXTENDED.	19 OCT 2010	55	UNDER DELEGATION	PERMIT ISSUED
362/2009-1	23 DEC 2009	31 NELSON STREET, APOLLO BAY	USE OF THE SITE AS A DEPARTMENT OF PRIMARY INDUSTRIES (FISHERIES VICTORIA) FACILITY AND ASSOCIATED BUILDINGS AND WORKS.	25 OCT 2010	31	UNDER DELEGATION	PERMIT ISSUED
119/2010-1	4 MAY 2010	57 SEEBERG COURT, APOLLO BAY	CONSTRUCTION OF A TWO (2) STOREY DWELLING	21 OCT 2010	55	UNDER DELEGATION	PERMIT NOT REQUIRED
132/2010-1	11 MAY 2010	18 SAUNDERS STREET, COLAC	DEVELOPMENT OF A MACHINERY SHED	26 OCT 2010	68	UNDER DELEGATION	PERMIT ISSUED
143/2010/1	24 MAY 2010	2 ILLUKA AVENUE, WYE RIVER	DEVELOPMENT OF A DOUBLE STOREY DWELLING AND REMOVAL OF VEGETATION	20 OCT 2010	60	UNDER DELEGATION	PERMIT ISSUED
146/2010-1	25 MAY 2010	25 GREAT OCEAN ROAD, WYE RIVER	CONSTRUCTION OF TWO (2) AMENITY BUILDINGS	20 OCT 2010	92	UNDER DELEGATION	PERMIT ISSUED
149/2010-1	27 MAY 2010	398 MURRAY STREET, COLAC	USE OF LAND FOR A MEDICAL CENTRE AND WAIVER OF TWO (2) CAR SPACES	13 OCT 2010	86	PLANNING COMMITTEE	PERMIT ISSUED
150/2010-1	27 MAY 2010	105 MURRAY STREET, EAST COLAC	TWO (2) LOT SUBDIVISION	20 OCT 2010	68	UNDER DELEGATION	PERMIT ISSUED
154/2010-1	24 MAY 2010	6 BASS AVENUE, SEPARATION CREEK	BUILDINGS AND WORKS FOR THE PURPOSE OF CONSTRUCTING ALTERATIONS AND ADDITIONS TO THE EXISTING DWELLING	25 OCT 2010	37	UNDER DELEGATION	PERMIT ISSUED
161/2010-1	2 JUN 2010	5-7 SKENES CREEK VALLEY ROAD, SKENES CREEK	EXTENSION TO EXISTING DWELLING	20 OCT 2010	46	UNDER DELEGATION	PERMIT ISSUED
170/2010-1	22 JUN 2010	249 GREAT OCEAN ROAD, APOLLO BAY	TWO (2) LOT SUBDIVISION	26 OCT 2010	84	UNDER DELEGATION	REFUSAL TO GRANT
172/2010-1	23 JUN 2010	247 GREAT OCEAN ROAD, APOLLO BAY	TWO (2) LOT SUBDIVISION	26 OCT 2010	98	UNDER DELEGATION	REFUSAL TO GRANT
179/2010-1	6 JUL 2010	168 -170 MURRAY STREET, COLAC	EXTENSION TO BUILDING WITH INTERNAL & EXTERNAL ALTERATIONS (HEIGHT ABOVE 8 METRES)	13 OCT 2010	78	PLANNING COMMITTEE	PERMIT ISSUED
194/2010-1	21 JUL 2010	1 NOEL STREET, APOLLO BAY	EXTENSION TO AN EXISTING DWELLING	20 OCT 2010	67	UNDER DELEGATION	PERMIT ISSUED
198/2010-1	26 JUL 2010	33-37 HUGH MURRAY DRIVE, EAST COLAC	BUILDINGS AND WORKS FOR THE PURPOSE OF CONSTRUCTING A STORAGE SHED (WAREHOUSE)	20 OCT 2010	62	UNDER DELEGATION	PERMIT ISSUED
201/2010-1	27 JUL 2010	695 COLAC BALLARAT ROAD, ONDIT	CHANGE OF USE – COMMERICIAL USE OF EQUESTRIAN CENTRE	25 OCT 2010	41	UNDER DELEGATION	PERMIT ISSUED

APPLIC NO	DATE RECEIVED	LOCATION	PROPOSAL	DATE ISSUED	ACTUAL TIME	AUTHORITY	DECISION
202/2010-1	27 JUL 2010	2 GRAVESEND STREET, COLAC	BUILDINGS AND WORKS COMPRISING AN ADDITION TO AN EXISTING OUTBUILDING	19 OCT 2010	53	UNDER DELEGATION	PERMIT ISSUED
203/2010-1	28 JUL 2010	225 BEEAC DREEITE ROAD, BEEAC	TWO (2) LOT RE-SUBDIVISION	20 OCT 2010	56	UNDER DELEGATION	PERMIT ISSUED
205/2010-1	2 AUG 2010	30 MORRIS ACCESS, SKENES CREEK	CONSTRUCTION OF A FARM STORAGE SHED/WORKSHOP	1 OCT 2010	28	UNDER DELEGATION	PERMIT ISSUED
207/2010-1	4 AUG 2010	21 DOWLING STREET, COLAC	CONSTRUCTION OF THREE (3) TOWN HOUSES	26 OCT 2010	17	UNDER DELEGATION	PERMIT ISSUED
213/2010-1	6 AUG 2010	39-41 POLLACK STREET, COLAC	DEVELOPMENT OF A TOWNHOUSE	27 OCT 2010	48	UNDER DELEGATION	PERMIT ISSUED
214/2010-1	6 AUG 2010	145 ROAKNIGHT CREEK ROAD, FORREST	CONSTRUCTION OF A STEEL STORAGE SHED	25 OCT 2010	25	UNDER DELEGATION	PERMIT ISSUED
216/2010-1	6 AUG 2010	2/7 NEWCOMBE STREET, MARENGO	BUILDINGS AND WORKS FOR THE PURPOSE OF CONSTRUCTING ADDITIONS TO AN EXISTING DWELLING	20 OCT 2010	21	UNDER DELEGATION	PERMIT ISSUED
221/2010-1	13 AUG 2010	14-16 COADS LANE, COLAC	TWO (2) LOT SUBDIVISION	20 OCT 2010	44	UNDER DELEGATION	PERMIT ISSUED
223/2010-1	12 AUG 2010	1 OZONE STREET, SKENES CREEK	SUBDIVISION – REALIGNMENT OF BOUNDARY	1 OCT 2010	50	UNDER DELEGATION	PERMIT ISSUED
232/2010-1	11 AUG 2010	2/3 CAWOOD STREET, APOLLO BAY	CONVERT EXISTING CARPORT INTO A ROOM & PROVISION OF A CARPARK	26 OCT 2010	39	UNDER DELEGATION	PERMIT ISSUED
234/2010-1	11 AUG 2010	1/3 CAWOOD STREET, APOLLO BAY	CONVERT EXISTING CARPORT INTO A ROOM & PROVISION OF A CARPARK	26 OCT 2010	39	UNDER DELEGATION	PERMIT ISSUED
238/2010-1	25 AUG 2010	260 QUEEN STREET, ELLIMINYT	CONSTRUCTION OF A STORAGE SHED	20 OCT 2010	27	UNDER DELEGATION	PERMIT ISSUED
248/2010-1	30 AUG 2010	90 BIRREGURRA FORREST ROAD, BIRREGURRA	CONSTRUCTION OF A STORAGE SHED FOR A WATER TREATMENT PLANT FACILITY	19 OCT 2010	50	UNDER DELEGATION	PERMIT ISSUED
250/2010-1	31 AUG 2010	18A TRAFALGAR STREET, APOLLO BAY	BUILDINGS AND WORKS FOR THE PURPOSE OF CONSTRUCTING A DWELLING	20 OCT 2010	50	UNDER DELEGATION	PERMIT ISSUED
256/2010-1	3 SEP 2010	625 HORDERN VALE ROAD, HORDERN VALE	BUILDINGS AND WORKS FOR THE PURPOSE OF CONSTRUCTING AN OUTBUILDING (STORAGE SHED)	1 OCT 2010	25	UNDER DELEGATION	PERMIT ISSUED
258/2010-1	6 SEP 2010	58 MURRAY STREET, COLAC	ALTERATIONS AND ADDITIONS TO THE EXISTING BUILDING, INSTALLATION OF BUSINESS IDENTIFICATION SIGNAGE, LIQUOR LICENCE AND A WAIVER OF 13 CAR SPACES	13 OCT 2010	18	PLANNING COMMITTEE	PERMIT ISSUED
263/2010-1	7 SEP 2010	6190 GREAT OCEAN ROAD, APOLLO BAY	SUBDIVISION – RELAIGNMENT OF BOUNDARY	1 OCT 2010	24	UNDER DELEGATION	PERMIT ISSUED
266/2010-1	8 SEP 2010	6 ENNIS STREET, BIRREGURRA	CONSTRUCTION OF A STORAGE SHED	26 OCT 2010	24	UNDER DELEGATION	PERMIT ISSUED
274/2010-1	20 SEP 2010	58-62 GREAT OCEAN ROAD, LAVERS HILL	CONSTRUCTION OF A GARAGE/STORAGE SHED	1 OCT 2010	11	UNDER DELEGATION	PERMIT ISSUED

APPLIC NO	DATE RECEIVED	LOCATION	PROPOSAL	DATE ISSUED	ACTUAL TIME	AUTHORITY	DECISION
			AVERAGE DAYS TO PROCESS PLANNING APPLICATIONS		46		

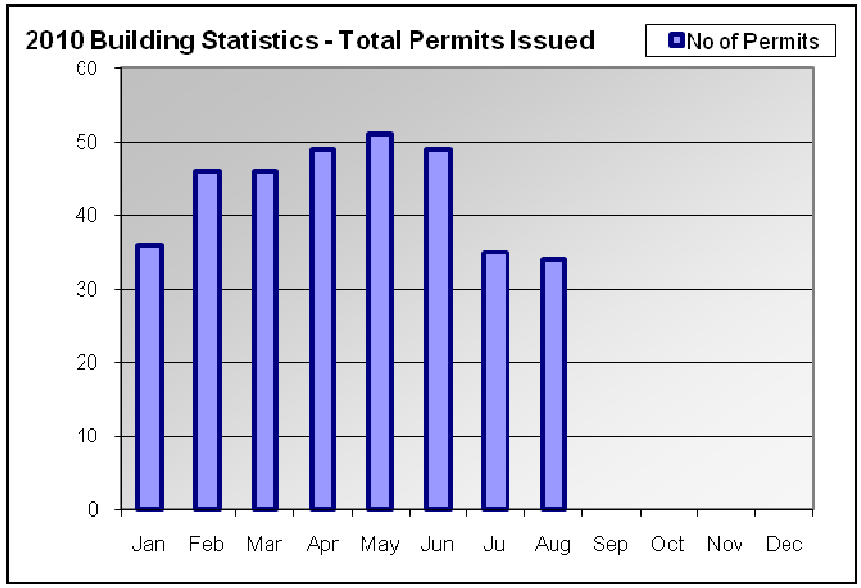


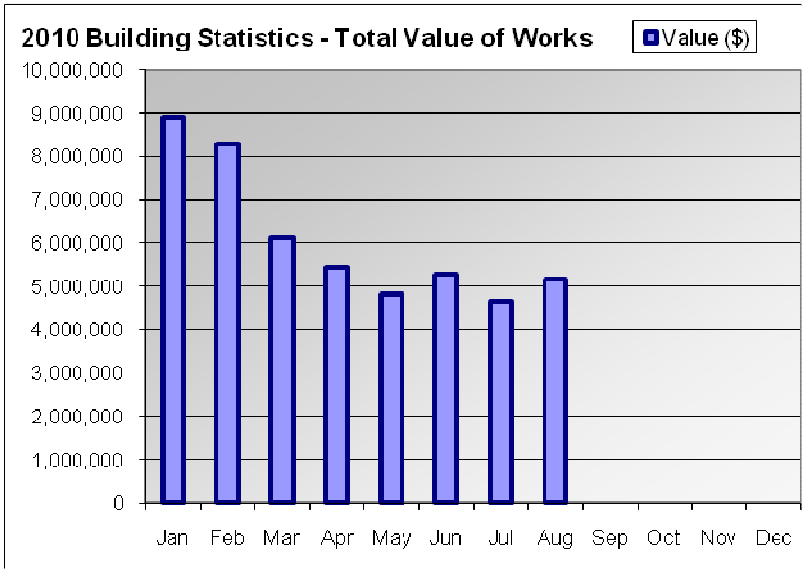


Pulse Building Statistics Financial Yr Stats Pulse Building Reports

	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	26	3,924,339	0	0	2	120,000	1	174,104	1	615,000	0	0	4	326,000	34	5,159,443
Sep																
Oct																
Nov																
Dec																
Totals	269	32,271,299	3	847,632	31	4,257,802	9	894,118	5	1,799,000	1	2,500	28	8,601,012	346	48,673,363

*Multi-Development





PC101011-2 WAIVER OF CAR PARKING REQUIREMENT FOR ADDITIONAL STORAGE AREA AT 76 CORANGAMITE STREET, COLAC (COPACC)

AUTHOR:	Carl Menze	ENDORSED:	Jack Green
DEPARTMENT:	Sustainable Planning & Development	FILE REF:	PP292/2010

Location: 76 Corangamite Street, Colac (COPACC)

Zoning: Public Use Zone 6 (PUZ6)

Overlay controls: Nil

Proposed Amendments: Nil

Abuts: Business 1 Zone (B1Z), Business 2 Zone (B2Z), Road Zone 1 (RDZ1), Residential 1 Zone (R1Z)

Restrictive Covenants: No

Purpose:

An application has been submitted for the waiver of the car parking requirement for an additional storage area.

This application is before Council for consideration as the proposal seeks a waiver of the car parking requirements.

It is recommended that a notice of decision to grant 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

- It is proposed to construct an additional area for storage on the west side of the Civic Hall. The building and works associated with this addition are exempt from planning approval.
- The application is for a waiver of the car parking requirement only.
- The waiver of car parking spaces is considered to be justified given that the proposed additions are for storage purpose only and will not increase seating numbers or numbers of staff employed on-site.
- It is recommended that a notice of decision to grant a planning permit be issued subject to conditions.

Background
The planning history of the site is as follows;

- PPA/246/2000 issued 6 October 2000 for the use and development of the land for a dedicated Theatre and Arts Space for the Disabled

Issues / Options
Council has the options of:

a) Supporting the application through the issue of a notice of decision to grant 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 18 car parking spaces is justified.

It is recommended that option (a) is supported by Council.

Proposal
The proposal seeks a waiver of the car parking requirement of 18 spaces.

It is proposed to construct a 60.3m² addition to the west elevation of the Civic Hall. The addition is to be utilised for storage purposes associated with the use of the land as a performing arts centre.

Planning approval is not required to undertake the buildings and works which comprise of the proposed additions pursuant to Clause 62.02-1 of the Colac Otway Planning Scheme which states;

> *'Any requirement in this scheme relating to the construction of a building or the construction or carrying out of works does not apply to:*
>
> - *Buildings or works with an estimated cost of $1,000,000 or less carried out by or on behalf of a municipality.'*

The additional floor area generates a car parking requirement of 18 spaces in accordance with the provisions of the planning scheme. However, as no real demand will be created by the proposed development, a waiver of the car parking is sought.

Site & Surrounds
The subject site is bound by;

- Rae Street to the North;
- Railway Street to the South;
- Gellibrand Street to the East; and
- Corangamite Street to the West.

The site is developed with several buildings and car park areas utilised as;

- Colac Otway Shire Offices;
- Civic Hall;
- Colac Performing Arts and Cultural Centre (COPACC); and
- The Former Colac Library.

The surrounding area is developed in a variety of ways. Land to the north and east is intensely developed for business purposes and represents the southern edge of the main commercial and retail areas of Colac. The Colac Railway Station is located to the south east of the subject site. Residential dwellings occupy the opposite side of Corangamite Street.

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 to the west of the site on Corangamite Street. These properties are directly opposite the proposed storage addition.

At the conclusion of the notification period one (1) objection was received.

The grounds of objection may be summarised as follows:

- Car Parking will be further stressed in the area.

The issues raised in the objections are discussed latter in this report.

Referrals
The application was not required to be referred to any internal Departments or External Referral Authorities.

Planning Controls

a. State and Local Planning Policy Framework

The State and Local policy framework seeks 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 11.05 – Regional Development
- Clause 19.02-3 – Cultural Facilities
- Clause 21.03-2 – Colac

The proposal is considered to be in keeping with the objectives of the above policies. The proposal does not alter the use of the site as a Place of Assembly, although the provision of additional storage facilities will allow for a more diverse range of activities to occur on-site.

b. Zone provisions

The site is zoned Public Use Zone Schedule 6 (PUZ6).

The use of the site as Place of Assembly is a Section 1 Zone (Permit Not Required) as it is for the purpose of 'Local Government'.

Planning approval is not required to construct a building or construct or carry out buildings and works for a Section 1 Use.

Furthermore the proposed buildings and works are exempt from planning approval pursuant to Clause 62.02-1 of the Colac Otway Planning Scheme.

c. Overlay Provisions

The site is not covered by any Overlay controls.

d. Car parking

Pursuant to Clause 52.06 of the Colac Otway Planning Scheme, a 'Place of Assembly' use attracts a car parking rate of 0.3 car spaces to each seat or to each sq m of net floor area, whichever is greater.

The additional 60.3sqm of net floor area generates a car parking requirement of 18 spaces. Discretion is available in accordance with Clause 52.06 to waive car parking requirements. This issue is discussed in more detail later in the report.

Consideration of the Proposal

Car Parking

As noted earlier, the proposal is seeking a waiver of 18 car spaces.

Whilst the net floor area of buildings on the site is increased, it is noted that the proposal does not actually alter the use of the site as a 'Place of Assembly'. The additional floor area will be utilised for storage purposes only. The applicant has advised;

> *'We seek this waiver as a vital component of a $650,000 redevelopment of the Civic Hall, which has been funded by Regional Development Victoria and Colac Otway Shire.*
>
> *The redevelopment will include a new technical storeroom, within the Civic Hall, and the store room will be primarily to store portable stage components which are a major part of the project. These stage components can be used for staging, or as decks for tiered seating.'*

The additions are to occupy an area currently utilised as a garden bed and therefore no existing on-site parking spaces are to be lost as a result of the proposed development.

The proposal will not increase the capacity of the Civic Hall or result in additional seating nor will it require any additional staff.

Overall, the waiver of 18 parking spaces is warranted on the basis that the additional floor area proposed is for storage purposes only. .

Corporate Plan / Other Strategies / Policy
Colac Structure Plan 2007 sets the general strategic direction for the Colac Township within the foreseeable future. The vision for Colac is;

> *'Colac will be a thriving town with a vibrant town centre that takes pride in its Lakeside location, is responsive to the housing needs of its residents and offers a variety of opportunities for employment and economic development.'*

The proposed car parking waiver will not detract from the vision identified above. The waiver will allow for additional storage facilities which in turn will allow for a more diverse range of activities to occur within the Civic Hall.

Financial & Other Resource Implications
There are no financial implications arising from this report.

Risk Management & Compliance Issues
There are no risk management or compliance implications arising from this report.

Environmental Consideration / Climate Change
There are no environmental or climate change implications arising from this proposal.

Communication Strategy / Consultation Period
Community consultation in the form of public notification has been undertaken as part of this assessment process.

Conclusion
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. Sufficient on-site parking is provided and substantial on-street parking facilities surround the site. The waiver of car parking is acceptable given the proposed additions are for storage purposes only. .

It is recommended that a notice of decision to grant a planning permit be issued.

Attachments
Nil

Recommendation(s)

That Council's Planning Committee resolves to issue a Notice of Decision to Grant a Planning Permit for a waiver of the car parking requirement at 76 Corangamite 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. ***This permit will expire if one of the following circumstances applies:***

   a) ***The development is not started 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 three months afterwards

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PC101011-3 WAIVER OF CAR PARKING REQUIREMENT IN ASSOCIATION WITH THE USE OF THE SITE AS A RESTAURANT AND A LIQUOR LICENCE AT 1/137 GREAT OCEAN ROAD, APOLLO BAY

AUTHOR:	Carl Menze	ENDORSED:	Jack Green
DEPARTMENT:	Sustainable Planning & Development	FILE REF:	PP288/2010

Location: 1/137 Great Ocean Road, Apollo Bay

Zoning: Business 1 Zone (B1Z)

Overlay controls: Design and Development Overlay 5 (DDO5)

Proposed Amendments: Nil

Abuts: Road Zone 1 (RDZ1), Residential 1 Zone (R1Z) and Public Park and recreation Zone (PCRZ)

Restrictive Covenants: No

Purpose:

An application has been submitted for a waiver of the car parking requirement in association with the use of the site as a Restaurant and approval is sought for a Restaurant and Cafe Liquor Licence at 1/137 Great Ocean Road, Apollo Bay.

This application is before Council for consideration as the proposal seeks a waiver of the car parking requirements and there are four objections.

It is recommended that a Notice of Decision to Grant 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 application proposes a change of use of the land to a restaurant which generates additional car parking requirements that cannot be accommodated on-site.
- The site is located within the heart of the commercial centre of Apollo Bay.
- Four objections have been received generally raising issues relating to car parking.
- The waiver of car parking spaces is considered to be justified given that the proposed Restaurant is appropriate for the site and ample on-street parking facilities are available within close proximity of the site.
- The application seeks approval for a restaurant and cafe liquor licence with a proposed red line area for the consumption of liquor including the seating on the footpath.

- It is recommended that a Notice of Decision to Grant a planning permit be issued subject to conditions.

Background
There are no previous Planning Permit applications on record for the subject site, being 1/137 Great Ocean Road.

However, previous planning approval (PPA/075/97 issued 15/5/07) has been given to subdivide the land into 10 lots and develop the site complex for five ground floor commercial premises and five residential units on the upper level. The approved Plan of Subdivision identified separate lots for each shop and residential units and included specific car spaces for each residential unit. Common property provides 25 car spaces for public use.

Issues / Options
Council has the options of:

a) Supporting the application through the Notice of Decision to Grant 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 car parking spaces is justified.

It is recommended that Option (a) is supported.

Proposal
The proposal seeks approval for a waiver of car parking spaces and approval of the sale and consumption of liquor on the premises.

The site is to be used as a Restaurant and Deli which are both Section 1 Uses (Permit Not Required) under the provisions of the Business 1 Zone. The Restaurant element proposes a total of 29 seats available to the public, eight (8) of which are located on the kerbside. The applicant proposes the following hours of operation;

- Monday to Saturday – 7:30 am to 6:30 pm
- Sunday - Closed

Staff numbers will be seasonal with 2-3 during the off peak season and 5-6 staff envisaged during the peak season.

The applicant provides the following description of the proposed business;

> *'The business will be a food service business selling freshly baked goods such as pies, sandwiches, cakes, breads etc. We will also be selling a range of freshly made produce such as jams, sauces, chutneys etc. We would look to obtain a liquor licence to be able to sell a small range of high quality local and imported beers and wines for consumption on the premises and also for take away.'*

The proposal seeks a waiver of four (4) car spaces as a result of the change of use and also seeks approval for a liquor licence to allow the sale and consumption of alcohol on the premises.

Site & Surrounds
The subject site is located on the west side of the Great Ocean Road, Apollo Bay. The site was most recently utilised as a 'shop'. The site forms part of a commercial and residential complex comprising five (5) ground floor commercial units and five (5) upper level residential units. A 25 space car park is located at the rear of the complex, accessed via Pascoe Street. Seven (7) of these spaces are allocated to the residential units whilst the remainder forms a Common Property car park utilised on a first in bases for all the commercial premises.

Adjacent properties to the north and south comprise terrace styled buildings utilised for commercial or retail purposes at ground floor level. The foreshore is immediately opposite the site to the east while adjoining properties to the west are utilised for residential purposes.

Public Notice
Public notice of the application was given in accordance with Section 52 of the Planning and Environment Act by sending letters to adjoining owners/occupiers and by placing one (1) sign on-site. The applicant has provided a Statutory Declaration stating that the advertising has been carried out in accordance with Council's requirements.

At the conclusion of the notification period a total of four (4) objections were received.

The grounds of objection may be summarised as follows:

- Parking congestion is already an issue especially during summer months and exacerbated due to loading/unloading of vehicles;
- The shared car park at the rear of the site is already inadequate and at capacity and further building and works will impact on the use of the car park;
- There are an adequate number of Restaurants in Apollo Bay.

The issues raised in the objections are discussed latter in this report.

Referrals
The application was been referred to Councils Health and Local Laws Departments and the Apollo Bay Police Station. No objections have been received subject to permit conditions should a planning permit be issued.

Planning Controls

a. State and Local Planning Policy Framework

The State and Local policy framework seeks 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 11.05 – Regional Development
- Clause 12.02-2 – Appropriate Development of Coastal Areas
- Clause 17.01 – Commercial
- Clause 17.03 – Tourism
- Clause 21.02-2 – Land Use Vision
- Clause 21.03-3 – Apollo Bay and Marengo

The above polices, including the Apollo Bay Structure Plan, encourage the concentration of retail, commercial, accommodation, administration and entertainment activities in the Apollo Bay Town Centre. These policies also support the co-location, multiple uses and sharing of facilities, and seek to minimise the effects of commercial development on the amenity of the neighbouring area. The policies encourage the efficient provision of car parking and promote high quality urban design outcomes.

The proposal is considered to accord with the principles of the State and Local Planning Policy Framework. The proposed use assists in meeting the community's need for business related uses, in particular commercial and social facilities. It also assists in further consolidating and building upon the importance of Apollo Bay as a regional centre. The site is appropriately located within the town centre and within walking distance to other commercial, recreational and commercial facilities. The development will contribute to enhancing the identity of the town and commercial area.

b. Zone provisions

The purpose of the Business 1 Zone is:

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

Planning approval is not required to use the land as a 'restaurant' or 'shop' under the provisions of the Business 1 Zone.

c. Overlay Provisions

Design and Development Overlay 5 (DDO5) –Apollo Bay Town Centre does not control land use. DDO5 is a built form control which is not relevant to the proposal as no external buildings or works are proposed.

d. Particular Provisions – Clause 52.06 Car parking

Pursuant to Clause 52.06 of the Colac Otway Planning Scheme, a 'Restaurant' use attracts a car parking rate of 0.6 car spaces to each seat available to the public. The proposed Restaurant has a total of 21 seats within the building and eight (8) seats on the kerbside. No planning approval is required for the seating on the footpath as it is associated with the use of adjoining land subject to the issue of a Local Laws permit. Therefore, the car parking requirement is assessment is based on the 21 internal seating which generates the need for 13 car parking spaces.

A 'shop' attracts a car parking rate of eight (8) spaces per 100sqm of leasable floor area. The premise was most recently used as a 'shop', generating a car parking credit of nine (9) spaces.

As there is a credit of nine spaces associated with the use of the land for a shop, this leave a balance of four (4) car parking spaces that require a waiver.

The State Government Advisory Committee Report (Review of Parking Provisions in the Victoria Planning Provisions, (August 2007) discusses a range of matters including a review of land use terms and car parking requirements. The report recommends the following parking rates applicable to the proposal;

- Restaurant – 0.4 to each patron permitted
- Shop – 4 spaces to each 100sqm of leasable floor area.

If you applied the rate proposed by the Advisory Committee Report, the proposal would generate a car parking requirement for the restaurant of 8.4 car spaces and no waiver of car parking would be required.

Although the State Government has not incorporated the recommendations of the Advisory Committee Report into planning schemes it is widely accepted through VCAT determinations that the car parking requirements for retail type activities are unrealistic and that the lesser rates recommended by the Advisory Committee are generally more appropriate.

The shared car park at the rear of the site is managed and owned by the Body corporate and provides limited public car parking facilities to cater for a number of uses on the site. While the car park may be operating at capacity, there is also substantial on-street parking available within the area for the majority of the day.

While there is an increase in demand for parking during the peak summer months in Apollo Bay along the Great Ocean Road and to some degree in the streets leading to the Great Ocean Road, it has been found from the surveys undertaken as part of the Issues and Options Paper for the car parking study for Apollo Bay that parking is generally available in the streets directly behind the Great Ocean Road.

Competition will essentially limit the number of restaurants within a particular area. If a proprietor believes a gap in the market exists, it is not the role of the Planning Scheme to limit the number of similar uses unless the scheme identifies the use as being inappropriate for the zone i.e. a Section 3 Use (prohibited).

e. Liquor Licence

A planning permit is required to use land to sell or consume liquor where a licence is required under the Liquor Control Reform Act 1998 under Clause 52.27.

The Decision Guidelines of this Clause require Council to consider, as appropriate:

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- The impact of the sale or consumption of liquor permitted by the liquor licence on the amenity of the surrounding area.
- The impact of the hours of operation on the amenity of the surrounding area.
- The impact of the number of patrons on the amenity of surrounding area.
- The cumulative impact of any existing and the proposed liquor licence, the hours of operation and number of patrons, on the amenity of the area.

The plan submitted for approval includes all the internal areas of the building and the area on the footpath that will be used for seating for the consumption of liquor.

Consideration of the Proposal

Car Parking

The proposed waiver of four (4) car parking spaces is considered to be justified in this instance. The subject site has access to 18 car parking spaces within the rear which are shared by all the ground floor commercial premises (137, 139, 141, 143 & 145). Substantial on-street parking is provided along the Great Ocean Road in the form of parallel parking along the west side and 45 degree angled parking along the east side. Furthermore, a large public car parking is located opposite the site to the east which has in excess of 50 car spaces.

The subject site is located within the main commercial and retail precinct of Apollo Bay. It is envisaged that the proposed use will attract patrons who are in the town centre precinct already, either visiting other commercial premises or the beach. As such, the proposed use is unlikely to actually increase parking demand within the area.

Council is in the process of developing a Colac and Apollo Bay Car Parking Strategy. Council has engaged consultants who have prepared the *'Issues and Opportunities Paper – Apollo Bay, March 2010',* part of this study incorporated the undertaking of a comprehensive parking survey. With respect to supply of parking within the Apollo Bay town centre Section 7.1.1 states;

> *'When considering the entire study area, it is clear that there is currently adequate parking to cater for the peak demand (during the peak holiday season) with the survey results indicating that there are 123 available on-street parking spaces and 53 available off-street parking spaces during the busiest time period of the year. All existing parking spaces within the commercial area are within a short walking distance of the key destinations within Apollo Bay.'*

The waiver of parking will allow the proposed restaurant/deli use to proceed which will add to the diversity of commercial precinct within the town centre. If a waiver were not allowed, it is unclear as to what purpose the premises could serve the town centre and greater Apollo Bay Community. The use is suitable and consistent with other uses within the Apollo Bay town centre.

Licenced Premises

The applicant seeks approval for a Restaurant and Cafe liquor license. A Restaurant and Cafe liquor licence allows for the service and consumption of liquor where the predominant activity carried out at all times on the premises is the preparation and serving of meals to be consumed on the premises.

The sale and consumption of liquor is predominately associated with the 'Restaurant' to allow the consumption of wine and beer in conjunction with meals enjoyed on site. The applicant also proposes to sale some packaged liquor via the 'Deli' operation. Pursuant to Clause 52.27, planning approval is not required to sell packaged liquor for consumption elsewhere.

The application for a liquor licence is considered acceptable in this instance. The applicant proposes limited hours of operation of 7.30 am to 6.30 pm every day except Sundays (closed).

Corporate Plan / Other Strategies / Policy
Apollo Bay Structure Plan 2007 provides some direction with respect to parking within the Apollo Bay Township. The Plan recognises that parking availability varies throughout the year with high capacity and limited availability during the summer months. With respect to providing additional parking facilities the following comments are made;

> *'Providing additional formalised parking facilities is not an efficient use of infrastructure as it is unoccupied for the majority of the year. When it is unoccupied, it is often visually obtrusive, particularly if it is asphalted and located in a predominately natural or prominent location. It is even more dominant if there is a lack of landscaping between car spaces and aisles.'*

A key objective of the Structure Plan is to *'Intensify commercial and business land uses within the commercial area of Apollo Bay and unsure a future supply of Business Zoned land to meet demand.'* The proposed use ensures that a prominent commercial premise remains an active part of the Apollo Bay Town centre and assists in consolidating the commercial precinct.

Financial & Other Resource Implications
There are no financial implications arising from this report.

Risk Management & Compliance Issues
There are no risk management or compliance implications arising from this report.

Environmental Consideration / Climate Change
There are no environmental or climate change implications arising from this proposal.

Communication Strategy / Consultation Period
Community consultation in the form of public notification has been undertaken as part of this assessment process.

Conclusion
Planning approval is not required for the use of the site for a restaurant or shop. Planning approval is only required for the waiver of car parking and liquor license. Support for the proposal will increase commercial activity in this area and is considered to be consistent with the planning policy framework including the zone and overlay.

Attachments
Nil

Recommendation(s)

That Council's Planning Committee resolves to issue a Notice of Decision to grant a Planning Permit for a waiver of car parking in association with the use of the land for a restaurant, and restaurant and cafe liquor licence for Shop 1, 137 Great Ocean Road, Apollo Bay 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 21 seats may be made available inside and 8 seats on the kerbside area may be available at any one time to patrons associated with the restaurant, without the written consent of the responsible authority.***

3. A permit must be obtained to enable part of the road reservation to be used for seating of patrons in accordance with Council's Local Laws prior to the commencement of the use of the land for a restaurant.

4. The premises may be used for the consumption of liquor only within the following hours:

a) Monday to Saturday - 7:30 am to 6:30 pm
b) Sunday - Closed

5. The provision and or consumption of liquor within the development hereby permitted must be subject to the issue of a Restaurant and Cafe Liquor licence, pursuant of the provision of the Liquor Control Reform Act, 1988, as amended.

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

a) The development is not started 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 three months afterwards

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PC101011-4 USE OF THE LAND FOR A FUNERAL PARLOUR, BUILDING AND WORKS AND REDUCTION OF CAR PARKING AT 15 SKENE STREET COLAC

AUTHOR:	Anne Sorensen	ENDORSED:	Jack Green
DEPARTMENT:	Sustainable Planning & Development	FILE REF:	PP212/2010

Location: 15 Skene Street Colac (CA 1 and 2, Parish of Colac)

Zoning: Residential 1 Zone

Overlay controls: Heritage Overlay – HO157

Proposed Amendments: N/A

Purpose:

This application seeks approval for the use of the land for a funeral parlour, building and works and reduction of car parking.

This application is before Council for consideration as the proposal seeks a reduction in car parking.

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 f this report.

Summary
- It is proposed to use the land for a funeral parlour, building and works to the existing buildings and a reduction in car parking.
- The proposed modifications to the Wesleyan Church and Hall and additional garage and mortuary are sympathetic to the original buildings and will not detract from the heritage significance of the buildings.
- The use proposed will allow for the longer term protection and conservation of a significant heritage place and will not cause an unreasonable impact on the surrounding amenity.
- The reduction in parking is considered appropriate given the level of car parking provided on-site, the amount of on-street car parking available and the emphasis on the urban design of the car parking layout for the site.
- It is recommended that a planning permit should be issued.

Background
The land has been used as a place of assembly for the purpose of a church and hall. The property was recently sold in 2008 to Glastonbury Child and Family Services who have been providing limited community services from the site.

Issues / Options
Council has the options of:

a) Supporting the application through the issue of a planning permit subject to conditions;
b) Refuse to grant a planning permit.

The key issues relate to the provision of car parking and the changes proposed to the heritage buildings.

It is recommended that Option (a) be supported.

Proposal
The application proposes to use the existing church and hall for the purposes of a funeral parlour. In order to facilitate such a use it is necessary to alter the internal arrangement of the chapel and hall; and add an additional building to the eastern side of the hall for the purposes of the mortuary.

The following alterations to the existing buildings are proposed:

- Re-orientate the seating in the Chapel and use the southern entry for movement of the coffin;
- Remove the organ console and store on premises;
- Raise the floor level in the chapel;
- The Church Hall will be modified to facilitate use for offices, refreshments after funeral services and easy access to existing amenities;
- An extension to the eastern side of the hall will provide for a new mortuary room, cool room and staff amenities. A garage will form part of this addition and allow for the transfer within the building of coffins from vehicles;

It is proposed to create two separate car park areas. A separate car park is proposed from the Skene Street frontage to provide access for the funeral car and family members. A total of 16 car spaces are proposed in the smaller car park. The main car park provides for a total of 32 car spaces and access will be gained from Manifold Street. An area to the west of the hall will provide for parking of the hearse for easy access to the chapel. The garage provides a further two car spaces internally and two car spaces externally.

It is anticipated that initial usage of the funeral parlour will be once per fortnight increasing overtime to once a week, on average. It is expected that the bulk of the usage will be week days with a small number of services on weekends.

The chapel will have a seating capacity of 215 seats. To assist with traffic management, the applicant proposes that all traffic from the Skene Street car park would turn left onto Skene Street and traffic from the main car park will turn left into Manifold Street, left again into Grant Street and left into Skene Street. From there, various routes to the Colac Cemetery can be used depending on the time of the day and traffic.

All existing vegetation is proposed to be retained unless identified as unsafe subject to an Arborist report. Additional landscaping is proposed particularly around the boundaries of the car parking areas.

Site & Surrounds
The site is located on the corner of Skene, Grant and Manifold Streets just beyond the commercial centre of the Colac Township. The site comprises of two crown allotments which combined have a total area of 4000m² and contains the former Wesleyan Church and Hall. Both the church and hall are of architectural, social and historic heritage significance as a representation of the role of the Methodist Church in Colac and individually listed in Council's Heritage Study.
The site has a residential interface to the north, east and west; and commercial interface to the south. Skene, Grant and Manifold Streets are wide collector roads with angle parking.

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 and opposite property owners and occupiers and a sign was placed on all road frontages of 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 and Health Departments and to Council's Heritage Advisor. No objections were received subject to permit conditions should a planning permit be issued.

Planning Controls

The land is contained within the Residential 1 Zone where a planning permit is required to use land for the purposes of a 'Funeral Parlour'. Planning approval is required for the building and works and reduction to car parking. The land is also included in the Heritage Overlay as an individually listed site (HO157).

The need for a permit is specifically triggered by the following Clauses:

Clause 32.01 – Funeral Parlour is a Section 2 use;
Clause 32.01-6 - Buildings and works associated with a Section 2 use;
Clause 43.01-1 - Buildings and works
Clause 52.06 – Reduction of car parking.

a) State and Local Planning Policy Framework

The policy framework seeks 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 11.05-4 – Regional planning strategies and principles
- Clause 15.01 – Urban design
- Clause 15.03 – Heritage
- Clause 21.05 – Economic development
- Clause 22.01 – Heritage Places and Areas

The proposal is consistent with the State and Local objectives and policy direction outlined above. The proposed use provides a necessary community service and is in keeping with the original use of the heritage buildings as a church and hall. The modifications and addition to the built form will not impact on the heritage significance of the buildings as they will remain largely intact. The use will ensure the ongoing protection of a significant heritage place and is appropriate located given proximity to the commercial centre of Colac.

b) Zoning

The **Residential 1 Zone** purpose is:

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

A planning permit is required for the use of the land as a Funeral Parlour which is defined as: *"land used to organise and conduct funerals, memorial services, or the like. It includes the storage and preparation of bodies for burial or cremation".* Planning approval is also required for the buildings and works associated with the use.

The use of the land for a Funeral Parlour is considered appropriate given the scale of the site, the existing buildings and site context. While the site generally sits within a residential area, there are only dwellings that have direct abuttal on the eastern boundary of the site. The streets surrounding the site are wide and provide easy access to and from the site for traffic management. The southern boundary of the site has a commercial interface and the activity compliments the commercial precinct. The activities conducted from this site are unlikely to impact on the existing amenity of the residential area given the site has previously been used as a place of assembly for church services and other community functions. Primarily the activities conducted from the site will be within daylight hours with the occasional need to attend the premises outside of this time.

c) Overlay

The purpose of the Heritage Overlay is:

- 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.

The site is individually listed under the Heritage Overlay – HO157. In the schedule to the overlay, internal alteration and external paint controls apply; and prohibited uses are allowed to be permitted. The statement of significance identifies the Colac Wesleyan Methodist Church and Hall as being aesthetically and architecturally significant as a notable and distinctive specimen of Arts and Crafts Gothic architecture in Western Victoria.

The Church and Hall are of social and historic significance as a representation of the role of the Methodist Church in Colac.

The Church and Hall were designed by Victorian architect Alec S Eggleston and were built between 1924-6 with Sunday School services first held in the hall in 1925. While the original design included a vestry and parsonage linking the church and hall, this was not built until 1970. The kitchen and toilet wing were added to the hall in 1964 and do not contribute to the significance of the place.
The application proposes minimal modifications to the church which has internal controls protecting the following:

- original timber trusses and timber panelled roof;
- the original wall bracket light fittings installed on timber crosses around the walls of the Church;
- the original light fittings suspended from the Church ceiling;
- All original internal door furniture including the timber architraves;
- Timber wall panelling as well as the brick dado;
- Timber bracket above the lectern; and
- Timber bracket above the main entry (south east entry) into the Church.

The internal design of the church is significant as it has been designed in the amphitheatre form with arch windows on three walls while the fourth side has a large niche for the organ. The Church is constructed around the diagonal axis generated by the pulpit/lectern, altar table and other furniture and railings, and is supported by the steps, sloping floors, arrangement of pews (which have been removed), entrance doors and other features. This layout has deep associations for the Wesleyan Methodist non-sacramental liturgy and the denomination's Protestant values. The pulpit/lectern represents the Word and dominates the space.

The organ, built in 1859 by Gray and Davidson of London, came from Christ Church Cathedral Ballarat in 1929 and occupies the fourth side of the building. While the organ is not specifically listed, it is considered by Council's Heritage Advisor to be an important element that contributes to the integrity of the "highly intact' interior of the Church. On this basis, discussions have been held with the applicant who has agreed to the leave the pulpit in its original location; and retain the pipe mechanism of the organ which makes the most valuable visual contribution to the intact church interior in relation to the organ. It is proposed to remove the console of the organ and store this on-site. This proposal was acceptable to Council's Heritage Advisor as the change is reversible and removal of the console will have little impact on the significance of the decorative interior. A planning permit condition is proposed to address this.

Other changes to the Church, such as the lowering of the floors, are considered appropriate to ensure the ongoing use of the building.

Changes are proposed to the vestry that links the Church and Hall to facilitate a new entrance that would provide an internal link to the Church and Hall buildings suitable for disabled access. The existing vestry and meeting room linking the two buildings is not considered part of the significant building, therefore, the proposed changes are considered acceptable.

The new garage and mortuary to be positioned on the eastern side of the hall will be constructed in brick to match the existing brick walls, with two roller doors on the north elevation of the addition.

Council's Heritage Advisor supports the addition on the basis that it will not alter the original external detail of the hall and the addition is distinguishable as a later addition. Therefore, the proposed addition is considered to be appropriate as it will not detract from the significance of the hall or overwhelm views to significant aspects of the hall.

d) Particular Provisions

The table to Clause 52.06 sets out the number of car spaces required for the Funeral Parlour as 0.3 car spaces to each seat or to each m² of net floor area, whichever is greater.

The principle use of the site will be as a Funeral Parlour although there will be other ancillary uses. For example, part of the hall will be used for an office and the main area of the hall used for refreshments after funeral services. These ancillary uses relate directly to the use of the land for a Funeral Parlour, the primary activity which generates the need for car parking, therefore, the car parking rate has been assessed on the basis of the primary use only.

The existing church has a floor area of 223m² with a seating capacity of 215. Using the formulae above, the floor area generates a car parking requirement for 67 spaces while the seating capacity generates a car parking requirement for 65 spaces.

The plan submitted with the application shows a total of 53 car spaces in three separate car parking areas. The main car park caters for 32 car spaces, while the secondary car park which gains access from Skene Street provides 16 car spaces. The garage shows the capacity for 4 car spaces, two within the garage and two external spaces. The area shown for parking of the hearse has been included in the applicant's calculations for car parking.

In support of the reduction in car parking the applicant has advised that additional car parking is provided in both Skene and Manifolds Streets of around 15-20 car spaces. The applicant has also advised that from past experience, cars will generally carry 2-3 people in a single car.

On this basis, the actual demand for parking would be in the vicinity of 60-70 car spaces at times when the chapel is used to full capacity.

The State Government's Advisory Committee Report 'Review of Parking Provisions in the Victoria Planning Provisions' prepared in August 2007 recommends that the car parking rate for Funeral Parlours remain as is.

Council has engaged Consultants, AECOM Australia to prepare a car parking study for Apollo Bay and Colac Townships. An Issues and Opportunities Paper has been prepared for Colac Township in March 2010. As part of the Issues and Opportunities Paper, weekday and weekend surveys were undertaken to assess the demand for car parking in relation to the existing supply. The surveys undertaken show that demand for car parking on the north side of Skene Street, between Grant and Corangamite Streets, during the weekday and weekend was low and in the range of 0%-50% occupancy.

If it is accepted that 53 car spaces can be provided on-site then the applicant is seeking approval for a reduction of 12 car spaces. It may be possible to incorporate additional car parking on-site if you were to utilise some of the open space on the north side of the Church, however, this would not be desirable from an urban design perspective as it would detract from the significance of the heritage building. The proposed car park areas have been designed to incorporate considerable landscaping to soften and improve the urban design outcome.

Given the level of on-street car parking provided in surrounding streets and the level of on-site car parking being provided, the reduction in car parking of 12 spaces is considered reasonable.

Consideration of the Proposal

The former Wesleyan Methodist Church and Hall have significant heritage values both architecturally and socially to the community. The proposed use of the buildings for a funeral parlour is sympathetic to the original community use of the buildings by retaining a sense of 'public' access when funeral services are held.

The proposed buildings and works are modest and do not detract from the heritage significance of the buildings.

The reduction in car parking sought is not unreasonable given the emphasis placed on the urban design outcome achieved through the car parking layout and the level of landscaping proposed. Landscaping along the eastern residential interface boundary will assist in protecting amenity and privacy of the dwellings.

The proposed use and development is a highly desirable outcome that ensures the long term protection of a significant heritage place.

Corporate Plan / Other Strategies / Policy
The Colac Structure Plan, February 2007 provides a framework for land use and development of the Colac Township for a 20 year horizon. The most relevant objective is to: *Provide areas for the location of support services, particularly those that provide convenience services and serve primarily local functions.*

The Heritage Study 2003 and Heritage Policy at Clause 22.01 of the planning scheme, encourage the protection and conservation of heritage buildings and places.

Council has engaged AECOM Australia to prepare the Apollo Bay and Colac Car Parking Study. An Issues and Opportunities Paper has been prepared for both townships and consultation has taken place with the community. A draft study is being prepared and will be reported to Council in the near future.

Financial & Other Resource Implications
There are no financial or other resource implications associated with this proposal.

Risk Management & Compliance Issues
There are no risk management or compliance issues associated with this proposal.

Environmental Consideration / Climate Change
There are no environmental or climate change considerations associated with this proposal.

Communication Strategy / Consultation Period
Public notice of the application was required. The applicant will be advised of Council's decision. No other consultation was undertaken.

Conclusion
The proposed use and alterations to the existing buildings are consistent with the relevant policies relating to this site. Supporting the use of the land for a funeral parlour will assist in the long term protection of the heritage place and the use is considered to be compatible with the surrounding residential and commercial uses. The proposed use is unlikely to have an unreasonable impact on the amenity of the immediate area.

The reduction in car parking is reasonable given the overall urban design outcome for the site.

Attachments
NIL
Recommendation(s)

That Council's Planning Committee resolves to grant a Planning Permit for the use of the land for a Funeral Parlour, building and works and reduction of car parking at 15 Skene Street, Colac subject to the following conditions:

1. ***Before the development start(s), 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 three copies must be provided. The plans must be generally in accordance with the plans prepared by G De La Rue Architect Ref:10:30 dated 02/08/10 submitted with the application but modified to show:***

    a) ***the deletion of car park 1 in the secondary carpark.***

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

3. ***Before the use commences, the owner must enter into an agreement with the Responsible Authority made pursuant to Section 173 of the Planning and Environment Act 1987 to provide for the following:***

    a) ***Neither Crown Allotment may be independently disposed of unless the use of the land approved by PP212/2010 for a Funeral Parlour ceases.***
    b) ***The organ console will be kept and stored on the subject site in a cool, dry place not subject to large temperature fluctuations unless reinstated in its original location within the Church.***
    c) ***The pulpit and pipe mechanism associated with the organ console must not be removed from their current location within the Church or allowed to deteriorate.***
    d) ***The areas set aside for the parking of vehicles and access ways approved by PP212/2010 must be constructed to a sealed surface within two (2) years of the commencement of the use of the subject land as a Funeral Parlour.***

    Before the use commences, application must be made to the Registrar of Titles to register the Section 173 Agreement on the title to the land under Section 181 of the Planning and Environment Act. The permit holder must pay the reasonable costs of the preparation, execution and registration of the Section 173 agreement.

4. ***Prior to the commencement of the building and works, and the removal of the organ console, the pulpit and pipe mechanism must be photographically recorded; the organ console must be photographically recorded in its current location to allow for the potential accurate reinstatement of the organ in its original location if so required in the future. Three copies of this photographic record should be prepared with one submitted to the responsible authority, one kept with the organ console and one retained by the permit holder for their records.***

5. The organ console must be retained and stored with a dust cover covering the whole of the organ on the church complex site in a cool, dry place not subject to large temperature fluctuations to the satisfaction of the responsible authority.

6. The organ console should be inspected at six (6) monthly intervals to assess the condition of the item, the ongoing suitability of the storage location and for insect attack to the satisfaction of the responsible authority.

7. The original external and internal colour schemes of the Church and Hall must not be altered without the further written approval of the responsible authority.

8. The hall is only permitted to be used in conjunction with the use of the land for a Funeral Parlour. The hall must not be used independently as a place of assembly without the further written consent of the responsible authority.

9. The existing brick fence along the Skene, Manifold and Grant Street must be retained and kept in good repair to the satisfaction of the responsible authority.

10. A fence and gate should be provided to secure entry and exit to the main and secondary car parking areas to prevent access by non authorised persons outside of operating hours to the satisfaction of the responsible authority.

11. A 1.8 metre high paling fence should be provided along the eastern boundary of Crown Allotment 2 at the cost of the permit holder to the satisfaction of the responsible authority.

12. The use may operate only between the hours of 8.30 am to 5.30 pm for funeral services. Limited access outside these hours is permitted to authorised personnel in receiving or preparing activities associated with the mortuary.

13. Prior to the commencement of the development, a landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The landscaping plan must be generally in accordance with the landscape concept plan dated 02/08/10 prepared by Geoff De La Rue, except that the plan must show:

- ***a) A survey (including botanical names) of all existing vegetation to be retained and/or removed (any trees to be removed must be supported by an Arborist's report);***
- ***b) Details of surface finishes of pathways and driveways;***
- ***c) A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant;***
- ***d) Landscaping must comprise of a mixture of canopy trees throughout the car parking areas and shrubs and ground cover;***
- ***e) Clear identification of existing mature trees to be protected as required by condition 15 during the construction of the car park .***

All species selected must be to the satisfaction of the Responsible authority.

14. The landscaping shown on the endorsed plans must be established prior to the commencement of the use and maintained to the satisfaction of the responsible authority, including that any dead, diseased or damaged plants are to be replaced.

15. Before the commencement of the development of the car parking area, a 'Tree Protection Zone' must be established around the existing mature trees identified on the endorsed Landscape Plan. The tree protection zone is to be calculated by being the radius 12 times the diameter at Breast Height (DBH).
A tree protection fence must be erected around the existing mature trees to provide for a 'Tree Protection Zone'. The fence must be to the satisfaction of the responsible authority and remain in place until construction of the car parking areas is complete. The ground surface of the Tree Protection Zone must be covered by a 100mm deep layer of mulch before the development starts and be watered regularly to the satisfaction of the responsible authority.

16. Prior to commencement of any construction on this site, a detailed Construction Management Plan must be submitted to and approved by the Responsible Authority. This plan must detail the following:

- ***a) A staging plan for all construction phases including indicative dates for commencement and completion;***
- ***b) Intended access for construction vehicles;***
- ***c) Engineering assessment of assets that will be impacted on by construction and recommended techniques to minimise any adverse impact (e.g. retaining walls, protective scaffolding, etc);***
- ***d) Details of actions to be implemented in the event of damage to abutting assets;***
- ***e) Details of where construction personnel will park;***
- ***f) Hours/days of construction;***
- ***g) Phone numbers of on-site personnel or other supervisory staff to be contactable in the event of issues arising on site;***
- ***h) Details of site cleanliness and clean up regimes;***
- ***i) Material storage;***
- ***j) Dust suppression.***

When approved this Construction Management Plan shall form part of this permit as it relates to the development.

17. All development and works must be carried out in accordance with the Construction Management Plan required by the above condition and endorsed under this permit, to the satisfaction of the Responsible Authority.

18. During the construction phase of the development, the following conditions must be met:

- ***a) Only clean rainwater shall be discharged to the stormwater drainage system;***

b) Stormwater drainage system protection measures shall be installed as required to ensure that no solid waste, sediment, sand, soil, clay or stones from the premises enters the stormwater drainage system;

c) Vehicle borne material from the premises shall not accumulate on the roads abutting the site;

d) All machinery and equipment must be cleaned (if required) on site and not on adjacent footpaths or roads;

e) Fencing is to be fitted and installed so as to ensure safe access for pedestrians;

f) All litter (including items such as cement bags, food packaging and plastic strapping) must be contained on site.

to the satisfaction of the Responsible Authority.

19. 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) designed and constructed to conform with AS/NZ2890.1:2004 Australian standards;

b) disabled spaces and access ways designed and constructed to conform with AS/NZ2890.6:2009 Australian standards;

c) properly formed to such levels that they can be used in accordance with the plans;

d) surfaced with all weather surface;

e) drained and maintained;

f) line marked to indicate each car space and all access lanes and designated loading bay;

g) clearly marked to show the direction of traffic along access land and driveways;

h) constructed with entry/exit signs provided at the Skene and Manifold Street entries;

i) all existing vehicle crossings and property entry/exit points that are not required are to be removed and reinstated;

to the satisfaction of the Responsible Authority.

Car spaces, access lanes and driveways must be kept available for these purposes at all times.

20. The areas set aside for the parking of vehicles and access ways approved must be constructed to a sealed surface within two (2) years of the commencement of the use to the satisfaction of the Responsible Authority.

21. No fewer than 52 car parking spaces must be provided on the land.

22. Vehicular crossing(s) must be constructed to the road to suit the proposed driveway(s) to the satisfaction of the Responsible Authority and any existing crossing or crossing opening not required must be removed and replaced with footpath, nature strip, and kerb and channel to the satisfaction of the Responsible Authority.

23. All run off from stormwater must be taken to a legal point of discharge to the satisfaction of the Responsible Authority, and the hard stand areas of the development must be designed to incorporate water sensitive urban design principles to the satisfaction of the responsible authority. Drainage plans must be submitted to the responsible authority for approval prior to commencement of the development and demonstrate that a maximum discharge rate of 30 litres per second per hectare is not exceeded.

24. Outdoor lighting must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining properties.

25. The loading and unloading of goods from vehicles must only be carried out on the land and must not disrupt the circulation and parking of vehicles on the land or in the streets nearby.

26. 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.

27. All infectious waste must be handled in accordance with Health Regulations and collected on a regular basis by a private contractor for disposal.

28. Prior to the commencement of the use, the kitchen must be of a standard that meets the Health Regulations for the preparation and serving of food to the public to the satisfaction of the responsible authority.

29. This permit will expire for the use and development if one of the following circumstances applies:

- ***a) The use and development is not commenced within two years of the date of this permit;***
- ***b) The use and 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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PC101011-5 DEVELOPMENT OF THE LAND FOR SEVEN DWELLINGS AND USE FOR CRISIS ACCOMMODATION AT 10 MARTIN STREET APOLLO BAY

AUTHOR:	Anne Sorensen	ENDORSED:	Jack Green
DEPARTMENT:	Sustainable Planning & Development	FILE REF:	PP259/2009

Location: 10 Martin Street, Apollo Bay (Crown Allotment 17, Section 16, Township of Apollo Bay, Parish of Krambruk)

Zoning: Residential 1 Zone

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

Proposed Amendments: Nil

Purpose:

This application seeks approval for construction of seven dwellings on the site to be used for crisis accommodation.

The application is before Council's Planning Committee as five objections have been received.

It is recommended that a Refusal to Grant a Planning Permit be issued.

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

Summary

- The application is for the construction of seven dwellings to be used for crisis accommodation.
- The application requires planning approval for the use and development. The State Planning Provisions encourage the establishment of crisis accommodation and community care units in residential areas to remain confidential.
- The application was advertised as construction of seven dwellings, without reference to the crisis accommodation, in an effort to keep the location confidential.
- Five (5) objections were received and raised concerns relating to the nature of accommodation, the proximity of existing similar accommodation, escalation of social and security problems, increased pedestrian and traffic, loss of amenity, problems with off-site management and supervision, long term use of the units, overdevelopment of the site, inadequate size of dwellings, development not in keeping with the character of the area, and being contrary to good planning principles and policy.
- The standard of housing proposed is poor and does not meet a number of Rescode provisions. The proposal is an overdevelopment of the site, and the dwellings are of inadequate size to achieve a reasonable standard of residential amenity.
- The application states that the development will be used for short term crisis accommodation, but that the length of stay may be up to 12 months.

- While the site may be suitable for medium density development, the proposed density and built form is inappropriate and the application should not be supported. It is recommended that a Refusal to Grant a Planning Permit be issued.

Background

Planning permit (PP92/07) was issued on 26 July 2007 for a relocatable unit (a second dwelling) on this site. Permit conditions required that the relocatable unit be removed within 3 years (by 26 July 2010).

Issues / Options
Council has the options of:

a) Supporting the application through the Notice of Decision to Grant a Planning Permit subject to conditions;

b) Supporting the application with changes;

c) Refusing to grant a permit.

The key issue for consideration is the quality of the development and liveability of the dwellings, compliance with Rescode provisions and response to neighbourhood character.

It is recommended that Option (c) is supported.

Proposal
The application seeks approval for use and development of the land for seven dwellings to be used for crisis accommodation.

The proposed dwellings are small, single storey and constructed of a mix of brickwork and weatherboard or similar external cladding with colourbond roofing (Units 1 and 2), and weatherboard or similar external cladding with colourbond roofing (Units 3 to 7). The units vary in size, layout and orientation.

Units 1 and 2 are located adjacent to the Martin Street frontage and constructed to the side boundaries. They have the same layout (mirror imaged) and are the largest of the proposed units. They comprise an entry, open plan kitchen/dining/living area, two bedrooms and a bathroom. A rear north facing private open space area and service courtyard (35 square metres) is proposed adjoining the living area, and a single carport is proposed at the entry to each.

Units 3 to 7 are similar in layout but vary in orientation. They appear to be of prefabricated construction. Units 3, 4 and 5 have an east-west orientation and are sited adjacent to the west boundary. Units 6 and 7 have a north-south orientation and are located adjacent to the east boundary. Each of these units comprises a combined bedroom/living area ('bed sit' style), a small kitchen and an ensuite bathroom. A small north facing private open space area and services courtyard (25-27sqm) is proposed adjacent to the living area of each. Units 3 and 4 are identified as being for disabled persons and are slightly larger (41.55sqm). Units 5, 6 and 7 have a total area of 38.89sqm. A single car parking space is proposed for each unit, including two for disabled use, in a central parking area adjacent to the west boundary. Gravel paths are proposed to provide access from the parking area to each unit.

The development will be accessed via a central gravel driveway and a new double crossover from Martin Street. A communal open space area, a shared laundry (laundry facilities are not proposed in any of the units), and a visitor car space are proposed adjacent to the east boundary in the centre of the site. An additional communal open space area is proposed between the units adjacent to the north boundary.

The units are to be developed by the Apollo Bay Lions Village Incorporated (which is a non-profit organisation that owns the site), and they will be used to provide crisis accommodation. With respect to the operation of the accommodation, the application states that the business will be managed by the Salvation Army Social Housing Services who will be responsible for the management of the units including leasing and collection of small rent. Otway Health will provide off-site supervision from their offices in Apollo Bay (there will be no on-site supervision or management). The applicant advises that the number of staff will depend upon whom is working at Otway Health, maximum number of residents is 18 (capped), hours of operation are 24 hours a day-7 days a week, and the length of stay varies between 1 week up to 12 months (in extreme cases).

Site & Surrounds

The site is located on the north side of Martin Street, between Pascoe and McLachlan Streets, in an established residential area of Apollo Bay. It is within short walking distance (280 metres northwest) of the commercial area of Apollo Bay and has views of Otway foothills to the north and northwest.

The site has a rectangular shape with a north-south orientation. It has a southern frontage to Martin Street of 20.12 metres and a depth of 63.41 metres, for a total area of 1,265m^2. The site contains an existing single storey weatherboard dwelling with a double garage along the street frontage, and a bungalow, a relocatable unit (a second dwelling approved under PP92/07), and small steel shed to the rear of the garage. The remainder of the site is vacant with some scattered vegetation. There is an existing gravelled crossover in the centre of the site.

Martin Street is a sealed bitumen road with open drains, no footpaths, or kerbs and channel. A government road is located adjacent to the southern portion of the eastern boundary. An unmade government road is located to the rear of the site adjacent to the north boundary. Powerlines run along the north side of Martin Street in front of the site.

Surrounding lots generally contain single storey residential development. Land adjoining to the immediate east contains a modern single storey brick unit with a second unit to the rear. Further east there are four modern brick single storey units. Adjoining to the west is a large single storey weatherboard dwelling and further west, a 1960/70's style attached six unit development. The south side of Martin Street opposite the site is characterised by older style single storey dwellings and a newer two storey dwelling. The Lions Village has an eight unit accommodation complex at 7-9 Martin Street to the southwest of the site. These units are relocatable style buildings.

Public Notice

The application was advertised pursuant to Section 52 of the Planning and Environment Act 1987 with public notices being sent to adjoining property owners/occupiers and a sign placed on-site for a period of 14 days.

Given the confidentiality requirements of Clause 16.04, the original application was amended to delete all reference to 'crisis accommodation' and was advertised as construction of seven dwellings.

It should be noted that the applicant did not have the revised documentation available throughout the original notice period. As a result, the applicant was required to readvertise the proposal for an additional 14 days.

At the conclusion of the notification period a total of five (5) objections were received.

The grounds of objection may be summarised as follows:

- There is existing development in Martin Street which was originally built for aged persons and is now being used for disadvantaged low income and disabled residents. A concentration of this type of development and use may lead to unacceptable social and amenity impacts for existing residents in the immediate area;
- Concerns have been raised in relation to the ability of the Salvation Army Housing Services, who are not locally based, and Otway Health to provide adequate on-going supervision of the complex.
- Concerns have been raised that the units may be permanently let if there are few or no people requiring crisis accommodation, as has happened with the original Lionsville elderly units.
- The proposal will create a precinct in Apollo Bay that is out of character with the rest of the town.
- Consistency of the development with the Colac Otway Shire's building code.
- The proposal is an overdevelopment of the site which will result in loss of privacy and value for adjoining properties.
- The size of the dwellings appears to be inadequate for a reasonable standard of living. Substandard style accommodation should not be permitted as long term housing in a residential area.
- The proposal is contrary to good town planning principles and proper planning policy.

The matters raised by the objections are discussed in later sections of this report.

Referrals
The application was referred to Council's Infrastructure Department, who provided no objection subject to conditions relating to access, car parking, drainage and bin storage.

Planning Controls
The land is contained within the Residential 1 Zone where a planning permit is required for the development of land for medium density development. The site is also covered by the Design and Development Overlay – Schedule 6 – Medium Density Residential Areas. In accordance with Clause 52.22 Crisis Accommodation, a planning permit is required for the use where the building has more than 10 habitable rooms. The development proposed has 11 habitable rooms which triggers approval for the use.

The need for a permit is specifically triggered by the following Clauses:

- Clause 32.01-4 - Construction or extension of two or more dwellings on a lot.
- Clause 32.01-6 - Buildings and works associated with a Section 2 Use.
- Clause 43.02-2 - Construction of a building or construct or carry out works;
- Clause 52.22 – Use of the land for crisis accommodation.

There are a range of State and Local Planning Policies that must be considered when assessing this application. These are detailed below.

a) State and Local Planning Policy Framework, including the Municipal Strategic Statement.

The policy framework seeks 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 11.02-3 – Settlement – Structure Planning
- Clause 11.05-5 – Coastal Settlement
- Clause 12.02-6 - The Great Ocean Road Region
- Clause 15.01-2 - Urban Design Principles
- Clause 16.01-1 - Residential Development - Integrated Housing
- Clause 16.01-4 - Housing Diversity
- Clause 16.01-5 - Housing Affordability
- Clause 16.02-2 - Crisis Accommodation and Community Care Units
- Clause 21.03-3 - Settlement - Apollo Bay and Marengo

The State and Local Planning Policies provide a range of objectives that should be met when assessing medium density development for socially disadvantaged persons. While the proposal aims to provide housing for a discrete section of the community the design of the buildings are not of a standard that can be supported. The proposal meets the broader strategic objectives by providing medium density development in a coastal location, however, the design of the buildings does not promote best practice urban design principles and fails to make a positive contribution to the local neighbourhood character of the area. As such, it is considered that the development does not implement the objectives of Clauses 16.01-1, 16.01-4 and 16.01-5 as detailed below.

With respect to residential development, Clause 16.01-1 aims to facilitate the delivery of high quality social housing to meet the needs of Victorians, and Clause 16.01-4 - Housing Diversity, seeks to encourage the development of well-designed, medium-density housing which respects neighbourhood character.

Clause 16.01-5 - Housing Affordability, aims to improve housing affordability by promoting good housing and urban design to minimise negative environmental impacts and keep down costs for residents and the wider community.

Clause 16.02-2, Crisis Accommodation and Community Care Units, is particularly relevant to this application. It aims to encourage the establishment of crisis accommodation and community care units in residential areas and to ensure that their location is kept confidential. It states that planning schemes must not:

- Require a planning permit for or prohibit the use of a dwelling of up to 10 habitable rooms in a residential area as shared housing or crisis accommodation.
- Identify the site of a community care unit or a dwelling used for crisis accommodation as having that use.
- Require a permit for or prohibit the use of buildings for community care units (with accommodation for no more than 20 clients plus supervisory staff) in areas used mainly for housing.

A permit is required for use as it will comprise of more than 10 habitable rooms.

Relevant local policy (Clause 21.03-3 - Settlement - Apollo Bay and Marengo) states that a key role of Apollo Bay is to provide a diversity of housing opportunities consistent with its identity and local character. It identifies the need to provide high quality design and living, offering improved community facilities and services.

b) Zoning

The site is located within a Residential 1 Zone under the Colac Otway Planning Scheme. The purpose of the zone is as follows:

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

A permit is required to develop land for two or more dwellings on a lot (Clause 32.01-4 and 32.01-6), and the proposed development must meet the requirements of Clause 55 (ResCode).

While the proposal is intended to provide affordable social housing for a discrete sector of the community, the design of the buildings fails to satisfy a number of objectives and standards contained in Clause 55 – Rescode.

c) Overlay Controls

The site is covered by the Design and Development Overlay – Schedule 6 – Medium Density Residential Areas. This overlay implements the recommendations of the Apollo Bay Structure Plan and Neighbourhood Character Study 2003. A permit is required for buildings and works under Clause 43.02-2 of this overlay.

The relevant DDO6 Design Objectives include:

- To protect the existing low scale coastal character and identity of Apollo Bay.
- 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.

Relevant design requirements include:

- Simple building details.
- A mix of contemporary and traditional coastal materials, textures and finishes.
- Colours and finishes that compliment those occurring naturally in the area.
- Articulated facades
- Articulated roof forms on new developments to provide visual interest to the street.
- On larger sites, articulated facades to emulate the fine grain (narrow frontage) subdivision pattern in the centre.

Decision Guidelines require consideration of the extent to which the development meets the objectives and design responses for the precinct within which it is located as specified in the Apollo Bay and Marengo Neighbourhood Character Study 2003.

The site is within Precinct 3 of the Neighbourhood Character Study. The Preferred Character Statement for this Precinct requires a mix of building forms and types that reflect the coastal town setting, ensuring that dwellings demonstrate a high level of contemporary finish, minimizing the impact of car parking structures on the streetscape, and ensuring that dwellings contribute to the coastal character of the setting and amenity of the streetscape.

It is considered that the built form does not respond well to the provisions of this overlay. The dwellings appear to be of prefabricated construction, rather than a design that has evolved from an analysis of the site and relevant planning controls. The development proposes a uniform housing style, some of the elevations are unarticulated with sheer walls, some of the units are sited at an angle to the street rather than parallel to the front boundary, there is a lack of materials, textures and finishes with a high level of contemporary finish, the carports to Units 1 and 2 are dominant components that obscure the entries to these units, and the frontage is dominated by crossovers, driveways and car parking. The proposal does not reflect the coastal town setting, and does not contribute to the amenity of the streetscape, contrary to the provisions of this overlay.

d) Relevant Particular Provisions

Clause 52.22 – Crisis Accommodation

Under this provision, a permit is not required to use a building, including outbuildings normal to a dwelling, to house people and any dependants at times of personal emergency or crisis if the building meets all of the following requirements:

- Is in an area or zone which is used mainly for housing.
- Provides self contained accommodation.
- Does not have more than 10 habitable rooms.

The site is within a residential area and the application proposes self contained accommodation, apart from shared laundry facilities. Although the development proposes separate dwellings, combined there are a total of 11 habitable rooms proposed on the site and as such it has been considered that planning approval is required for the use.

Clause 55 – Two or More Dwellings on a Lot

The proposal has been assessed against the provisions of Clause 55 (ResCode). Areas of non-compliance are summarised below:

Clauses 55.02-1 & 55.06-1 - Neighbourhood Character and Detailed Design Objectives

The proposal does not achieve a good design outcome as required by the Neighbourhood Character and Detailed Design Objectives of ResCode. These objectives seek to ensure that the design respects the existing neighbourhood character or contributes to a preferred neighbourhood character, and to ensure that development responds to the features of the site and the surrounding area. Similarly, the Design and Development Overlay Schedule 6 (DDO6), which implements the recommendations of the Apollo Bay Structure Plan (ABSP), also encourages well designed development that complements the character of the township.

The development is not designed to meet these objectives and does not respect the exsiting character of the immediate area or make a positive contribution to the coastal character of the setting and the amenity of the streetscape. Despite highlighting these concerns to the applicant in the early stages of the assessment process, the development was not revised to achieve a better design outcome. It is considered that the proposal is an overdevelopment of the site that does not contribute to the preferred character of the area.

Clauses 55.03-7 & 55.05-2 - Safety and Dwelling Entry Objectives

The Safety Objective seeks to ensure the layout of development provides for the safety and security of residents and property. It requires that entrances to dwellings should not be obscured or isolated from the street and internal accessways, and that developments should be designed to provide good visibility and surveillance.

The Dwelling Entry Objective aims to provide each dwelling with its own sense of identity. Standard B26 requires that entries to dwellings should be visible and easily identifiable from streets and other public areas, and provide shelter, a sense of personal address and a transitional space around the entry.

The entrances to Units 1 and 2 fail to meet these objectives. The entries are located under the carport structures and will be obscured and isolated. They will not be easily identifiable, and will be obstructed with little transitional space when the carports are in use. The visibility and surveillance from these units will also be impeded.

Clause 55.03-10 - Parking Location Objectives

This Clause requires that shared accessways or car parks of other dwellings should be located at least 1.5 metres from the windows of habitable rooms. This setback may be reduced to 1 metre where there is a fence at least 1.5 metres high or where window sills are at least 1.4 metres above the accessway.

The living room windows to Units 1 and 2 are not located over 1.5m from the shared accessway, and as such do not satisfy this objective. The applicant has sought dispensation for this requirement.

Clause 55.05-4 - Private Open Space Objective

This objective seeks to provide adequate private open space for the reasonable recreation and service needs of residents. It requires that a dwelling should have private open space consisting of an area of 40 square metres, with one part of the private open space to consist of secluded private open space at the side or rear of the dwelling with a minimum area of 25 square metres, a minimum dimension of 3 metres and convenient access from a living room.

The proposal does not satisfy this requirement, with private open space areas to the units ranging from 25 to 35 square metres. None of the dwellings will have 40 square metres of private open space as required by Standard B28. Each will have at least 25 square metres with a minimum dimension of 3 metres and convenient access from a living room, however, solar access to Units 3 and 4 private open space areas is not achieved. The applicant has sought dispensation for this requirement due to the nature of the use. Two areas of communal open space are proposed on-site.

Clause 55.05-5 - Solar Access to Open Space Objective

This objective aims to allow solar access into the secluded private open space of new dwellings. It states that the southern boundary of secluded private open space should be set back from any wall on the north of the space at least (2 + 0.9h) metres, where 'h' is the height of the wall.

The private open space areas to Units 3, 4 and 5 do not meet this objective. The width of the private open space areas to these units is only 3 metres, whereas a setback of 4.16 metres is required to achieve appropriate solar access in accordance with this objective. The applicant has sought dispensation for this requirement due to the nature of the use.

Clause 55.05-6 - Storage Objective

This objective seeks to provide adequate storage facilities for each dwelling. It states that each dwelling should have convenient access to at least 6 cubic metres of externally accessible, secure storage space. Small storage cupboards are proposed at the entry to Units 1 to 5 and along the north elevation of Units 6 and 7. These spaces do not provide 6 cubic metres of storage. The applicant has also sought dispensation for this requirement due to the nature of the use.

Consideration of the Proposal

The proposal does not achieve an appropriate outcome against the planning policy context. It does not satisfy relevant Local and State policies which consistently require that the character of coastal towns be respected and that best practice design in new development be achieved. Whilst Clause 21.03-3 - Settlement - Apollo Bay and Marengo states that a key role of Apollo Bay is to provide a diversity of housing opportunities consistent with its identity and local character, it also identifies the need to provide high quality design and living. With respect to housing, relevant State Policies aim to facilitate the delivery of high quality social housing (Clause 16.01-1-Integrated Housing), and to improve housing affordability by promoting good housing and urban design (Clause 16.01-5-Housing Affordability). Clearly new social housing developments should contribute positively to local urban character and provide high quality accommodation.

The proposal also fails to satisfy the purpose of the Residential 1 Zone and provisions of Design and Development Overlay – Schedule 6 – Medium Density Residential Areas. Whilst the proposal will provide for residential development at a range of densities with a variety of dwellings, the design and built form will not contribute to the character of the area.

The built form does not respond well to the Preferred Character Statement for Precinct 3 as required by the DDO6 overlay. The proposal fails the Neighbourhood Character and Detailed Design Objectives of ResCode. The proposal does not reflect the coastal town setting, and does not contribute to the amenity of the streetscape, as required by these provisions.

While the provision of social and crisis accommodation is supported in principle, the design of such development should not be compromised and persons using this type of accommodation should be ensured that the accommodation is of a standard that is acceptable and complies with relevant planning controls. The application states that the development will be used for short term crisis accommodation, but that the length of stay may be up to 12 months.

Although it may be possible to enforce this by applying appropriate conditions, this does not address the issues raised with the design of the development. Should the crisis accommodation use cease on this site, the development could be used to provide for permanent residency in housing that has not been design for this type of occupancy.

The application is not supported on the basis of inappropriate design and built form. However, provision of affordable, social and crisis housing is supported in principle as it has an important and legitimate role in providing housing options and meeting the needs of socially disadvantaged members of the community. Although it is important that where social or crisis housing is provided that it is appropriately managed and the occupants are given the necessary support needed.

Many of the concerns raised by the objectors relate directly to the design of the development. These concerns have been taken into consideration as part of the assessment of the proposal.

The proposal does not provide a satisfactory response to relevant controls, and approval of this application would be an inappropriate planning outcome. It is therefore recommended that the application be refused.

Corporate Plan / Other Strategies / Policy

The Apollo Bay Structure Plan April 2007 provides a 20 year framework for land use and development of Apollo Bay and incorporates the objectives and strategies of the Neighbourhood Character Study 2003 which is implemented through the Design and Development Overlay - Schedule 6 (DDO6).

Financial & Other Resource Implications
There are no financial or other resource implications associated with this proposal.

Risk Management & Compliance Issues

Council's Enforcement Officer will follow up on compliance of a planning permit issued in 2007 for a second dwelling on the land.

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 required. All parties will be advised of the decision and provided an opportunity to appeal the decision at VCAT.

Conclusion
It is considered that the proposal does not respond appropriately to relevant planning controls, including State and Local policy, Residential 1 Zone, ResCode and DDO6 provisions. The application presents an inappropriate design and built form that will not make a positive contribution to the streetscape or the character of the area. The size and siting of the dwellings is inadequate to achieve a reasonable standard of livability for occupants or residential amenity. Although the use of the development for crisis accommodation is supported in principle, the standard of the built form is considered unacceptable.

It is recommended that a refusal to grant a planning permit be issued.

Attachments
Nil

Recommendation(s)

That Council's Planning Committee resolves to issue a refusal to grant a Planning Permit PP259/2009-01 for the development of seven dwellings and use for crisis accommodation at 10 Martin Street, Apollo Bay on the following grounds:

1. ***The proposal is not consistent with relevant State and Local Planning Policy, in particular Clauses 12.02-6, 15.01-2, 16.01-1, 16.01-4, 16.01-5 and 16.02-2.***

2. ***The proposed development does not comply with the purpose of the Residential 1 Zone and all of the objectives of ResCode.***

3. ***The proposal is contrary to the objectives of the Design and Development Overlay – Schedule 6 (Medium Density Residential Areas).***
4. ***The application presents an inappropriate design and built form that will not make a positive contribution to the streetscape and the preferred neighbourhood character of the area.***

5. ***The size and siting of the dwellings is inadequate in achieving an acceptable standard of liveability for occupants or residential amenity for short term or longer term occupancy.***

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PC101011-6 DEVELOPMENT OF TWO OUTBUILDINGS (STORAGE) AND THE WAIVER OF CAR SPACES AT 18 GRANT STREET, FORREST

AUTHOR:	Ros Snaauw	ENDORSED:	Jack Green
DEPARTMENT:	Sustainable Planning & Development	FILE REF:	PP169/2010

Location: 18 Grant Street, Forrest

Zoning: Township Zone

Overlay controls: Wildfire Management Overlay & Erosion Management Overlay

Proposed Amendments: Nil

Restrictive Covenants: Nil

Purpose:

An application has been submitted for the relocation of the old Forrest police building and lock-up for the storing of archive of photos, documents, maps and memorabilia relating to Forrest's History.

This application is before Council for consideration as the proposed development seeks a waiver of car parking.

It is recommended that a Notice of Decision be issued for approval 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 proposal is to relocate the old Forrest police building and lock-up to provide additional storage for the Forrest and District Historical Society.
- The proposed buildings are weatherboard construction and will be placed behind the existing Church and generally not visible from the street frontage.
- The buildings will not be open to the general public and only accessed by members of the historical society.
- The St James Anglican Church site currently provides no formal off street parking. Car parking is provided in the service road running parallel with Grant Street for church services.
- It is considered that the waiver of car parks is justified given that the purpose of the outbuildings are for storage only and will not generate any additional demand for car parking.
- It is recommended that Notice of Decision for a planning permit be issued subject to conditions.

Background
There have been no previous planning applications for this site.

Issues / Options
Council has the options of:
a) Supporting the application through the issue of a Notice of Decision for a Planning Permit subject to conditions.
b) Supporting the application with changes.
c) Refusing to grant a permit.

The key issue is whether the waiver of car parking is justified.

It is recommended that Option (a) is supported.

Proposal
The proposal comprises the relocation of the old Police office and lock-up for the purposes of storage of the Forrest and District Historical Society's archive of photos, documents, maps and memorabilia relating to Forrest's history. A waiver of car parking is sought as part of the application.

Details of the buildings are as follows:

- The old Police office is 5.6m x 5.7m with two porches 1.3m x 3m and 1.2m x 3m. Total area including the porches will be 39.42sqm. The height will be no greater than 4.5m. This outbuilding will be 6.4m to the west of an existing outbuilding and 16.6m to the west of the Church. The outbuilding will be 2.9m from the north boundary and 11.2m from the west boundary (rear of the subject site). This outbuilding will contain a toilet and washbasin;
- The lock-up is 3.2m x 3.2m having a total area of 10.24sqm. The height will be no greater than 3.4m. This outbuilding will be to the west 5.6m off the proposed outbuilding 1 and a total of 32m from the Church. The outbuilding is proposed to be 2.5m from the north boundary and 2.5 m from the west boundary (rear of the subject site).

Both sheds will be relocated from another site (Forrest Police Office and Lock-up in Station Street) and will have an external cladding of weatherboard with a tin roof.

The applicant has advised that the buildings will not be open to the public or used as a meeting place for the historical society members. The buildings will only be accessed by member of the society when storing or accessing resources and carrying out research for future publications.

The additional floor area generates a car parking requirement of 10% of the site area to be set aside for car spaces and access lanes, but not driveways in accordance with the provisions of the planning scheme. The applicant has stated that they are intending to avoid access to the storage buildings when the Church has a service therefore no real demand will be created by the proposed development and a waiver of the car parking is sought as part of this application.

Site & Surrounds
The subject site is located on the west side of Grant Street, Forrest and is currently used by the St James Anglican Church which provides regular church services and access to an 'opportunity shop'.

The allotment is rectangular in shape with a total area of 1012sqm. The allotment is accessed from a side access road running parallel to Grant Street. The church building is located towards the front of the site and car parking is provided in the street and informal car parking to the rear of the existing building.

Land to the north is used as a guest house with land to the south containing a residential dwelling. Land to the west is vacant.

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 one (1) sign on-site. The applicant has provided a Statutory Declaration stating that the advertising has been carried out in accordance with Council's requirements.

At the conclusion of the notice period a petition was received objecting to the relocation of the buildings to the site. The petition does not provide any further details in relation to the objection.

Referrals
The application was referred externally to the Country Fire Authority and internally to Council's Infrastructure and Building Departments. No objections were received subject to permit conditions should a planning permit be granted.

Planning Controls

a. State and Local Planning Policy Framework

The State and Local policy framework seeks 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 15.07 Protection from wildfire
- Clause 21.03-8 Smaller Townships
- Clause 21.04-5 Erosion

The proposal is considered to be in keeping with the objective of the above policies. The proposal does not alter the primary use of the site as a Church. The outbuildings form and style is consistent with existing infrastructure on-site.

b. Zone provisions

The site is zoned Township Zone (TZ). The objectives of the Township 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 and a range of commercial, industrial and other uses in small towns.
- To encourage residential development that respects the neighbourhood character.

A permit is required to use land as a 'store' and to undertake building and works associated with a Section 2 use pursuant to Clause 32.05-8. The existing use of the land for a church falls within the Place of Assembly definition of the planning scheme. However, the proposed use of the buildings for a store is a separate use and does not relate to nor is ancillary to the principle use of the site as a church.

c. Overlay Provisions

The site is affected by the Wildfire Management Overlay and the Erosion Management Overlay.

The purpose of the Wildfire Management Overlay is 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 identify areas where the intensity of wildfire is significant and likely to pose a threat to life and property.
- To ensure that development which is likely to increase the number of people in the overlay area:
  - Satisfies the specified fire protection objectives
  - Does not significantly increase the threat to life and surrounding property from wildfire.
- To detail the minimum fire protection outcomes that will assist to protect life and property from the threat of wildfire.

A permit is required to construct a building or construct or carry out works associated with a Place of assembly.

The purpose of the Erosion Management Overlay is 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 protect areas prone to erosion, landslip or other land degradation processes, by minimising land disturbance and inappropriate development.

A permit is required as the proposed buildings are greater than 20m² in surface area. A Geotechnical Report was submitted with the application.

d. Particular Provisions – Clause 52.06 - Car parking

Pursuant to Clause 52.06 of the Colac Otway Planning Scheme, a 'Store' attracts a car parking rate of 10% of the site area to be set aside for car spaces and access lanes, but not driveway. The site has a total area of 1012m² which requires that 101m² is required to be set aside for car spaces and access lanes. The applicant has requested a waiver of this requirement. Discretion is available in accordance with Clause 52.06 to waive car parking requirements. This issue is discussed in more detail later in the report.

Consideration of the Proposal

Buildings and Works

The proposed outbuildings are of a form and style consistent with existing infrastructure on-site. The outbuildings will be behind the existing Church and will not be a prominent feature of the site. The outbuildings will be clad in weatherboard with a tin roof which will be consistent with the materials that are currently on site.

Car Parking

The use of the proposed buildings will not generate the need for additional parking as it is intended to use the buildings for storage. The only time parking would be required is when a member of the Forrest and District Historical Society require access to the buildings. The buildings represent a separate use to the existing use of the land for a 'place of assembly' and given the nature of this use will not increase the current demand for parking when church services are conducted or the existing building is open as an Opportunity Shop. Church services are limited generally to three per month and the Opportunity Shop is open Friday and Saturday. These activities do not generate high levels of demand for parking as many people walk to the site.

The land has been used as a place of assembly for considerable time and retrospective consideration cannot be applied to this use in determining whether the current supply of car parking is adequate.

As the proposed use of the additional buildings will not generate demand for car parking it is considered that a waiver of car parking is justified and can be supported.

Corporate Plan / Other Strategies / Policy
Council has engaged Consultants, CPG Australia to prepare a structure plan for Forrest Township. A draft structure plan has been prepared and will be released in the near future for community consultation. This structure plan will provide a framework containing directions for future land use and development. It provides no specific directions for this site.

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
All parties will be advised of the decision and will have the opportunity to seek a review of Council's decision at the Victorian Civil and Administrative Tribunal.

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 Forrest and District Historical Society to house valuable documentation in a safe location. The waiver of car parking is acceptable given the level of activity that it will create will not be excessive and will not be in conjunction with the current use of the site.

It is recommended that a Notice of Decision be granted for the issued of a planning permit.

Attachments
Nil

Recommendation(s)

That Council's Planning Committee resolves to grant a Notice of Decision for a permit for the use and development of two outbuildings for a store and waiver of car spaces at 18 Grant Street, Forrest 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. ***Access onto and within the property must be constructed to the satisfaction of the Responsible Authority.***

3. ***Vehicular crossing(s) must be constructed to the road to suit the proposed driveway(s) to the satisfaction of the Responsible Authority.***

4. The driveway must be constructed to an all weather surface to the satisfaction of the Responsible Authority.

5. 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.

6. The outbuildings are to be used for storage only.

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

a) The development is not started 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 three months afterwards.

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PC101011-7 USE OF THE LAND FOR TRADE SUPPLY AND REDUCTION OF CARPARKING REQUIREMENT AT 52A RAE STREET, COLAC

AUTHOR:	Helen Evans	ENDORSED:	Jack Green
DEPARTMENT:	Sustainable Planning & Development	FILE REF:	PP297/2010

Location: 52A Rae Street, Colac

Zoning: Business 2 Zone

Overlay controls: Nil

Proposed Amendments: nil

Purpose:
An application has been submitted for the use of the land and the existing building as a trade supply business and a reduction of car parking requirements.

This application is before Council for consideration as the proposed development seeks a reduction of car parking.

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

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

Summary
- This application seeks approval to use the existing building for a Trade Supply Business and a reduction of car parking.
- The trade supply will provide electrical supplies at both wholesale and retail level.
- The building is not currently occupied
- Three car spaces have been provided onsite for this use.
- Based on an assessment of car parking demand and available in the immediate area, it is considered that adequate on-site parking provision has been made for this use and a reduction in the parking requirement should be supported.
- It is recommended that a planning permit be issued subject to conditions.

Background
Any previous existing use rights has expired as the previous retail activity ceased more than two years ago. The site was previously used as a paint supply business which could also be characterised as trade supplies.

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 reduction of car parking spaces is justified.

It is recommended that Option (a) is supported.

Proposal
This application seeks approval to use the land and the existing building as an electrical and data trade supply business at 52A Rae Street, Colac.

The building will be used for the sales of electrical and data trade supplier at a wholesale and retail level with associated storage of goods. The main clientele will be electrical tradespeople, builders, building sub-contractors and manufacturers of data and communications equipment, industrial controls and commercial lighting. Counter sales will be available to the general public. Proposed hours of operation are between 7.30am and 5.30pm.

A total of seven car spaces are provided on the site and three car spaces are dedicated to this occupancy. The parking and loading area are located at the rear of the site behind the building.

Site & Surrounds
The site is 1061m^2 and contains one single storey brick building on the southern side of Rae Street at the east end near the intersection of Rae and Queen Streets. The building has a total floor area of 440m^2 and is designed for four separate occupancies – three shops facing Rae Street and a caretaker's flat at the rear. This application seeks approval for the largest occupancy on the site with a floor area of 220m^2 for 52A. The building is designed with window shop frontage and covers the eastern portion of the lot with a driveway through to the carparking area at the rear. Other occupancies within the site include a sign writing business and an office. The railway line adjoins the southern boundary of the site. To the east of the site there are other vacant commercial buildings and to the west is another multi unit commercial development used for office activities. On the opposite side of Rae Street is the rear of Aldi Supermarket and the loading area for the other 4 retail outlets in that complex.

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 a sign was placed on the Rae Street front on the site for a period of 14 days.

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

Referrals
No referrals were considered necessary for this proposal as no works are proposed.

Planning Controls
The land is situated in Business 2 Zone (B2Z). No overlays affect the site. A planning permit is required for the use of the land as a Trade Supply in accordance with Clause 34.02-1; and a reduction of the car parking requirement in accordance with Clause 52.06.

State and Local Planning Policy
The State and Local Planning Policy Framework seeks 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 10 – Operation of the SPPF
- Clause 11.05 – Regional Development
- Clause 17 – Economic Development
- Clause 17.01 – Commercial
- Clause 21.02 – Vision
- Clause 21.03 – Settlement
- Clause 21.03-2 – Colac
- Clause 21.05 – Economic Development

The proposal is considered to be in keeping with the objectives of the above policies. The proposal does not propose to alter the existing buildings and makes use of existing commercial facilities located within the commercial precinct of Colac. The occupation of the building will assist in consolidating the commercial precinct and increase the economic sustainability of Colac.

Zoning

The land is zoned Business 2 Zone (B2Z). The purpose of the zone is:

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To encourage the development of offices and associated commercial uses.

The land use term 'trade supplies' is defined as:

'land used to sell by both retail and wholesale, or to hire, materials, tools equipment, machinery or other goods for use in:

a) Automotive repairs and servicing;
b) Building;
c) Commerce;
d) Industry;
e) Landscape gardening;
f) The medical profession;
g) Primary production; or local government, government departments or public institutions.

This use is nested in 'retail premises' and requires planning approval under the Business 2 Zone of the Colac Otway Planning Scheme.

In accordance with Clause 34.02-6 Advertising signs, any business identification signage greater than 8 square metres requires planning approval. Signage is proposed to be located on the existing shop façade totaling 5 square metres. No permit is required for the proposed signage.

Overlays
No overlays affect this site.

Particular Provisions – Clause 56.02 Car parking

Pursuant to Clause 52.06 of the Colac Otway Planning Scheme use of land for the purpose of Trade Supplies is not listed in the table to Clause 52.06-5. Where a use is not specified in the table at Clause 52.06-5, an adequate number of car spaces must be provided. In assessing an appropriate car parking requirement for Trade Supplies, a number of uses specified in the table to Clause 52.06-5 have been used as a guide.

Three dedicated car spaces have been provided on the land, therefore a reduction in car parking requirements is being sought. Discretion is available in accordance with Clause 52.06 to waive car parking requirements. This issue is discussed in more detail later in the report.

Consideration of the Proposal

Use of the land -

The proposal is considered to be consistent with the purpose of the Business 2 Zone as it is proposed to use the building for an activity that does not have a high level of patronage but provides goods and services to the building industry in a central location. Previous use of the building and adjoining buildings have been associated with trade supplies such as a paint shop, kitchen cabinetry, and Reece Plumbing is located 70 metres west of the sight.

No processing of materials will be carried out on site and all materials will be stored within the building. Delivery and dispatching of goods will be carried out during business hours and the proposed hours are 7.30am to 5.30pm. One to two staff will be onsite at any one time and it is expected that two to four customers would be onsite at the busiest times, being early morning or late afternoon. It is considered that the amenity of the neighbourhood will not be detrimentally affected by the proposed use.

Carparking -

Trade Supplies is a use that is not specified in Clause 52.06-5, leaving discretion as to the number of car spaces to be provided for this use. A shop has a requirement of 8 car spaces to each 100sqm of leasable floor area. Uses like plant nursery, store and timber yard require 10% of the site area to be set aside for car spaces and access lanes, but not driveways. It would be reasonable to consider a ratio that would be somewhere in between that of a shop and plant nursery as a benchmark for this site.

If you apply the 'shop' requirement then the development would be required to provide approximately 18 car spaces, or at a reduced rate as shown in the table for a shop, the development would still be required to provide 8 car spaces. The shop requirement for car parking is aimed at retail uses that generate high demand for car parking for longer term stays.

The State Government has undertaken a review of car parking provisions and prepared an Advisory Committee Report in August 2007. This report discusses a range of matters including a review of land use terms and car parking requirements. The report recommends that the following rates be adopted for the following uses:

Use	Car parking Requirement
Shop	3.5 car spaces/100m² leasable floor area
Trade supplies, landscape gardening supplies, store	10% of the site area

Although the State Government has not at this stage incorporated the recommendations of the Advisory Committee Report into planning schemes it is widely accepted through VCAT determinations that the car parking requirements for retail type activities is unrealistic and that the requirements in the above table are generally more appropriate.

Trade supplies is specified in the car parking review advisory report as having a requirement of 10% of the site area. Based on this calculation, 10% of the 1061m² is 106m² and 46.8m² has been provided for the 3 dedicated car spaces.

The site was used as a paint supply shop when previously occupied and the proposal provides for 3 dedicated car spaces on site with another 4 spaces provided for the other occupancies.

One to two staff will be onsite at any one time, leaving one car space available to customers. Unlimited time parking is available on both sides of Rae Street with approximately 30 spaces available immediately in front of and to either side of the building. The type of business proposed and the businesses surrounding the subject site are not considered to generate significant demand for car parking as they do not have a high customer base like a typical retail outlet.

The week day and week end parking surveys undertaken as part of the Issues and Options paper for the Colac Township Car Parking Study for this section of Rae Street shows low occupancy rates of between 0%-50%. This may partly be attributed to the fact that the supermarket complex on the opposite side the street provides for a large onsite car park. It is considered that the three spaces provided onsite will adequately address long term parking requirements for staff and it is considered that sufficient customer parking is available on-street to cater for any other demand generated by this use.

Corporate Plan / Other Strategies / Policy
The Colac Structure Plan February 2007 provides a 20 year framework for land use and development for the Colac Township.

Council engaged AECOM to prepare a car parking study for Apollo Bay and Colac Township. Consultation has taken place on the Issues and Opportunities Paper prepared in March 10. A draft Car Parking Strategy is being prepared and will be presented to Council in the near future.

Financial & Other Resource Implications
The proposal raises no financial or resourcing implications for Council.

Risk Management & Compliance Issues
There are no risk management or compliance implications arising from this report.

Environmental Consideration / Climate Change
There are no environmental or climate change implications arising from this proposal.

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

Conclusion
The proposed land use responds appropriately to the State and Local Planning Provisions and is considered to provide a positive outcome for the site and the Colac business district.

Based on an assessment of car parking requirements and previous use of the building, it is considered appropriate that a reduction of car parking be supported, given the likely car parking demand for this use.

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

Attachments
Nil

Recommendation(s)

That Council's Planning Committee resolves to grant a Planning Permit for the use of the building as a Trade Supply and a reduction of car parking requirement at 52A Rae Street, Colac subject to the following conditions:

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

2. ***The use must be managed so that the amenity of the area is not detrimentally affected, through the:***
   - ***Transport of materials, goods or commodities to or from the land***
   - ***Appearance of any building, works or materials***
   - ***Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil***

3. ***Loading and unloading of all goods, materials and items must be carried out on the site within the defined loading bay on the endorsed plan to the satisfaction of the Responsible Authority.***

4. ***The loading bay area must remain free and available for this purpose at all times to the satisfaction of the Responsible Authority.***

5. ***No fewer than three car parking spaces must be provided on the land for the use hereby permitted.***

6. ***This permit will expire if the use of the land hereby permitted has not commenced within two years of the date of this permit. The Responsible Authority may extend the period if a request is made in writing before the permit expires, or within three months afterwards.***

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