



Colac Otway  
SHIRE

**AGENDA**

PLANNING COMMITTEE MEETING  
OF THE  
COLAC-OTWAY SHIRE  
COUNCIL

8 FEBRUARY 2012

at 10:30 AM

COPACC, Gellibrand Street Colac

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

8 FEBRUARY 2012

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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, Gellibrand Street Colac on 8 February 2012 at 10.30 am.

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## **AGENDA**

### **1. OPENING PRAYER**

*Almighty God, we seek your blessing and guidance in our deliberations on behalf of the people of the Colac Otway Shire. Enable this Council's decisions to be those that contribute to the true welfare and betterment of our community.*

**AMEN**

### **2. PRESENT**

### **3. APOLOGIES**

### **4. MAYORAL STATEMENT**

Colac Otway Shire acknowledges the original custodians and law makers of this land, their elders past and present and welcomes any descendents here today.

Colac Otway Shire encourages active community input and participation in Council decisions.

Council meetings enable Councillors to debate matters prior to decisions being made. I ask that we all behave in a courteous manner.

An audio recording of this meeting is being made for the purpose of ensuring the minutes of the meeting are accurate. 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. It is an offence to make an unauthorised recording of the meeting.

### **5. DECLARATION OF INTEREST**

### **6. VERBAL SUBMISSIONS FROM APPLICANTS/OBJECTORS**

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

## 7. CONFIRMATION OF MINUTES

- Planning Committee held on the 18/01/12.

### Recommendation

*That Council confirm the above minutes.*

## OFFICERS' REPORTS

### Sustainable Planning and Development

PC120802-1	PLANNING & BUILDING STATISTICAL REPORT
PC120802-2	USE AND DEVELOPMENT OF A TELECOMMUNICATIONS FACILITY (55 METRE HIGH LATTICE TOWER) AND ASSOCIATED WORKS AT 5085 COLAC LAVERS HILL ROAD LAVERS HILL (PP147/2011)
PC120802-3	ALTERATIONS TO CONVENIENCE RESTAURANT AND ADVERTISING SIGNAGE (KFC) AND REDUCTION IN THE CAR PARKING REQUIREMENT BY ONE CAR SPACE UNDER CLAUSE 52.06 AT 238-240 MURRAY STREET, COLAC (PP228/2011-1)

**Rob Small**  
Chief Executive Officer

**PC120802-1**

**PLANNING & BUILDING STATISTICAL REPORT**

AUTHOR:	Janole Cass	ENDORSED:	Jack Green
DEPARTMENT:	Sustainable Planning & Development	FILE REF:	F11/2702

**Summary**

This report provides statistics relating to the month of January 2012.

**Planning Statistics**

23 Planning Permit Applications were received for the period 1 January 2012 – 31 January 2012.

27 Planning Permit Applications were considered for the period 1 January 2012 – 31 January 2012.

**Building Statistics**

Please note that the Building Commission website has been updated up November 2011.

**Attachments**

1. Planning & Statistical Report January 2012

**Recommendation(s)**

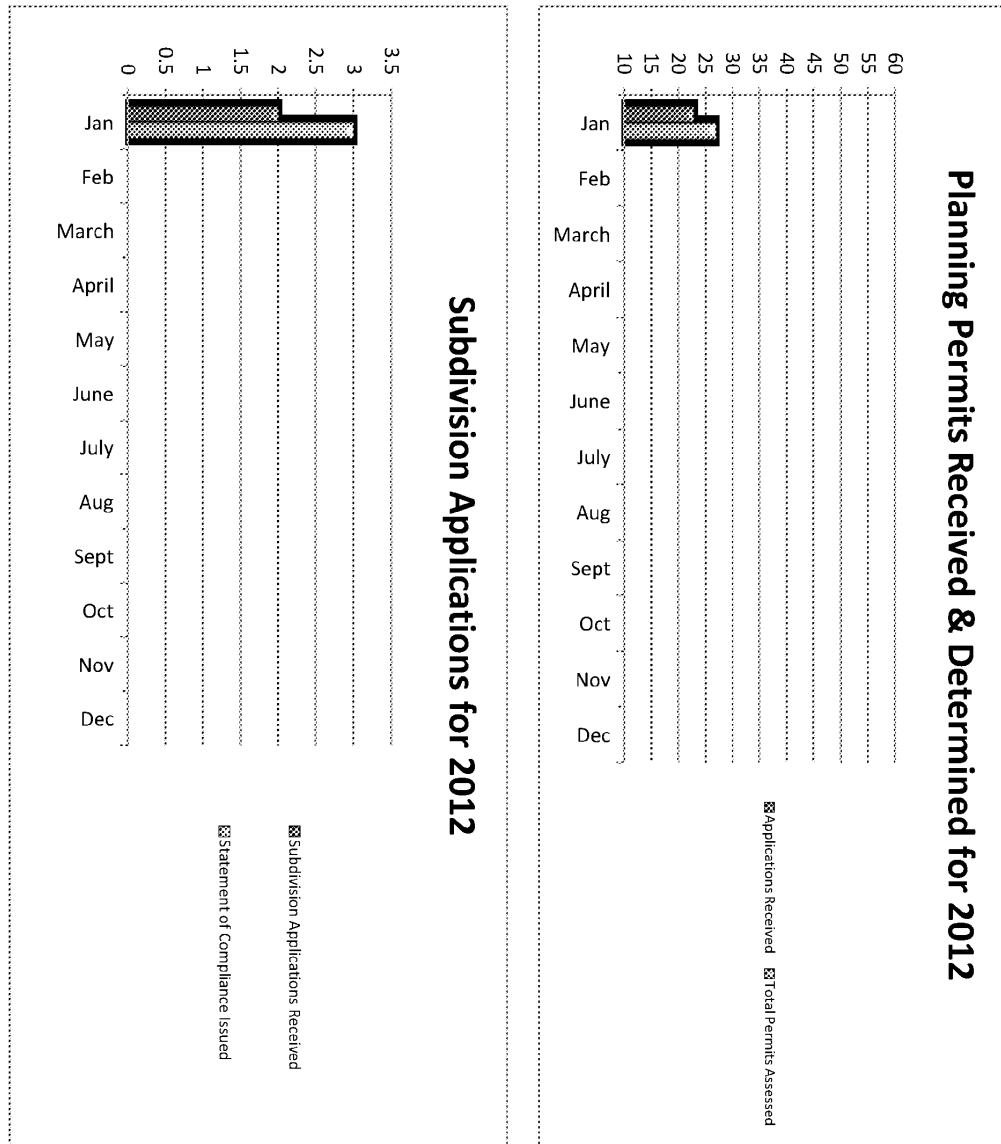
***That Council's Planning Committee note the statistical reports for January 2012.***

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Planning Statistical Report January 2012

| APPLIC NO  | DATE RECEIVED | LOCATION                                     | PROPOSAL                                                                                                                                                                                    | DETERMINATION DATE | ACTUAL TIME | AUTHORITY          | DECISION              |
|------------|---------------|----------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|-------------|--------------------|-----------------------|
| 363/2005-2 | 29 SEP 2009   | 1465 WILD DOG ROAD<br>TANVBRYN               | EXTENSION TO EXISTING HALL (KITOCHEN) & CONSTRUCTION OF SLEEPING HUTS - AMENDMENT                                                                                                           | 11 JAN 2012        | 36          | UNDER DELEGATION   | WITHDRAWN             |
| 129/2006-3 | 15 DEC 2011   | 205 FLANNAGANS ROAD<br>IRREWILLIPE EAST      | USE AND DEVELOPMENT OF A DWELLING, GARAGE, STORE & RURAL INDUSTRY - AMENDMENT                                                                                                               | 31 JAN 2012        | 41          | UNDER DELEGATION   | AMENDED PERMIT ISSUED |
| 332/2010-1 | 18 DEC 2011   | 102 HEARN STREET COLLAG                      | NINE (9) LOT SUBDIVISION                                                                                                                                                                    | 20 JAN 2012        | 30          | UNDER DELEGATION   | NOTICE OF DECISION    |
| 364/2010-1 | 23 DEC 2010   | 5145 COLLAG LAVERS HILL<br>ROAD LAVERS HILL  | USE & DEVELOPMENT OF THE SITE FOR THE PURPOSE OF A SINGLE DWELLING                                                                                                                          | 12 JAN 2012        | 361         | UNDER DELEGATION   | REFUSAL TO GRANT      |
| 50/2011-1  | 4 MAR 2011    | 141 GREAT OCEAN ROAD<br>APOLLO BAY           | EXTENSION OF LIQUOR LICENCE AREA TO COVER FOOTPATH                                                                                                                                          | 18 JAN 2012        | 0           | UNDER DELEGATION   | REFUSAL TO GRANT      |
| 112/2011-1 | 9 MAY 2011    | 183 GREAT OCEAN ROAD<br>APOLLO BAY           | CONSTRUCT TWELVE (12) DWELLINGS AND SUBDIVIDE THE LAND INTO TWELVE (12) LOTS                                                                                                                | 19 JAN 2012        | 147         | PLANNING COMMITTEE | REFUSAL TO GRANT      |
| 157/2011-1 | 28 JUN 2011   | 209 CALLAHANS LANE<br>BARWON DOWNS           | ASSOCIATED WORKS INCLUDING REMOVAL OF 7 PINE TREES TO ERRECT A DWELLING (RELOCATABLE) &                                                                                                     | 9 JAN 2012         | 0           | UNDER DELEGATION   | LAPSED                |
| 178/2011-1 | 27 JUL 2011   | 37-51 DARCY STREET COLLAG<br>EAST            | DEVELOPMENT OF THE LAND FOR A WORKSHOP & WASH DOWN FACILITY AND ANGLIARY WORKS FOR A RURAL INDUSTRY AND STORE (TIMBER HARVESTING EQUIPMENT) AND TO REDUCE THE NUMBER OF CAR SPACES REQUIRED | 19 JAN 2012        | 77          | PLANNING COMMITTEE | PERMIT ISSUED         |
| 200/2011-1 | 16 AUG 2011   | 245 PHILLIPS TRACK<br>FERGUSON               | RE-SUBDIVISION OF LAND - REALIGNMENT OF FIVE TITLES INTO TWO                                                                                                                                | 6 JAN 2012         | 123         | UNDER DELEGATION   | PERMIT ISSUED         |
| 206/2011-1 | 19 AUG 2011   | 35 KARINGAL DRIVE WYE<br>RIVER               | CONSTRUCTION OF A SINGLE DWELLING AND REMOVAL OF TWO NATIVE TREES                                                                                                                           | 19 JAN 2012        | 62          | PLANNING COMMITTEE | PERMIT ISSUED         |
| 215/2011-1 | 26 AUG 2011   | 25 MAIN ROAD GELLBRAND                       | USE OF THE LAND AS A PLACE OF ASSEMBLY (ONE DAY BLUES MUSIC FESTIVAL)                                                                                                                       | 11 JAN 2012        | 63          | UNDER DELEGATION   | PERMIT ISSUED         |
| 249/2011-1 | 29 SEP 2011   | 2 KAWARREN EAST ROAD<br>KAWARREN             | USE & DEVELOPMENT OF EMERGENCY SERVICES FACILITY AND ALTERATIONS TO VEHICLE ACCESS                                                                                                          | 5 JAN 2012         | 27          | UNDER DELEGATION   | PERMIT ISSUED         |
| 252/2011-1 | 10 OCT 2011   | 2110 COLLAG FORREST ROAD<br>GERRANGAMLE      | USE AND DEVELOPMENT OF THE SITE FOR THE PURPOSES OF A DWELLING                                                                                                                              | 31 JAN 2012        | 49          | UNDER DELEGATION   | PERMIT ISSUED         |
| 256/2011-1 | 17 OCT 2011   | 1588 BIRREGURRA FORREST<br>ROAD BARWON DOWNS | USE OF PART OF THE EXISTING DWELLING ON SITE AS AN ART & CRAFT CENTRE AND THE DISPLAY OF ASSOCIATED SIGNAGE                                                                                 | 31 JAN 2012        | 40          | UNDER DELEGATION   | PERMIT ISSUED         |
| 267/2011-1 | 25 OCT 2011   | 4B BAYVIEW STREET<br>MARENGO                 | EXTENSION TO UPPER LEVEL, EXISTING DECK & EXTEND DECK AREA                                                                                                                                  | 10 JAN 2012        | 4           | UNDER DELEGATION   | PERMIT ISSUED         |
| 278/2011-1 | 3 NOV 2011    | 285 UNDERWOODS ROAD<br>LARPENT               | CONSTRUCTION OF A GARAGE                                                                                                                                                                    | 12 JAN 2012        | 70          | UNDER DELEGATION   | PERMIT ISSUED         |
| 283/2011-1 | 7 NOV 2011    | 300 BOUNDARY ROAD<br>FORREST                 | USE & DEVELOPMENT OF THE LAND FOR A DWELLING AND SHEDS                                                                                                                                      | 18 JAN 2012        | 42          | UNDER DELEGATION   | PERMIT ISSUED         |

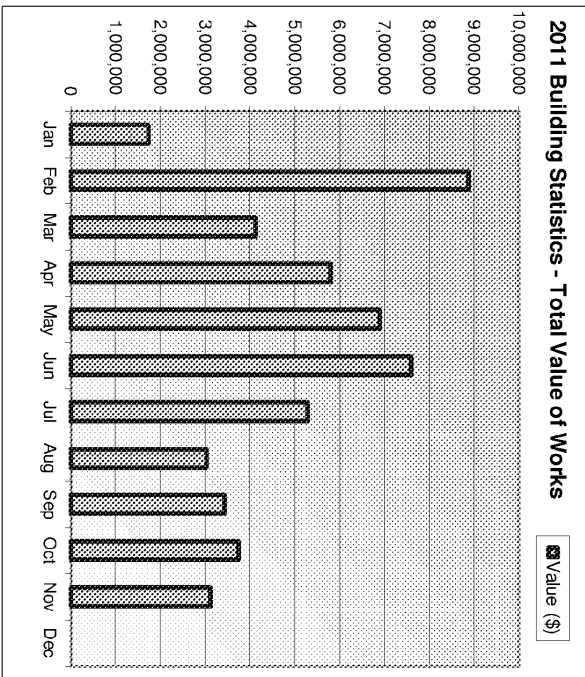
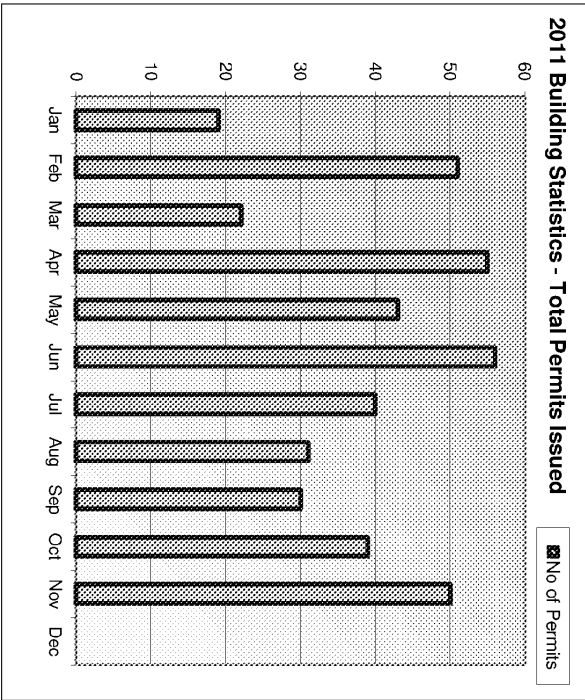
| APPLIC NO                                     | DATE RECEIVED | LOCATION                          | PROPOSAL                                                                       | DETERMINATION DATE | ACTUAL L TIME | AUTHORITY        | DECISION      |
|-----------------------------------------------|---------------|-----------------------------------|--------------------------------------------------------------------------------|--------------------|---------------|------------------|---------------|
| 292/2011-1                                    | 10 NOV 2011   | 96-98 GELLIBRAND STREET COLAC     | INSTALL WINDOWS & NEW CLADDING TO NORTH WEST WALLS                             | 13 JAN 2012        | 46            | UNDER DELEGATION | PERMIT ISSUED |
| 302/2011-1                                    | 18 NOV 2011   | 50 ROBERTS ROAD MARENGO           | REMOVE NATIVE VEGETATION TO ALLOW REHABILITATION (CAPPING) OF MARENGO LANDFILL | 16 JAN 2012        | 46            | UNDER DELEGATION | PERMIT ISSUED |
| 304/2011-1                                    | 21 NOV 2011   | 6 BANKSIA DRIVE ELLIMINYT         | CONSTRUCTION OF A SINGLE DWELLING                                              | 12 JAN 2012        | 43            | UNDER DELEGATION | PERMIT ISSUED |
| 305/2011-1                                    | 23 NOV 2011   | 170 MAIN STREET ELLIMINYT         | SIGNAGE                                                                        | 12 JAN 2012        | 8             | UNDER DELEGATION | PERMIT ISSUED |
| 315/2011-1                                    | 6 DEC 2011    | 1-15 GREAT OCEAN ROAD LAVERS HILL | CHANGE OF LIQUOR LICENCE                                                       | 9 JAN 2012         | 34            | UNDER DELEGATION | WITHDRAWN     |
| 319/2011-1                                    | 14 DEC 2011   | 270-302 MURRAY STREET COLAC       | BUSINESS IDENTIFICATION SIGNAGE                                                | 6 JAN 2012         | 23            | UNDER DELEGATION | PERMIT ISSUED |
| 322/2011-1                                    | 15 DEC 2011   | 26 FULFORD CRESCENT ELLIMINYT     | CONSTRUCTION OF A DWELLING                                                     | 13 JAN 2012        | 10            | UNDER DELEGATION | PERMIT ISSUED |
| 323/2011-1                                    | 15 DEC 2011   | 30-34 RAE STREET COLAC            | CONSTRUCTION OF A STORAGE SHED                                                 | 6 JAN 2012         | 22            | UNDER DELEGATION | PERMIT ISSUED |
| 324/2011-1                                    | 16 DEC 2011   | 19 DUVERNEY STREET CRESSY         | CONSTRUCTION OF A GARAGE / SHED                                                | 23 JAN 2012        | 38            | UNDER DELEGATION | PERMIT ISSUED |
| 330/2011-1                                    | 22 DEC 2011   | 32 SCANLAN DRIVE ELLIMINYT        | CONSTRUCTION OF A DWELLING AND GARAGE                                          | 13 JAN 2012        | 4             | UNDER DELEGATION | PERMIT ISSUED |
| AVERAGE DAYS TO PROCESS PLANNING APPLICATIONS |               |                                   |                                                                                |                    | 54            |                  |               |





|               | 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           | 15         | 1,566,668         | 0            | 0                | 3          | 121,755          | 0         | 0                | 0          | 0                | 0                   | 0          | 1                | 46,000           | 19               | 1,734,423         |
| Feb           | 35         | 5,918,526         | 2            | 0                | 8          | 314,660          | 1         | 2,500,000        | 0          | 0                | 0                   | 0          | 5                | 143,611          | 51               | 8,876,797         |
| Mar           | 20         | 3,423,427         | 0            | 0                | 0          | 0                | 0         | 0                | 0          | 0                | 0                   | 2          | 703,262          | 22               | 4,126,689        |                   |
| Apr           | 41         | 5,016,744         | 0            | 0                | 7          | 335,388          | 0         | 0                | 1          | 29,000           | 0                   | 0          | 6                | 414,814          | 55               | 5,795,946         |
| May           | 33         | 4,299,163         | 1            | 1,230,000        | 5          | 836,000          | 2         | 250,000          | 0          | 0                | 0                   | 0          | 2                | 277,368          | 43               | 6,892,531         |
| Jun           | 33         | 5,327,624         | 7            | 10,500           | 7          | 313,224          | 3         | 105,750          | 1          | 1,000,000        | 0                   | 0          | 5                | 839,520          | 56               | 7,596,618         |
| Jul           | 34         | 4,559,302         | 0            | 0                | 3          | 347,495          | 1         | 7,500            | 0          | 0                | 0                   | 2          | 367,495          | 40               | 5,281,792        |                   |
| Aug           | 25         | 2,431,892         | 0            | 0                | 3          | 134,000          | 1         | 5,000            | 1          | 400,000          | 0                   | 0          | 1                | 55,000           | 31               | 3,025,892         |
| Sep           | 26         | 3,167,134         | 0            | 0                | 4          | 258,130          | 0         | 0                | 0          | 0                | 0                   | 0          | 0                | 0                | 30               | 3,425,264         |
| Oct           | 30         | 2,904,536         | 1            | 100,000          | 4          | 284,551          | 1         | 250,000          | 0          | 0                | 0                   | 0          | 3                | 197,601          | 39               | 3,736,688         |
| Nov           | 42         | 2,131,560         | 1            | 115,000          | 3          | 580,000          | 1         | 5,000            | 2          | 245,000          | 0                   | 0          | 1                | 40,000           | 50               | 3,116,560         |
| Dec           |            |                   |              |                  |            |                  |           |                  |            |                  |                     |            |                  |                  |                  |                   |
| <b>Totals</b> | <b>334</b> | <b>40,746,576</b> | <b>12</b>    | <b>1,455,500</b> | <b>47</b>  | <b>3,525,203</b> | <b>10</b> | <b>3,123,250</b> | <b>5</b>   | <b>1,674,000</b> | <b>0</b>            | <b>0</b>   | <b>28</b>        | <b>3,084,671</b> | <b>436</b>       | <b>53,609,200</b> |

\*Multi-Development



**PC120802-2                    USE AND DEVELOPMENT OF A TELECOMMUNICATIONS FACILITY (55 METRE HIGH LATTICE TOWER) AND ASSOCIATED WORKS AT 5085 COLAC LAVERS HILL ROAD LAVERS HILL (PP147/2011)**

|             |                                    |           |            |
|-------------|------------------------------------|-----------|------------|
| AUTHOR:     | Helen Evans                        | ENDORSED: | Jack Green |
| DEPARTMENT: | Sustainable Planning & Development | FILE REF: | F11/1746   |

**Location:** 5085 Colac Lavers Hill Road Lavers Hill

**Zoning:** Farming Zone (FZ), adjacent to RDZ1

**Overlay controls:** Bushfire Management Overlay (BMO)  
Erosion Management Overlay Schedule 1 (EMO1)

**Proposed Amendments:** Nil

**Purpose:**

This application is seeking approval for the use and development of a telecommunication facility and associated buildings and works which include the erection of a 55 metre tall lattice tower and associated antennas, equipment shelter, fencing, and an upgraded access track and associated earthworks.

This application is before the Planning Committee as the proposed structure is in excess of eight (8) metres in height.

It is recommended that a permit be issued.

**Declaration of Interests**

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

**Summary**

- The application seeks approval for the use and development of a 55 metre high lattice telecommunications tower and associated works.
- The site is located within the Farming Zone and is located on the eastern side of Colac Lavers Hill Road north/northeast of the Lavers Hill township.
- The site is also subject to the Erosion Management Overlay Schedule 1 and Bushfire Management Overlay.
- No objections have been received to the application.
- The facility will achieve Optus coverage objectives by improving phone and data services for the Lavers Hill area. It has been identified that there is a gap in the availability of telecommunications in the Lavers Hill area and given the high fire risk for this area it is important that effective telecommunications is available.
- The proposal generally complies with the planning scheme provisions and achieves an appropriate outcome in a Farming Zone.

- Whilst the tower will be visible, it is considered that the overall community benefit of providing improved telecommunication service coverage in this area is greater than the visual amenity impact.
- It is recommended that a permit be issued.

### **Background**

Council has been advocating strongly in recent years for improved telecommunications coverage in the Otways. There are many areas such as Lavers Hill which do not have effective mobile coverage, which limits the capacity for these communities to communicate effectively in emergency situations such as on high fire risk days. Given Lavers Hill's high fire risk, and its nomination as one of the 52 highest fire risk towns in the State, it has been a high order priority of Council and the other agencies involved in fire management to facilitate improved telecommunications in this area. The lack of mobile coverage in Lavers Hill also limits the potential benefits of high speed broadband to the community by reducing the capacity for people to live and work within the Otways using that technology.

### **Issues / Options**

Council has the options of:

- Supporting the application through the grant of a permit;
- Supporting the application with changes:
- Refusing to grant a permit.

Key issues relate to the visual impact of the development and the need for such a facility in Lavers Hill. As noted above, there is a critical need for improved mobile telecommunications in the Lavers Hill area from a fire and emergency management point of view, and the proposed Optus tower would be of significant benefit to the local community from a net community benefit point of view.

### **Proposal**

Planning approval is sought for use and development of the land for a telecommunications facility including buildings and works associated with the use.

Proposed works include the erection of a 55 metre high lattice tower (constructed in galvanised steel and will be retained in a grey colour), installation of antennas mounted on a triangular headframe, a standard equipment shelter (7.5m<sup>2</sup>) in colorbond 'Merino', and upgrading the access track and associated earthworks.

This facility will be housed within a compound measuring 11.4m x 16.4m with a 2.4m high chain wire security fence around the perimeter of the compound. The associated equipment shelter which measures 7.5m<sup>2</sup> in area will be located in the southwestern section of the compound.

The development is proposed to be located approximately 6.8 metres from the western boundary and approximately 66 metres from the southern boundary. The proposed facility will be located approximately 1.5 kilometres southwest of the Great Ocean Road intersection at Lavers Hill. The subject site is undulating with vegetated gullies. The tower will be sited on grassed land and no vegetation is required to be removed to facilitate the erection of the tower and associated shelter.

The applicant states that minimal earthworks are required for the construction of the tower and there is a suitable level of access and power supply to the site. Connection to the existing overhead power will occur through negotiations with the power authority.

The facility will achieve Optus coverage objectives by improving coverage in the broader area of Lavers Hill and will improve the depth of wireless broadband coverage and capacity into the residential area of Lavers Hill.

### **Site & Surrounds**

The site is situated on the east side of Colac Lavers Hill Road, Lavers Hill. The area of the lot is 44ha and the proposed tower is to be located in the southwest corner of the lot.

The land is undulating and it is proposed to site the tower approximately 6.8m from the western (front) boundary and approximately 66m from the southern boundary. Colac Lavers Hill Road fronting this site has an unusually wide road frontage of 85m therefore the tower is proposed to be set back approximately 91m from the road. The nearest point of the subject site is approximately 1.5 kilometres from the Great Ocean Road intersection in Lavers Hill. The existing trees along the road will provide some screening of the base of the tower and the equipment shelter with the exception of the driveway to the site. The applicant has provided visual concepts of how the tower will be viewed from the front of the site, from Colac Lavers Hill Road 400m north of the site, and from the Great Ocean Road at Lavers Hill.

Land surrounding the site to the north, east and south is included in the Farming Zone and the land to the west is part of the Otway Forest Park and zoned Public Conservation and Resource Zone. Land to the west is covered with native vegetation and the land to the south and east is a mix of clustered native vegetation and cleared grazing land. The nearest dwellings not in the same ownership are located approximately 470 metres to the south and 550 metres to the north.

### **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 with a sign placed on the Colac Lavers Hill Road frontage on the site for a period of 14 days. A public notice was placed in the Colac Herald. No objections were received.

During the application process, the siting of the tower was amended by the applicant and therefore public notice was required to be undertaken twice in accordance with Section 52 of the *Planning and Environment Act* by sending a copy of the notice to all property owners and occupiers within a 2 kilometre radius and a sign placed on the Colac Lavers Hill Road frontage on the site for a period of 14 days. A public notice was placed in the Colac Herald and the Otway Light. No objections were received.

### **Referrals**

In accordance with Section 55 of the Planning and Environment Act, the application was referred to VicRoads. The application was also referred internally to Council's Infrastructure Department. No objections were received subject to conditions being imposed should a permit be issued.

### **Planning Controls**

The land is included in the Farming Zone (FZ) and is subject to the Bushfire Management Overlay (BMO) and the Erosion Management Overlay (EMO1). A planning permit is required for the use, buildings and works in the Farming Zone; for buildings and works in accordance with Clause 44.01-1 (EMO1); to construct a building or construct or carry out works for a Telecommunications Facility in accordance with Clause 52.19-2; and to alter an access to a road in a Road Zone Category 1 in accordance with Clause 52.29.

### 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 12.02-6 – Great Ocean Road Region
- Clause 13.03-2 – Erosion and Landslip
- Clause 19.03-4 – Telecommunications
- Clause 21.03-8 – Smaller Townships
- Clause 21.04-5 – Erosion

Clause 19.03-4 states that *'planning decisions should reflect a reasonable balance between the provision of important telecommunications services and the need to protect the environment from adverse impacts arising from telecommunications infrastructure.'*

The proposal is considered to accord with the principles of the State and Local Planning Policy Framework. The applicant has investigated other current communications sites with a similar distance and orientation to the Lavers Hill area and found that no such facilities were able to provide the service required to the area and as a result pursued a greenfield site.

The applicant has provided an appropriate and reasonable justification for locating the facility at the subject site. It is considered there will be no negative impact to the environment by way of this proposed telecommunications facility. With regard to the potential visual impact, it is acknowledged that the tower is likely to be partly visible from nearby properties, partly visible from the Great Ocean Road at Lavers Hill, and visible from the road when driving past the site.

### Zoning

The land is zoned Farming Zone (FZ). The purpose to 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 provide for the use of land for agriculture
- To encourage the retention of productive agricultural land.
- To ensure that non-agricultural uses, particularly dwellings, do not adversely affect the use of land for agriculture
- To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision
- To protect and enhance natural resources and the biodiversity of the area

Planning approval is required to use the land for a telecommunications facility and associated buildings and works as the exemptions listed in Clause 52.19 have not been met. The proposed telecommunication facility is considered to be consistent with the purpose of the zone as it provides for improved telecommunications which will be beneficial to the Lavers Hill community and surrounds. The proposed tower facility is located so as to provide the level of service coverage required, and is sited so as to provide the least impact on the surrounding area, utilising the existing vegetation in the area to assist in screening.

The grey colouring to be used in the tower construction will assist in blending the structure in with the natural background and the footprint required to develop the facility is minimal. It is considered that the proposed telecommunication facility will not unduly impact on any surrounding properties and will not detract from the use of the land for agricultural purposes.

### Overlays

This site is included in the Bushfire Management Overlay (BMO), formerly known as Wildfire Management Overlay (WMO). Under the BMO or the former WMO, no permit is triggered for buildings and works associated with a Telecommunications Facility.

This site is subject to the Erosion Management Overlay Schedule 1 (EMO1). The purpose of this overlay is to protect areas prone to erosion, landslip or other land degradation processes, by minimising land disturbance and inappropriate development.

A permit is required for buildings and works under Clause 44.01-1. A geotechnical report was provided with the application prepared by GeoAust Geotechnical Engineers, dated 24 October 2011. The report concludes that this site is an acceptable level of risk from landslide. The report also provides recommendations in relation to the proposed works which are included in permit conditions should a permit be issued.

### Relevant Particular Provisions

#### **Clause 52.19 Telecommunications Facility**

The purpose of this provision is:

- To ensure that telecommunications infrastructure and services are provided in an efficient and cost effective manner to meet community needs;
- To ensure the application of consistent provisions for telecommunications facilities;
- To encourage an effective state wide telecommunications network in a manner consistent with the economic, environmental and social objectives of planning in Victoria as set out in Section 4 of the Planning and Environment Act 1987; and
- To encourage the provision of telecommunications facilities with minimal impact on the amenity of the area.

A permit is required to construct a building or construct or carry out works for a Telecommunications Facility.

The Decision guidelines of Clause 52.19 state that before deciding on an application, consideration should be given to:

- The principles for the design, siting, construction and operation of a Telecommunications Facility set out in A Code of Practice for Telecommunications Facilities in Victoria;
- The effect of the proposal on the adjacent land;
- Decision guidelines of relevant overlays.

The principles in the Code of Practice are:

- A telecommunications facility should be sited to minimize visual impact.
- Telecommunications facilities should be co-located wherever practical.
- Health Standards for exposure to radio emissions will be met.

- Disturbance and risk relating to siting and construction should be minimized. Construction activity and site location should comply with State environmental protection policies and best practice environmental management guidelines.

The applicant's assessment of how the proposal meets those stated principles is shown in the attachments to this report. In summary, the following points are made:

- The facility is located on a working farm property and vegetation along the roadside will conceal the lower half of the facility to minimise visual impacts to the surrounding areas.
- The site is located in the Farming Zone and the nearest dwellings are approximately 470m to the southwest (5135 Colac Lavers Hill Road) and 550m to the northeast (5040 Colac Lavers Hill Road). Existing vegetation between the dwellings and the proposed facility will screen the bulk of the proposed tower.
- The nearest residential zoned land is within the Lavers Hill township which is approximately 1.5 kilometres to the southeast. The applicant has demonstrated the potential visual impact from the Great Ocean Road. (refer to attachments for illustration)
- The facility has been sited in the western section of the lot to minimise impact on the agricultural use of the land and is close to existing infrastructure required to service the tower.
- Existing communication sites were investigated and it was found that no such facilities were available in the Lavers Hill area that would provide adequate service.
- The maximum cumulative radio frequency electromagnetic energy (EME) levels at 1.5m above ground level, is estimated to be 0.016% of the ARPANSA public exposure limit.
- Disturbance to the site is expected to be minimal and construction will be undertaken in accordance with the relevant OH&S guidelines.

The applicant has investigated other current communications sites with a similar distance and orientation to the Lavers Hill area for co-location and found that no such facilities were able to provide the service. As a result, the current site has been nominated.

It is notable that a Telstra facility is located in the centre of Lavers Hill at 49-51 Great Ocean Road and is highly visible. Co-location at this facility is not feasible as the greatest height available to Optus is approximately 20 metres, This height would not enable Optus to achieve its coverage objectives. The applicant also investigated the installation of a 35 metre high monopole adjacent to the Telstra facility, however given the proximity to the residential properties and other sensitive uses, it was decided to pursue an alternative site outside the township area.

A Telstra facility is also located at 5100 Great Ocean Road Lavers Hill. This facility is an existing lattice tower approximately 3.5 kilometres to the southwest of Lavers Hill. This site was also not feasible as it is too far from Lavers Hill and has a lower elevation.

It is considered that the proposed facility has satisfactorily addressed the principles for design, siting, construction and operation of the Code of Practice for Telecommunications facility.

#### **Clause 52.29 Land Adjacent to a Road Zone Category 1**

The purpose of this provision is:

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

A permit is required to create or alter an access to a road in a Road Zone Category 1. Vehicular access to the site is proposed from Colac Lavers Hill Road. The proposal was referred to VicRoads to consider matters in relation to the access entering onto Colac Lavers Hill Road. VicRoads offered no objection to the proposal subject to conditions being imposed should a permit be issued. The conditions include requirements for upgrading the existing access point.

### **Consideration of the Proposal**

The proposal has been assessed against the relevant criteria and policies as detailed above. It is considered overall that the principle of the Code of Practice has been satisfied as the visual impact will be minimal due to distance and being partially hidden by existing vegetation.

It is considered that this facility would be designed, sited and constructed in a manner which will minimise visual impact and the provision of a telecommunications facility such as this will provide for improved phone and data communications in the Lavers Hill area.

The proposal reflects a reasonable balance between the provision of services and the need to protect the environment and it is therefore recommended the application be supported.

### **Council Plan / Other Strategies / Policy Leadership and Governance**

The Council Plan contains a strategy to: "*Facilitate the development of infrastructure for business investment, growth and liveability.*" Within this strategy there is an action to: "*Lobby for improved telecommunications in the Colac Otway Shire for broadband and mobile coverage*". There is also a strategy to: "*Meet our statutory obligations for community safety, security and responses to emergency situations*". As noted in this report, the proposal would assist in achieving these outcomes for the community.

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

The proposal raises no financial or resourcing implications for Council.

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

If the proposal was to proceed, it would contribute significantly to enhancing the capacity of the local community and fire agencies to communicate in emergency situations which is particularly important for this area given its high wildfire risk.

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

Any relevant environmental considerations have been addressed within this report.

### **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**

Planning approval is required for the use and development of the land for a telecommunications facility and associated works.

Support for the proposal will improve the Optus phone and broadband internet service coverage in the Lavers Hill area. The proposal is generally consistent with the State and Local Planning Policy Framework, zoning requirements, current local policies and overlay requirements.

Having given due regard to the matters discussed above, it is considered that the application should be approved, subject to conditions.



**Attachments**

Nil

**Recommendation(s)**

***That Council's Planning Committee resolve to issue a Planning Permit for the use and development of a Telecommunications Facility (55 metre high lattice tower) and associated works and access alterations in a RDZ1 at 5085 Colac Lavers Hill Road Lavers Hill (C/A 17A, Parish of Barwongemoong) 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. The nature and colour of building materials employed in the construction of the buildings and works hereby permitted must be harmonious and blend into the surrounding environment to the satisfaction of the Responsible Authority.***
- 3. Stormwater discharged from the buildings and works hereby permitted must only be distributed across the property by sheet flow (i.e. along a contour) or to a legal point of discharge as approved by the Responsible Authority. No sheet flow discharge point must be permitted within five (5) metres of the lowest property boundaries and any discharge point must not be located so as to surcharge any septic effluent disposal system to the satisfaction of the Responsible Authority.***
- 4. All excavation works upon the subject land must be kept to the absolute practicable minimum and to the satisfaction of the Responsible Authority.***
- 5. Access onto and within the property must be constructed to the satisfaction of the Responsible Authority.***
- 6. The driveway must be constructed to an all weather surface to the satisfaction of the Responsible Authority.***
- 7. The proponent must follow the recommendations contained in the Geotechnical Risk Assessment report number 2739-4-R by GeoAust Geotechnical Engineers dated 24 October 2011.***
- 8. If the telecommunications facility ceases to be operational, the installation must be decommissioned and removed to the satisfaction of the Responsible Authority.***
- 9. The use must not detrimentally affect the amenity of the neighbourhood, to the satisfaction of the Responsible Authority including through the:***
  - Transportation of any material, goods or commodity to or from the land.***
  - Appearance of any stored goods and material.***
  - Emission of noise, artificial light, vibration, odour, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste product, grit and oil.***

- 10. ***The telecommunications facility must be designed and installed so that the maximum human exposure levels to radio frequency emissions comply with Radiation Protection Standard – Maximum Exposure Levels to Radiofrequency Fields – 3kHz to 300 GHz, ARPANSA, May 2002 to the satisfaction of the Responsible Authority.***

***Conditions required by VicRoads***

- 11. ***No more than a single point of vehicular access shall be provided from the subject site to Colac Lavers Hill Road.***
- 12. ***The access driveway to Colac Lavers Hill Road shall be constructed in accordance with the guidelines for Typical Rural Driveway Access to Residential Properties as shown on the attached drawing (Ref No: SD2066). The driveway shall be sealed for a minimum distance of 6 metres from the edge of bitumen towards the property boundary.***
- 13. ***All works shall be carried out to the satisfaction of VicRoads and the Responsible Authority.***

***Expiry***

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

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

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**PC120802-3 ALTERATIONS TO CONVENIENCE RESTAURANT AND ADVERTISING SIGNAGE (KFC) AND REDUCTION IN THE CAR PARKING REQUIREMENT BY ONE CAR SPACE UNDER CLAUSE 52.06 AT 238-240 MURRAY STREET, COLAC (PP228/2011-1)**

|             |                                    |           |            |
|-------------|------------------------------------|-----------|------------|
| AUTHOR:     | Kim Linden                         | ENDORSED: | Jack Green |
| DEPARTMENT: | Sustainable Planning & Development | FILE REF: | F11/1626   |

**Location:** 238-240 Murray Street, Colac

**Zoning:** Business 1 Zone

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

**Proposed Amendments:** None applicable

**Purpose:**

The proposal seeks approval for alterations to the existing Kentucky Fried Chicken (KFC) convenience restaurant in Colac including internal and external alterations and alterations to the existing signage (refacing of two signs) and new signage. The internal changes involve an increase of two (2) more internal restaurant seats. External changes include removal of the cupola (tower), an increase in parapet height of the front part of the restaurant building on the Murray Street side, a new awning structure adjacent to the drive through at the rear, new signage on the eastern and northern elevations to be partially located on the increased parapet area and two new menu boards.

This application is before Council as it involves inclusion of a new sign on the existing signage structure which will be over 8m in height.

The application is also before Council as it involves an increase in the number of restaurant seats on site, generating an increase in car parking demand under Clause 52.06 - Car Parking. The proposal seeks approval for a reduction of the car parking requirement of one car space.

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

**Declaration of Interests**

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

**Summary**

- The subject land is zoned Business 1 Zone.
- The site is located in a Heritage Overlay (HO305-Murray Street Precinct Colac) and is on the western side of the Colac CBD entry area.
- The proposal seeks approval for alterations to the Kentucky Fried Chicken (KFC) convenience restaurant in Colac including internal and external alterations and alterations to the existing signage including new signage.

- The proposal involves a minor increase in the number of seats on site, from 57 to 59. The two (2) additional seats are to be located internally. There will be no increase in floor area. There will be internal alterations to the layout so as to accommodate the seats. There will be no changes to the external layout of the seating.
- The external alterations include an increase in parts of the parapet height of the existing restaurant building by 555mm, removal of the existing cupola (tower) and new red texture paint finish and colouring reflecting new corporate colouring/reimaging of KFC restaurants throughout Australia.
- The external alterations to the existing building will also result in changes to the signage on site. The area of corporate imagery and colours will arguably be increased. The proposal also involves new menu boards.
- Retrospective approval is sought for the existing “krushbar” signage located on the pylon sign. This existing sign is not authorised.
- Council’s heritage consultant is generally supportive of the application subject to amendments to the extent of red area on the extended parapet on the east elevation.
- The proposal is considered to be supportable subject to amendments to the extent of red colour area on the eastern elevation. This is in line with comments and recommendations made by Council’s heritage consultant.

### **Background**

The subject site has been used for the purposes of a convenience restaurant for some time. The existing 15m high pylon signage located on the Murray Street side of the site has been previously approved and is not subject to the fifteen (15) year restriction on signage.

The last approval for an upgrade of the existing building and the re-imaging of the signage and alterations to the premises was in Planning Permit PP44/2003 issued on 7 May 2003. The changes made in that permit included changes to the existing signage on the pylon.

It should be noted that condition 5 of that permit restricted the total number of seats on site to 57 in total and stated that “*any additional seating will require Council approval and which [sic] may also require further carparking spaces onsite.*”

It should also be noted that the 2003 approval included a ‘drive thru’ sign on the pylon structure and refacing of existing signs on the pylon structure including the bucket sign. It also included the tower/cupola element on the restaurant building. The ‘drive thru’ sign does not exist.

### **Issues / Options**

Council has the options of:

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

The key issue is whether or not the extent of proposed signage and associated alterations to the existing building so as accommodate the signage, particularly the increase in parapet height of the restaurant building, is acceptable in view of the heritage overlay applying to the site. Consideration also needs to be given to the impact of the minor increase in seating numbers on site and any car parking impacts resulting from this increase.

It is recommended that option (a) is supported.

## Proposal

The proposal involves the following buildings and works:

- Removal of one existing fascia sign on the northern elevation and one on the eastern elevation and removal of the tower/cupola.
- Refacing of two existing 'colonel' signs, one on the north elevation and one on the east elevation of the restaurant building.
- Increase in height of the parapet of the front section of the existing building by approximately 555mm. This will be visible from the Murray Street side of the building.
- Red textured paint finish on part of the eastern, northern and for a small section of the southern and western elevations.
- White finish on part of the upper sections of the north elevation and east elevations.
- Repainting of the remainder of the building in a dark grey colour.
- A new awning is proposed to be constructed and sited near the drive through area. The awning will cover the new menu boards (see detail below). The awning will be 2975mm in height. It is a simple structure that will be constructed of a painted steel frame finish.
- The proposal also seeks an increase in the number of seats on site from 57 to 59. There will be two (2) more seats provided internally. This will entail minor alterations to the internal layout.

The proposal involves the following changes in relation to signage:

- New illuminated sign on the north elevation with the letters KFC in red on white background. This signage measures approximately 3m in width x 1m in height.
- New illuminated KFC lettering in white on red background on the east elevation. This signage also measures approximately 3m x 1m.
- Approval for the existing 'krush bar' sign located at approximately 9.4m in height on the existing pylon structure. This sign is illuminated. It measures approximately 2.2m x 1m.
- Painting of the posts and frames on the existing signage pylon.
- There will be two (2) new menu boards each measuring 1960mm in height and 990mm in width. These will be internally illuminated and will be located at the rear of the site near the drive through and under the awning.

There will be no changes to the on-site provision of car parking. There will also be no changes to the current access arrangements, the drive-through system and layout or the setback of the existing buildings on site.

The application as originally submitted for this proposal included an additional new sign on the pylon sign. This sign read 'Drive Thru'. This sign was deleted in revised plans submitted by the applicant in response to officer concerns in relation to this sign and other matters. The applicant also clarified that the proposal seeks authorisation for the existing 'krush bar' sign and provided plans which show the correct height of the existing pylon sign. The applicant has also provided information on the light levels (measured as lux) for the proposed new illuminated signage.

The applicants states in supporting documentation submitted with the application that: *"The proposed upgrade is to bring this existing facility in line with current international KFC standards. The proposed building signage has been designed as an integrated package to identify and complement the restaurant."*

**Site & Surrounds**

The subject site is located on the southern side of Murray Street. It is located on the western side of the Colac CBD. The site has two frontages. The primary frontage is to Murray Street, which is identified as being within Road Zone – Category 1, and the secondary frontage is to Connor Street.

The site totals approximately 2159 square metres in area. It contains an existing convenience restaurant (KFC) building. The site has main pedestrian access from Murray Street and vehicle access from both Murray and Connor Streets. The restaurant includes a drive through section with access from both streets leading through to the exit on the western side of the site. There are 16 car spaces located at the rear of the site. The restaurant has approval for 57 seats on site, 36 internal spaces and 21 external spaces.

The existing signage on site includes a distinctive KFC bucket sign located on the top of a pylon structure located on the Murray Street side of the site. This sign is visible from a considerable distance and is quite distinctive in the Colac CBD skyline. This pylon also includes a large sign with the letters KFC and KFC colonel logo on it. There is also a krush bar sign located on the pylon. The krush bar sign does not have approval. There are two KFC signs on the wall/fascia of the northern elevation and two on the eastern elevation of the wall/fascia of the restaurant building. These signs were approved by planning permit P44/2003.

The surrounding area is comprised predominantly of commercial uses. There is a medical centre located directly to the south of the site. To the south of the site is land zoned Public Use Zone – Health and Community and which includes the Colac Area Health Service, including Colac hospital. To the west, east and north of the site are commercial uses. The commercial uses include a variety of signage types, forms and levels of illumination.

**Public Notice**

Public notice of the application was required to be given in accordance with section 52 of the *Planning and Environment Act 1987*.

Notice was given by the applicant by sending letters to adjoining owners/occupiers and placing two (2) notices on site, one placed on the Murray Street frontage and one on the Connor Street frontage to the site. The applicant has provided a statutory declaration stating that the advertising has been carried out in accordance with the Council requirements. The notification is considered to be satisfactory.

No objections to the application were received.

**Referrals**

The application was referred externally to Vicroads who raised no objections to the proposal.

The proposal was also referred internally to Council's Infrastructure, Building and Health sections. No objections were raised by these sections of Council. The Building and Health sections have required permit notes to be placed on any consent.

The application was also referred to Council's Heritage consultant. The consultant has made the following comments and recommendations in relation to the application:

***“Introduction:***

*The property at 238-240 Murray Street, Colac is a KFC restaurant constructed prior to the application of the Murray Street Heritage Overlay Precinct. It is a non-contributory building in the Murray Street Heritage Precinct, which is significant for its demonstration of the late nineteenth and early twentieth century development of the commercial centre.*

*As the building is within a precinct, any proposed changes need to consider impacts on adjacent contributory buildings and the significant streetscape as a whole.*

*In preparing this assessment I have reviewed the drawings titled Proposed Re-Image, KFC, 238-240 Murray St, Colac, Vic and I have inspected the site to review the existing signage and exterior colours to the building.*

*The proposal involves changes to existing fascia signage and changes to finishes to the exterior of the building. The application does not propose to increase the amount of signage at the site and while the drawings for the proposal indicate that the pylon sign is to be higher than the existing, I understand that this sign will remain at its current height, with no additional signs to this pylon proposed.*

**Assessment:**

*While I believe the signage at this location is currently excessive and not appropriate within a Heritage Overlay area, a substantial amount of the signage is existing and was already existing when the Heritage Overlay Precinct came into effect.*

*In general I do not believe the proposed changes in signage will have any further negative impact on the heritage overlay than the existing building and signage is already having. I am comfortable with the proposed changes to the exterior colour finishes, as although the proposed grey is a dark colour it will provide more visual articulation to a building which is currently a stark white/cream object in streetscape views. The parapets will also generally stay a pale colour which is appropriate and in keeping with the pattern of colouring to heritage buildings.*

*The one concern I do have relates to the tall red parapet on the east elevation. A parapet of this scale with a large background area in bright red will cause the non-significant building to further dominate the heritage streetscape. The red section of this parapet should therefore be reduced to a scale similar to the proposed parapet signage on the north elevation of the building and the remainder of the parapet be painted white as is also proposed with the northern parapet.*

**Conclusions:**

*I am generally supportive of the proposed signage and exterior finish changes proposed to the KFC restaurant at 238-240 Murray Street Colac. The proposed changes will generally not cause a further negative impact to the heritage streetscape; however the red area of the proposed new eastern parapet should be reduced to a scale similar to the proposed new northern parapet to ensure that the building does not further dominate the heritage precinct."*

**Planning Controls**

The subject land is zoned Business 1 Zone and is subject to the Heritage Overlay (HO305). It is located within the Murray Street Precinct Colac. A planning permit is required for the works in the Business Zone in accordance with Clause 34.01-4 and for the works in the Heritage Overlay in accordance with Clause 43.01-1. A permit is also required for the signage under the advertising signage provisions contained in Clause 52.05-7 - Category 1 Business Areas.

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 15.01 – Urban environment
- Clause 15.01-2 – Urban design principles
- Clause 15.03 – Heritage
- Clause 17.01 - Business
- Clause 21.02 – Vision
- Clause 21.03-2 – Colac
- Clause 21.05 – Economic development
- Clause 22.01 – Heritage Places and Areas

The proposal is considered to accord with the principles of the State and Local Planning Policy Framework subject to amendments recommended to be made to the eastern elevation. The proposed signage is generally considered to be acceptable in terms of the urban environment in this part of Colac, and subject to the reduction in the area of red façade on the eastern side as recommended in this report, will meet the policy objectives and criteria of Clause 22.01 relating to the Murray Street heritage precinct.

a. Zoning

The land is zoned Business 1 Zone (B1Z). 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 required under clause 34.01-4 of the Colac Otway Planning Scheme for the proposed buildings and works. The proposed buildings and works are considered to be acceptable.

The proposed height of the parapet is considered to be acceptable in this part of the Colac CBD. The increase is only for a small section of the existing building. The proposed awning structure and menu boards will not have any adverse impacts on the surrounding buildings or uses. The proposal will not change or alter the existing parking arrangements or traffic management on the site. Overall the proposal is considered to be consistent with the purpose and decision guidelines for development in the zone.

The proposed signage and changes to the signage also requires consent under the particular provisions relating to advertising signage contained on Clause 52.05 of the Scheme. Clause 34.01-6 identifies signage in the Business 1 Zone as being in Category 1 – Business Areas. The provisions relating to the signage are dealt with in detail below under the particular provisions.

An assessment of the impacts of the works on the heritage overlay is made below.

b. Overlay provisions

The site is affected by the Heritage Overlay (HO305 – Murray Street Precinct Colac). The purpose of the heritage overlay is:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*



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

The proposal requires a planning permit under clause 43.01-1 of this overlay for the buildings and works. The overlay does not include specific provisions which restrict the types of works undertaken in the heritage place. The subject building does not form a contributory building to the heritage value of the precinct. The Colac Otway Heritage Study identifies the Murray Street Precinct as being important in terms of heritage because it represents building types and built form of Colac's growth as a regional centre.

Council planning officers initially raised concern in relation to the extent of signage on the site and potential overall increase in signage and corporate imagery and extended parapet height. The new menu boards and authorisation sought for the existing 'krush bar' sign also result in overall increased signage area. The original plans also included an additional 'drive thru' sign on the existing pylon sign. The applicant partially addressed these concerns through the removal of the 'drive thru' sign.

The plans were referred to Council's heritage consultant who, as noted above in the consultant's comments, was generally supportive of the proposal. The area of concern for Council's heritage consultant was the scale of the proposed parapet on the east elevation and the large red background area associated with this parapet. The consultant advised that the red section of this part of the parapet should be reduced to a similar scale to that on the proposed north elevation and the remainder of the parapet be painted white.

It is considered that the existing amount of signage on site is excessive in view of its location in the heritage overlay. However, as noted by Council's heritage consultant, it is considered that the proposed changes will not increase the negative impact on the streetscape within the heritage place. As noted above, the heritage consultant was generally supportive of the proposed signage and exterior finish changes to the KFC restaurant but had raised concern in relation to the extent of red area on the eastern elevation.

It is therefore recommended that a condition be placed on any permit issued so as to require revised plans showing the reduction in the red section of the parapet area to be a similar scale to that shown on the north elevation and the remainder of the parapet being painted white.

It should be noted that the applicant has been advised of the recommended amendments to the eastern elevation and has expressed a willingness to amend the plans in this manner in email discussions with the planning officer.

c. Particular provisions

**Clause 52.05 – Advertising signs & Clause 52.05-7 Category 1 Business Areas**

The purpose of this clause is:

- *To regulate the display of signs and associated structures.*

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

Clause 52.05-7 triggers the need for a planning permit for certain types of signage that are located within these areas. The proposed signage requires a planning permit in this instance.

The applicant has provided lighting detail for the signage as requested by officers and as part of the application requirements under Clause 52.02-2 of the Scheme.

The proposed signage overall is not considered to have an adverse impact on the character of the area, views or vistas, streetscape or the subject building. The existing bucket signage somewhat dominates the skyline however this signage has previous approval and was endorsed as part of the previous approved plans in PP44/2003 issued on 7 May 2003. The pylon structure pre-exists the 2003 permit. However the signage on the structure was altered as part of the permit issued on 7 May 2003. The permit for the existing signage on the pylon structure therefore expires on 7 May 2018 as there is no stipulated expiry date provided for signage approved by planning permit PP44/2003.

The pylon structure associated with the krush bar sign is an existing pylon sign. This structure will be painted. The structure is already established. The 'krush bar' sign has also been in place for some time now. The new sign structures associated with the new east and north elevations includes the increased parapet height. As noted above, this is considered to be acceptable subject to a reduction in the extent and scale of the red area on the eastern elevation.

The proposed signage will not result in adverse traffic impacts or adverse glare and lighting impacts. The signage is located approximately 56m to the east of the nearest traffic lights located at the intersection of Murray Street and Hart Street. There is not considered to be any adverse impact on the traffic lights from the proposed new signage and alterations to existing signage.

On balance and in view of the extent of existing signage and heritage consultant comments, the proposed signage is not considered to unacceptably exacerbate the dominance of signage in the area and on site.

### **Clause 52.06 – Car Parking**

This clause requires that a new use must not commence or the floor area of an existing use must not be increased until the required car spaces have been provided on the land. It states further that where the floor area occupied by an existing use is increased, the parking requirement only applies to the floor area of any extension of the use or site area provided the existing number of car spaces is not reduced.

The proposal does not involve an increase in the floor area or site area. However the Scheme calculates car parking requirements for a restaurant based on the number of seats and not the floor area.

There will be an increase of two (2) more internal seats on site. As noted above, condition 5 of the permit issued for PP44/2003 required separate Council approval for any increase in the number of seats because of car parking requirements. The original permit included approval for sixteen (16) car spaces which still exist on site.

The existing number of car spaces will not be reduced under this proposal. The total number of existing seats on site is currently 36 internally and 21 externally, totalling 57.

The proposed two additional seats will be located inside the restaurant. There is no change to the external seating of 21 seats. The provision of the internal seating has been achieved by a slight alteration to the table layout, arrangement and sizing and type of chairs/tables. The table at Clause 52.06-5 of the Scheme states that 0.6 car spaces are required to be provided for each seat as part of a restaurant use. This equates to 34 car spaces being required for the current use with 57 seats. The proposed two (2) additional seats generates a need for one (1) car parking space (rounded down from 1.2), based on the number of additional seats provided. The current provision of 16 car spaces is therefore substantially under the current requirements.

The State Government Advisory Committee Report, *Review of Parking Provisions in the Victoria Planning Provisions*, (August 2011) discusses a range of matters including a review of land use terms and car parking requirements and in some cases a reduction in car parking requirements. Unlike the current provisions which relate to seating numbers for restaurants, the recommended rates for restaurant are based on floor area. The rate is 3.5 car spaces to each 100sqm of leasable floor area in business zones. As there is no change in the floor area of the buildings on site, the car parking requirements under the State government review (if applied to this application) would not require any additional car parking to be provided.

In light of the recommendations of the State government Review and Council's Colac and Apollo Bay Car Parking Strategy 2011 which adopted this rate for parking associated with convenience restaurant uses, there is therefore not considered to be an adverse impact on the parking provision on site resulting from the minor increase in the number of seats. The on-site parking provision is still considered to be satisfactory as there is only a small increase in demand on the number of existing spaces. Nonetheless, another condition restricting the number of seats on site to 59 seats is recommended to be placed on any permit for this current proposal.

#### **Clause 52.20- Convenience Restaurant and Take Away Food Premises**

These particular provisions apply to residential zones only and are therefore not applicable in this instance.

#### **Consideration of the Proposal**

The key consideration is the impact of the proposed works and signage on the heritage place, the Murray Street Precinct, and also the impact on the Colac entry and CBD area.

There was initial officer concern that the proposal represented an unacceptable increase in signage and overall corporate imagery on site and that this would adversely impact on the streetscape of the western side of the Colac CBD.

This issue was only partially resolved by some reduction in the extent of signage by the applicant in the revised plan submitted and which deletes the 'drive thru' sign. Concerns regarding the impacts of the signage will also be further addressed by the recommended requirement for a condition requiring amended plans reducing the extent of red area on the eastern elevation.

As noted above Council's heritage consultant is generally supportive of the application and has stated that in order to reduce the impact of the new signage and corporate colours on the streetscape and heritage place that the extent of red area on the east elevation needs to be reduced in scale.

The increase in number of seats on site is considered to be minor and not considered to have an adverse impact on the car parking demand on the site and surrounding area.

The reduction in car parking provision is therefore considered to be supportable subject to conditions on any permit issued.

### **Council Plan / Other Strategies / Policy Leadership and Governance**

The subject site is located within one of the key entry areas to the Colac CBD, forming part of the western entry area, as identified in the draft *Colac CBD & Entrances Project* prepared by Planisphere. The subject site is also identified as a key pedestrian route to the CBD in the consultation draft.

The *Colac CBD and Entrances Project* identifies the locality of the subject site on Murray Street as being a high priority for streetscape improvements and identifies the clutter of advertising signs in this section of Murray Street. The secondary frontage to Connor Street is identified in the entrances study as a medium to high priority in terms of streetscape improvements. The proposal is considered to be acceptable from an urban design perspective subject to the recommendation in relation to the eastern elevation being implemented.

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

There are no financial implications arising from this report.

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

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

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

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

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

Community consultation in the form of public notification has been undertaken as part of this assessment process.

### **Conclusion**

The proposed alterations are considered, on balance, to be generally in keeping with the existing and preferred character of the subject site and surrounding area subject to the changes being recommended. The proposal will modernise the existing KFC building and associated works and improve the appearance of the building overall. The proposal will not have an adverse impact on the heritage place.

### **Attachments**

Nil

**Recommendation(s)**

***That Council's Planning Committee resolves to issue a Planning Permit (PP228/2011-1) for alterations and additions, including new signage, to the existing convenience restaurant within the Heritage Overlay Schedule HO305 and a reduction in the car parking requirement under Clause 52.06 of the Scheme by one car space at 238-240 Murray Street Colac subject to the following conditions and permit notes:***

**Conditions:**

- 1. Prior to the commencement of the development, 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 provided.  
The plans must generally be in accordance with the plans submitted with the application and received on 12 September 2011 and revised plans received 31 October 2011, but modified to show the following:***
  - a) with the exception of the 'colonel signage', the parapet along the eastern elevation shall be reduced in height by 555mm. The 'colonel signage' shall not have a width of greater than 3.3m;***
  - b) with the exception of the 'colonel signage' as referred to in condition 1(a) above, and the ground floor façade directly under, the east elevation shall be painted and finished in a white colour;***
  - c) the new illuminated 'KFC' lettering on the east elevation is to be red in colour on the white background;***
  - d) a colour sample of all external roof and wall finishes.***
- 2. The layout of the site and the size of the proposed buildings and works as shown on the endorsed plans must not be altered or modified without the written consent of the Responsible Authority.***
- 3. No more than 59 seats may be available at any one time to patrons on the premises.***
- 4. Once the development is started it must be continued to the satisfaction of the Responsible Authority.***

**Signage**

- 5. The location and details of the sign and its structure as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.***
- 6. All signs must be constructed and maintained to the satisfaction of the Responsible Authority.***
- 7. The signs must not contain any flashing light except with the written consent of the Responsible Authority.***
- 8. The new signs approved as part of this permit expire fifteen years from the date it is issued.***

***Expiry of permit***

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

- ***The development is not started within two (2) years of the date of this permit.***
- ***The development is not completed within four (4) years of the date of this permit.***

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

***Permit notes:***

- 1. Building approval is required prior to commencement of construction.***
- 2. If any changes are planned or made to the premises in regards to the food preparation and servery area, the applicant must liaise with Council's Food Safety Officer, Ben de Bruyn on 5232 9430 before any works are commenced.***

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