



Colac Otway
SHIRE

AGENDA

PLANNING COMMITTEE MEETING
OF THE
COLAC-OTWAY SHIRE
COUNCIL

14 MARCH 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

14 MARCH 2012

TABLE OF CONTENTS

OFFICERS' REPORTS

PC121403-1	PLANNING & BUILDING STATISTICAL REPORT.....	5
PC121403-2	USE LAND AS A RESTAURANT WITH ASSOCIATED SALE AND CONSUMPTION OF LIQUOR, DISPLAY OF SIGNAGE AND A REDUCTION OF THE CAR PARKING REQUIREMENT AT 23 MURRAY STREET, COLAC (PP332/2011-1).	11
PC121403-3	USE OF PART OF THE DWELLING AS A CAFE AND ASSOCIATED WORKS AND REDUCTION IN CAR PARKING AT 539 CORANGAMITE LAKE ROAD COROROOKE (PP316/2011-1) .	21

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 14 March 2012 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 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 08/02/12.

Recommendation

That Council confirm the above minutes.

OFFICERS' REPORTS

Sustainable Planning and Development

- PC121403-1 PLANNING & BUILDING STATISTICAL REPORT
- PC121403-2 USE LAND AS A RESTAURANT WITH ASSOCIATED SALE AND CONSUMPTION OF LIQUOR, DISPLAY OF SIGNAGE AND A REDUCTION OF THE CAR PARKING REQUIREMENT AT 23 MURRAY STREET, COLAC (PP332/2011-1).
- PC121403-3 USE OF PART OF THE DWELLING AS A CAFE AND ASSOCIATED WORKS AND REDUCTION IN CAR PARKING AT 539 CORANGAMITE LAKE ROAD COROROOKE (PP316/2011-1)

Rob Small
Chief Executive Officer

PC121403-1

PLANNING & BUILDING STATISTICAL REPORT

AUTHOR:	Janole Cass	ENDORSED:	Jack Green
DEPARTMENT:	Sustainable Planning & Development	FILE REF:	F11/2683

Summary

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

Planning Statistics

32 Planning Permit Applications were received for the period 1 February 2012 – 29 February 2012.

27 Planning Permit Applications were considered for the period 1 February 2012 – 29 February 2012.

Building Statistics

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

Attachments

1. Planning & Building Statistical February 2012

Recommendation(s)

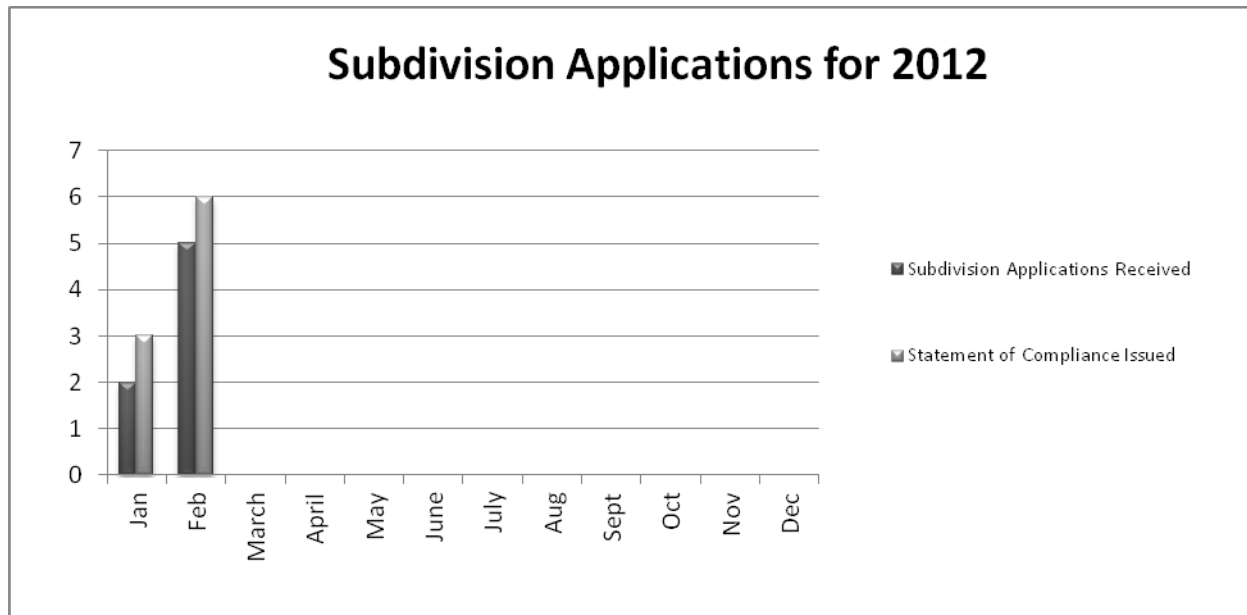
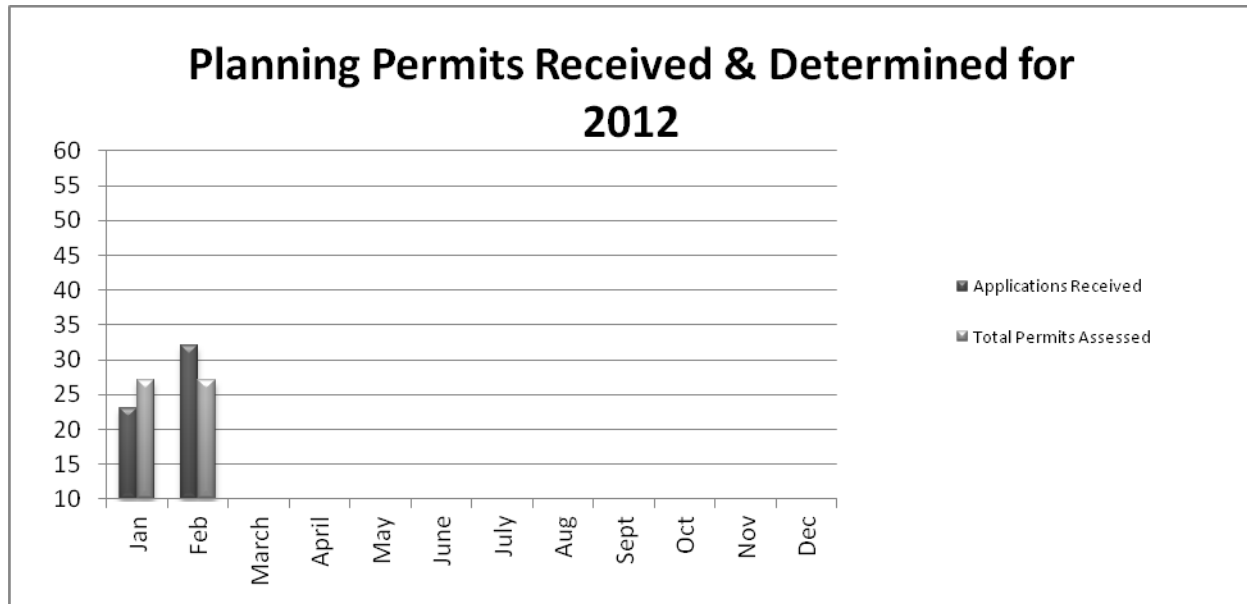
That Council’s Planning Committee note the statistical reports for February 2012.

~~~~~□~~~~~

## Planning Statistical Report February 2012

| APPLIC NO  | DATE RECEIVED | LOCATION                                | PROPOSAL                                                                                                                      | DETERMINATION DATE | ACTUAL TIME | AUTHORITY          | DECISION              |
|------------|---------------|-----------------------------------------|-------------------------------------------------------------------------------------------------------------------------------|--------------------|-------------|--------------------|-----------------------|
| 153/2008-1 | 7 MAY 2008    | 145 EVANS TRACK JOHANNA                 | DEVELOPMENT & USE OF A DWELLING & REMOVAL OF NATIVE VEGETATION                                                                | 14 FEB 2012        | 0           | UNDER DELEGATION   | REFUSAL TO GRANT      |
| 116/2010-1 | 4 MAY 2010    | 860 BARHAM RIVER ROAD APOLLO BAY        | ALTERATIONS & ADDITIONS TO EXISTING DWELLING                                                                                  | 24 FEB 2012        | 605         | UNDER DELEGATION   | PERMIT ISSUED         |
| 360/2010-1 | 21 DEC 2010   | 86 STRACHAN STREET BIRREGURRA           | FOUR (4) LOT SUBDIVISION                                                                                                      | 13 FEB 2012        | 364         | UNDER DELEGATION   | APPLICATION WITHDRAWN |
| 88/2011-1  | 14 APR 2011   | 150 GARINER'S ROAD BARONGAROOK          | EXTENSION TO EXISTING DAIRY, NEW HOLDING YARDS & MILKING AREA SHED & TWO (2) EFFLUENT PONDS                                   | 10 FEB 2012        | 261         | UNDER DELEGATION   | PERMIT ISSUED         |
| 110/2011-1 | 6 MAY 2011    | 1 RAILWAY AVENUE CRESSY                 | NATIVE VEGETATION REMOVAL                                                                                                     | 24 FEB 2012        | 294         | UNDER DELEGATION   | PERMIT ISSUED         |
| 147/2011-1 | 8 JUN 2011    | 5085 COLAC LAVERS HILL ROAD LAVERS HILL | USE AND DEVELOPMENT OF A TELECOMMUNICATIONS FACILITY (55 METRE HIGH LATTICE TOWER) & ASSOCIATED WORKS                         | 8 FEB 2012         | 51          | PLANNING COMMITTEE | PERMIT ISSUED         |
| 165/2011-2 | 19 JAN 2012   | 103 MCLACHLAN STREET APOLLO BAY         | REMOVAL OF AN EASEMENT - AMENDMENT                                                                                            | 24 FEB 2012        | 36          | UNDER DELEGATION   | AMENDED PERMIT ISSUED |
| 170/2011-1 | 19 JUL 2011   | 5059 HAMILTON HIGHWAY BARUNAH PLAINS    | REMOVAL OF NATIVE VEGETATION (IN ASSOCIATION WITH RAILWAY WORKS)                                                              | 17 FEB 2012        | 213         | UNDER DELEGATION   | APPLICATION WITHDRAWN |
| 179/2011-1 | 29 JUL 2011   | 111-117 GREAT OCEAN ROAD APOLLO BAY     | REDEVELOPMENT OF SITE & SEVEN (7) LOT SUBDIVISION INCLUDING RESTAURANT                                                        | 16 FEB 2012        | 84          | UNDER DELEGATION   | APPLICATION WITHDRAWN |
| 228/2011-1 | 12 SEP 2011   | 238-240 MURRAY STREET COLAC             | ALTERATIONS TO EXISTING CONVENIENCE RESTAURANT INCLUDING BUILDING & SIGNAGE                                                   | 8 FEB 2012         | 132         | PLANNING COMMITTEE | PERMIT ISSUED         |
| 239/2011-1 | 22 SEP 2011   | 1 OTWAY AVENUE SKENES CREEK             | CONSTRUCT ALTERATIONS AND ADDITIONS TO THE EXISTING DWELLING                                                                  | 10 FEB 2012        | 80          | UNDER DELEGATION   | PERMIT ISSUED         |
| 240/2011-1 | 22 SEP 2011   | 57A TULLOH STREET ELLIMINYT             | TWO (2) LOT SUBDIVISION                                                                                                       | 10 FEB 2012        | 92          | UNDER DELEGATION   | PERMIT ISSUED         |
| 257/2011-1 | 18 OCT 2011   | 197 MONTROSE AVENUE APOLLO BAY          | VARY THE BUILDING ENVELOPE IN RESTRICTIVE COVENANT PS508860R AND CONSTRUCT A SINGLE DWELLING WITHIN THE NEW BUILDING ENVELOPE | 16 FEB 2012        | 93          | UNDER DELEGATION   | PERMIT ISSUED         |
| 266/2011-2 | 13 JAN 2012   | 17 BOWDEN STREET BIRREGURRA             | DEVELOPMENT OF THE LAND FOR A SINGLE DWELLING - AMENDMENT                                                                     | 14 FEB 2012        | 32          | UNDER DELEGATION   | AMENDED PERMIT ISSUED |
| 269/2011-1 | 25 OCT 2011   | 280 CARLISLE GELLIBRAND ROAD GELLIBRAND | USE OF THE LAND FOR A DWELLING                                                                                                | 14 FEB 2012        | 112         | UNDER DELEGATION   | APPLICATION WITHDRAWN |

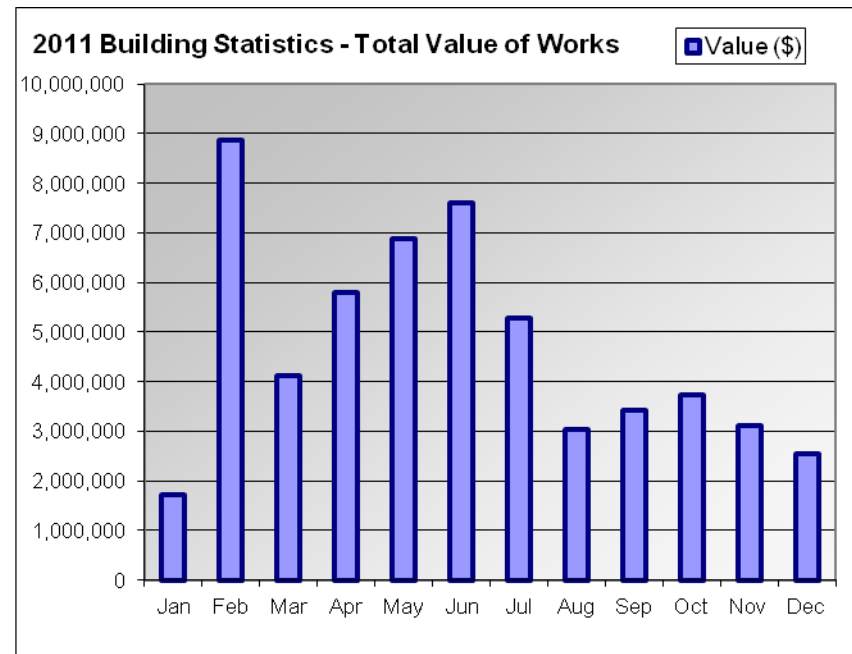
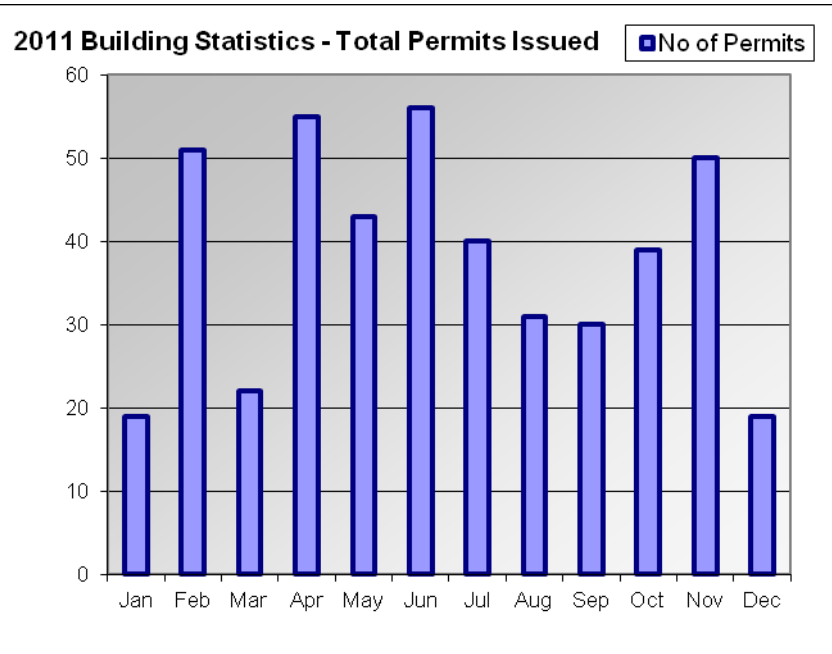
| APPLIC NO  | DATE RECEIVED | LOCATION                             | PROPOSAL                                                                                       | DETERMINATION DATE | ACTUAL TIME | AUTHORITY        | DECISION            |
|------------|---------------|--------------------------------------|------------------------------------------------------------------------------------------------|--------------------|-------------|------------------|---------------------|
| 275/2011-1 | 28 OCT 2011   | 205 DEANS CREEK ROAD ELLIMINYT       | ADDITION TO EXISTING RESIDENCE, CARPORT & WALKWAY                                              | 7 FEB 2012         | 69          | UNDER DELEGATION | PERMIT ISSUED       |
| 286/2011-1 | 8 NOV 2011    | 75 EVERETT CRESCENT BARONGAROOK WEST | CONSTRUCT CARPORT TO SHED – RETROSPECTIVE                                                      | 14 FEB 2012        | 44          | UNDER DELEGATION | PERMIT ISSUED       |
| 308/2011-1 | 25 NOV 2011   | 223-225 MURRAY STREET COLAC          | DISPLAY OF SIGNAGE (INCLUDING ILLUMINATED SIGNAGE)                                             | 16 FEB 2012        | 83          | UNDER DELEGATION | PERMIT ISSUED       |
| 325/2011-1 | 19 DEC 2011   | 591 CORAGULAC BEEAC ROAD WARRION     | CONSTRUCTION OF A SINGLE DWELLING AND THE CREATION OF AN ACCESSWAY ONTO A ROAD ZONE CATEGORY 1 | 14 FEB 2012        | 31          | UNDER DELEGATION | PERMIT ISSUED       |
| 1/2012-1   | 3 JAN 2012    | 520 DEWINGS BRIDGE ROAD GERANGAMETE  | CONSTRUCTION OF A CALF & HAY SHED                                                              | 1 FEB 2012         | 29          | UNDER DELEGATION | PERMIT ISSUED       |
| 3/2012-1   | 4 JAN 2012    | 155 TAITTS ROAD DREEITE              | REMOVAL OF ROCK FROM LAND                                                                      | 27 FEB 2012        | 7           | UNDER DELEGATION | PERMIT ISSUED       |
| 4/2012-1   | 5 JAN 2012    | 17 HESSE STREET COLAC                | CONSTRUCTION OF A HOBBY & GARDEN SHED                                                          | 20 FEB 2012        | 10          | UNDER DELEGATION | PERMIT ISSUED       |
| 9/2012-1   | 13 JAN 2012   | 29 IRREWARRA SCHOOL ROAD IRREWARRA   | DEMOLITION OF A CARPORT AND CONSTRUCTION OF A GARAGE                                           | 7 FEB 2012         | 25          | UNDER DELEGATION | PERMIT ISSUED       |
| 15/2012-1  | 24 JAN 2012   | 172 SINCLAIR STREET SOUTH COLAC      | DEVELOPMENT OF A DWELLING                                                                      | 21 FEB 2012        | 21          | UNDER DELEGATION | PERMIT ISSUED       |
| 19/2012-1  | 1 FEB 2012    | 60 MURRAY STREET COLAC               | BUSINESS IDENTIFICATION AND ILLUMINATED SIGNAGE                                                | 29 FEB 2012        | 28          | UNDER DELEGATION | PERMIT ISSUED       |
| 20/2012-1  | 30 JAN 2012   | 270-302 MURRAY STREET COLAC          | ALTERATIONS TO EXISTING FACTORY – RAISING OF ROOF HEIGHT                                       | 22 FEB 2012        | 8           | UNDER DELEGATION | PERMIT ISSUED       |
| 42/2012-1  | 16 FEB 2012   | 21 FULFORD CRESCENT ELLIMINYT        | USE & DEVELOPMENT OF THE LAND FOR A DWELLING                                                   | 29 FEB 2012        | 13          | UNDER DELEGATION | PERMIT NOT REQUIRED |
|            |               |                                      | <b>AVERAGE DAYS TO PROCESS PLANNING APPLICATIONS</b>                                           |                    | <b>104</b>  |                  |                     |





|               | Domestic   |                   | Residential* |                  | Commercial |                  | Retail    |                  | Industrial |                  | Hospital/HealthCare |            | Public Buildings |                  | Municipal Totals |                   |
|---------------|------------|-------------------|--------------|------------------|------------|------------------|-----------|------------------|------------|------------------|---------------------|------------|------------------|------------------|------------------|-------------------|
|               | No of BP   | Value (\$)        | No of BP     | Value (\$)       | No of BP   | Value (\$)       | No of BP  | Value (\$)       | No of BP   | Value (\$)       | No of BP            | Value (\$) | No of BP         | Value (\$)       | No of BP         | Value (\$)        |
| Jan           | 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                   | 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                   | 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           | 18         | 2,528,994         | 0            | 0                | 1          | 24,250           | 0         | 0                | 0          | 0                | 0                   | 0          | 0                | 0                | 19               | 2,553,244         |
| <b>Totals</b> | <b>352</b> | <b>43,275,570</b> | <b>12</b>    | <b>1,455,500</b> | <b>48</b>  | <b>3,549,453</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>455</b>       | <b>56,162,444</b> |

\*Multi-Development



**PC121403-2 USE LAND AS A RESTAURANT WITH ASSOCIATED SALE AND CONSUMPTION OF LIQUOR, DISPLAY OF SIGNAGE AND A REDUCTION OF THE CAR PARKING REQUIREMENT AT 23 MURRAY STREET, COLAC (PP332/2011-1).**

|             |                                    |           |            |
|-------------|------------------------------------|-----------|------------|
| AUTHOR:     | Ian Williams                       | ENDORSED: | Jack Green |
| DEPARTMENT: | Sustainable Planning & Development | FILE REF: | F12/104    |

**Location:** 23 Murray Street, Colac

**Zoning:** Business 2 Zone

**Overlay controls:** Heritage Overlay (HO135)

**Proposed Amendments:** Nil

### **Purpose**

Planning permission is sought for the conversion of the existing shop into a restaurant, associated signage, the use of the land for the sale and consumption of liquor (restaurant liquor license) and a reduction of the car parking requirement.

The application is before Council for consideration as the proposal seeks a reduction of the car parking requirement of fourteen (14) spaces.

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**

- Planning permission is sought for the conversion of the existing shop into a restaurant, associated signage, the use of the land for the sale of liquor (restaurant liquor licence) and a reduction of the car parking requirements.
- Public notification of this application was undertaken and no objections were received.
- The proposed buildings and works are considered to be consistent with the heritage significance of the precinct.
- The waiver of fourteen (14) car parking spaces is considered acceptable given the existing premises holds extensive car parking credits and that the proposal makes use of an existing vacant premises.
- The use of the site for the sale and consumption of liquor is considered not to cause amenity issues.
- Given the above, it is recommended that a planning permit be issued subject to conditions.

**Background**

There are no previous planning permit applications on record for the subject site. The site has until recently been used as a bookshop.

**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 is whether the reduction of car parking spaces is justified.

It is recommended that Option (a) is supported.

**Proposal**

Planning permission is sought for the conversion of the existing shop into a restaurant, the display of signage, the use of the land for the consumption of liquor (restaurant liquor licence) and a reduction in the car parking requirements. The proposed restaurant would occupy the area identified as shop 1 located within the eastern side of the building, being adjacent to the boundary with 21 Murray Street. The proposed restaurant would seat forty (40) customers within a 45sqm area located towards the front of the premises. Public access to the restaurant would be retained via the existing entry door off Murray Street which is required to be widened from 80cm to 92cm. The existing on premises kitchen would be retained and upgraded within the central part of the building and customer toilets retained towards the rear.

The proposal includes the partial enclosure of the existing rear passageway and courtyard area adjacent to the rear toilet facilities to provide an additional 19.37sqm of floor area. The alterations would include the provision of a new rear door within the existing opening and the installation of a new ceiling and tiled floor within this section of the building.

The proposal includes the display of a 2m by 40cm internally illuminated sign located under the front verandah comprising maroon and sky blue text on a yellow background, the display of a painted front verandah edge sign 20cm by 3m and a 70cm by 4m fascia sign fixed above the front verandah.

The applicant has also applied for a restaurant liquor licence to use the land to sell and consume liquor. The proposed license area has been identified on the plan and extends under the front verandah and over the front footpath. The proposed opening hours are 9am to 10pm daily.

The proposal includes the provision of six car parking spaces to the rear of the site and the waiver of the requirement for fourteen (14) car spaces.

**Site & Surrounds**

An inspection of the site and the surrounding area has been undertaken. The site has a total area of 483.5 square metres and was recently used as a bookstore, and prior to that a real estate office.

The site is located on the north side of Murray Street, to the east of its junction with Hesse Street, to the west of its junction with Queen Street and backs onto Regent Place at the rear.

The existing premises is identified on plan as 23 Murray Street, however, the premises is centrally divided (front to rear) as two separate shop units (shop 1 and shop 2).

Shop 1 forms the basis of this application and benefits from a 5m frontage onto Murray Street extending 14m to the rear (north). Shop 1 benefits from an open courtyard area adjacent to separate toilet facilities and open land (5m by 9.7m) to the rear. Shop 2 is similar to a number of adjacent properties within the precinct and benefits from a covered rear courtyard area.

### **Public Notice**

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

No objections to the application were received.

### **Referrals**

The application was referred internally to the Council's Infrastructure Department. No objections were raised to the proposal subject to conditions which have been recommended.

The application was referred to Council's Health Department. No objections to the proposal were raised subject to specific conditions being placed on any approval issued.

The application was not referred to Council's Heritage Advisor as the external alterations to the property are considered to be relatively minor and no internal controls apply to this site.

### **Planning Controls**

#### State and Local Planning Policy Framework

- a. The State and Local Planning Policy Framework seeks to ensure that the objectives of planning in Victoria are fostered through appropriate land use and development planning policies and practices which integrate relevant environmental, social and economic factors in the interests of net community benefit and sustainable development. The following policies are relevant to the consideration of this application.

- Clause 11.05 – Regional Development
- Clause 15 – Built Environment and heritage
- Clause 17 – Economic Development
- 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. The proposed use assists in meeting the communities need for commercial facilities. It also assists in providing an additional commercial facility within the town centre within walking distance to other commercial and recreational facilities.

b. Zone Provisions

The purpose of the Business 2 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.

A restaurant is a Section 2 Use (permit required) under Clause 34.02-1 to the Business 2 Zone provisions.

Planning permission is required to construct a building or construct or carry out works pursuant to Clause 34.02-4 of the Colac Otway Planning Scheme.

The proposed restaurant would occupy a relatively small footprint in relation to the site, potentially accommodating 40 customers during the hours of 9am to 10pm daily. Services and deliveries to the site would be undertaken via Regent Place, which is an existing access lane located to the rear. Refuse generated would be contained within the enclosed service yard and stored at the rear prior to collection. To facilitate the restaurant use, the proposal includes the provision of a new exhaust canopy and internal flue which would utilise the existing roof opening. The location of the exhaust flue towards the middle of the site would ensure that any potential cooking odours are discharged above the roof, away from both Murray Street and Regent Place.

The external alterations proposed under this application include an increase in width to the existing main entrance door off Murray Street, the replacement of the existing enclosure over the rear courtyard and the provision of a rear service yard. Overall, the proposed alterations are considered to be in keeping with the character and appearance of the existing building and the heritage significance of the precinct. Subject to conditions, the proposed use of the land as a restaurant is not considered to detrimentally affect the amenity of the surrounding properties, but would add to the vitality and viability of the street and as such, is considered to positively respond to the requirements of the zone.

c. Overlay Provisions

The objectives of the Heritage Overlay are:

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To conserve and enhance heritage places of natural or cultural significance.
- To conserve and enhance those elements which contribute to the significance of heritage places.
- To ensure that development does not adversely affect the significance of heritage places.
- To conserve specifically identified heritage places by allowing a use that would otherwise be prohibited if this will demonstrably assist with the conservation of the significance of the heritage place.

A permit is required to construct a building or construct or carry out works pursuant to Clause 43.01-1 of the Colac Otway Planning Scheme.

The Colac Otway Heritage Study 2003 provides the following historical brief;

*'The Shop pair at 23-25 Murray Street Colac was constructed for the grocery chain Moran and Cato in 1911. The Moran and Cato Shops are of historic and aesthetic importance to the Shire of Colac Otway. The shops are historically important through their association with Colac's retail development and demonstrate the early twentieth century commercial growth of the town.*

*A pair of 1911 single storey double fronted commercial shops originally built as a grocery with attached café.*

*The building is designed in a restrained Federation Free Classical style, very typical of pre First World War commercial premises. The style is demonstrated in the classical detailing of the parapet wall with central pediment, small pilasters, and large consoles supporting the cornice. A corrugated iron skillion verandah supported by simple square timber posts extends out over the pavement. The shop front windows are finely detailed with deep, but delicate stained glass upper fanlights with insert mirror framed proprietor's nameplate 'Moran & Cato' written in Arts and Craft style lettering, metal framed display windows, central recessed doors, glazed ceramic blue tiles to the plinth and elaborate tessellated and terrazzo tiles to the entrance floor'.*

In response to the provisions of the Heritage Overlay, the alterations are considered to be in keeping with the character, appearance and style of the heritage place and adjacent heritage buildings within the street. The front entrance door would retain its recessed location within the shopfront, with the provision of a slightly increased width and glazed side lights which would remain consistent with the character of neighbouring shop units. The enclosure of the rear courtyard and the provision of a new rear door would formalise and improve the overall appearance of the rear access.

On balance, the external alterations are not considered to adversely affect the significance of the heritage place. In view of this, the proposed alterations are considered to positively respond to the decision guidelines of the overlay.

d. Particular Provisions – Clause 52.05 Advertising Signs

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.

Pursuant to Clause 52.05, the site is identified as Category 2 – Office and Industrial which offers a low limitation for the display of signage. Under Clause 52.05, planning approval is required for business identification signage where the total advertisement area to each premise exceeds 8sqm in area. For internally illuminated signs, the advertisement area must not exceed 1.5sqm.

The proposal includes the display of a 2m by 40cm internally illuminated sign located under the front verandah comprising maroon and sky blue text on a yellow background, the display of a painted front verandah edge sign 20cm by 3m and a 70cm by 4m fascia sign fixed above the front verandah. Further signage details in terms of the lettering, level of illumination and colour have been requested by a condition recommended within this report.

Subject to the submission of appropriate details as requested by the condition, it is considered that the proposed advertisements are considered to be appropriately located on the front facade of the building, being of a scale and form which presents a good relationship to the streetscape setting and existing signage at this level within Murray Street. The facade sign would be positioned between the existing decorative corbels and below the detailed cornice at a height which is consistent with neighbouring signage within the street.

Whilst the under canopy signage would be illuminated, this would be partially screened by the existing front verandah and in this location would only generally be visible from the pedestrian footpath. The verandah sign is considered to be of a small scale nature and overall the cumulative impact of all signs on the facade of this building is not considered to be detrimental to the significance of the heritage place.

e. Particular Provisions – Clause 52.06 Car Parking

Pursuant to Clause 52.06, 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. 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 existing use is defined as a shop and as such, holds parking credits at a rate of eight (8) spaces per 100sqm of leasable floor area. The existing premises have a leasable floor area of 121.54sqm, which holds a car parking credit of 9.7 spaces.

A restaurant attracts a car parking rate of 0.6 car spaces to each seat available to the public and as such, the proposal generates a car parking requirement of 24 spaces. As no additional parking can be provided on-site, a reduction of fourteen (14) parking spaces is required.

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. The report recommends a specific rate for a restaurant of 3.5 car spaces to each 100sqm of leasable floor area in a business zone.

If the rate proposed by the Advisory Committee Report was applied in this instance, the proposal would generate a car parking requirement of five (5) car spaces and as such, given the car parking credit of 9.7 spaces at this site, a waiver of car parking would not be required.

The Colac and Apollo Bay Car Parking Strategy adopted by Council on 12 December 2011 contains the following main aims:

- Improve management of on-street and off-street car parking to achieve optimum use and turnover of car parks.
- Maximise the availability and awareness of existing parking by better managing demand and encouraging alternative transport modes such as walking, cycling and public transport.
- Manage the provision of off-street parking for new and existing land uses.
- Encourage good design principles to minimise the amount of land used by car parking.

With respect to car parking rates, the report states:

*'Given the often unique circumstances associated with different new developments, it is not always the case that one parking rate fits all developments in all locations. As an alternative, Clause 52.06-6 of the Colac Otway Shire Planning Scheme enables Parking Precinct Plans to be prepared.'*



*These are locally prepared strategic plans that contain parking provisions for an area or precinct. They allow all the parking issues arising in a precinct to be considered and a strategy to be implemented to address them.*

Specifically, this report notes that parking rates should be adopted which recognise that:

- *The demand for parking for retail uses in the Colac Commercial Centre is lower than the rate specified by the Victorian Government.*
- *There is currently an oversupply of parking in Colac. As such, there may be potential to better utilise existing parking supply in central Colac to service some of the future demand for parking.*
- *Many smaller shops in the Colac Commercial Centre are unlikely to generate single purpose trips and be part of a multipurpose trip meaning that the parking demand is shared by a number of land uses.*

The report recommends that a rate of three (3) spaces per 100sqm of floor area for a restaurant be incorporated in the Colac Otway Planning Scheme. If the rate proposed by the Parking Strategy was applied in this instance the proposal would generate a car parking requirement of four (4) spaces and as such, a waiver of car parking would not be required.

Overall, given the on street supply of car parking within the immediate and surrounding area the proposed reduction of fourteen (14) car parking spaces is considered to be acceptable. On site car parking is proposed in the form of four (4) car spaces to the rear of the site. The impractical layout and location of these spaces would potentially only allow these spaces to be used by staff of the premises and as such, the appropriate condition has been recommended.

f. Particular Provisions – Clause 52.27 Licensed Premises

The purpose of this Clause is:

- To ensure that licensed premises are situated in appropriate locations.
- To ensure that the impact of the licensed premises on the amenity of the surrounding area is considered.

Pursuant to Clause 52.27, a permit is required to use land to sell or consume liquor if a licence is required under the Liquor Control Reform Act 1998.

Approval is sought under this proposal for the on-site sale and consumption of liquor as part of a restaurant licence. The proposed area has been shown on the plan and includes the area over the front footpath (18sqm) and would contain two (2) tables and ten (10) chairs. The sale of liquor is strongly controlled through State legislation which will require the applicant to gain approval from Victorian Commission for Gambling and Liquor Regulation. It is considered that the consumption of liquor on premises and on the footpath within the designated areas and within the proposed opening hours of 9am to 10pm daily, subject to conditions, is unlikely to cause any material detriment to any persons or adjoining property.

**Consideration of the Proposal**

The proposal is considered to be consistent with the broader principles of the State and Local Planning Policy Framework providing an additional commercial facility within the town centre within walking distance to other commercial and recreational facilities.

The proposed use of the land as a restaurant is not considered to detrimentally affect the amenity of the surrounding properties, but would add to the vitality and viability of the street and as such, is considered to positively respond to the requirements of the zone.

The external alterations are not considered to adversely affect the significance of the heritage place and are considered to positively respond to the decision guidelines of the overlay. The proposed advertisements are considered to be appropriately located on the front facade of the building, being of a scale and form which presents a good relationship to the streetscape setting and existing signage at this level within Murray Street.

Given the on street over supply of car parking within the immediate and surrounding area, the proposed reduction of fourteen (14) car parking spaces is considered to be acceptable.

**Council Plan / Other Strategies / Policy**

Planning policies relevant to this application have been discussed earlier in this report.

**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 proposed buildings and works will not cause detriment to the significance of the heritage place, the existing streetscape and the general amenity of the site and surrounds. The waiver of fourteen (14) car parking spaces is considered appropriate given the availability of car parking with Colac Town centre. It is therefore recommended that the application be supported.

**Attachments**

Nil

**Recommendation(s)**

***That Council's Planning Committee resolves to grant a Planning Permit for the use and development of the land which includes the conversion of the existing shop into a restaurant within Heritage Overlay 135, the display of signage and for the use of the site for the sale and consumption of liquor (restaurant liquor licence) and a reduction in the car parking requirement at 23 Murray Street, Colac subject to the following conditions:***

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

2. ***No external sound amplification equipment or loud speakers are to be used for the purpose of announcement, broadcast, playing of music or similar purpose.***
3. ***No more than forty (40) seats may be provided within the restaurant at any time to the satisfaction of the Responsible Authority.***
4. ***The provision and or consumption of liquor within the development hereby permitted must be subject to the issue of a Liquor Licence, pursuant of the provision of the Liquor Control Reform Act, 1988, as amended.***
5. ***The sale and consumption of liquor must occur within the area defined by the red line in accordance with the endorsed plan.***
6. ***The supply of liquor hereby approved must be managed so that the amenity of the area is not detrimentally affected to the satisfaction of the Responsibility Authority.***
7. ***Approval for the sale and consumption of liquor must be obtained from the Liquor Licence Commission prior to the serving or consumption of alcohol on the land.***
8. ***The use of the land for a restaurant including the serving and consumption of alcohol must only occur within the hours of 9am – 10pm daily and at no other times unless with the written approval of the Responsible Authority.***
9. ***Prior to the display of any signage associated with this application, additional signage details must be provided to the Responsible Authority. When approved, the signage details 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 submitted with the application but modified to show signage materials, lettering, levels of illumination and colours in keeping with the significance of the heritage place.***
10. ***The location and details of the signs as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.***
11. ***All signs must be constructed and maintained to the satisfaction of the Responsible Authority.***
12. ***The signs must not contain any flashing light except with the written consent of the Responsible Authority.***
13. ***The signs must only be illuminated between the hours of 9am – 10pm daily and at no other times unless with the written consent of the Responsible Authority.***
14. ***This permit as it relates to advertising signs expires fifteen years after the date it is issued.***
15. ***The restaurant must be registered as a food premises with the Council before any food is sold from the site.***
16. ***A food safety plan must be developed for the premises and a suitable number of staff trained in food handling techniques before the restaurant can be registered as a food premises.***

17. ***The four (4) car parking spaces to the rear of the site as shown on the endorsed plans must be used for the parking of staff vehicles only.***

**Expiry of the permit**

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

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

~~~~~~~~~~

PC121403-3 USE OF PART OF THE DWELLING AS A CAFE AND ASSOCIATED WORKS AND REDUCTION IN CAR PARKING AT 539 CORANGAMITE LAKE ROAD COROROOKE (PP316/2011-1)

AUTHOR:	Kim Linden	ENDORSED:	Jack Green
DEPARTMENT:	Sustainable Planning & Development	FILE REF:	F11/5813

Location: 539 Corangamite Lake Road Cororooke

Zoning: Township Zone

Overlay controls: Environmental Significance Overlay – Schedule 1 (Warrion groundwater)

Proposed Amendments: None applicable

Purpose:

This application seeks approval for use of part of the recently approved dwelling as a cafe. The proposal is before the Planning Committee as it results in a reduction in the number of car parking spaces as required by the Planning Scheme and as there have been five (5) objections to the proposed cafe.

It is recommended that a Notice of Decision to grant the 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 is for use of part of the dwelling currently under construction, as a cafe. The remainder of the building is to be used for private purposes/dwelling.
- The site is zoned Township Zone (TZ) and is affected by the Environmental Significance Overlay – Schedule 1 - Warrion groundwater (ESO1). The site also fronts Corangamite Lake Road which is designated as a Road Zone Category 1.
- The proposal includes a reduction in car parking requirements from 11 car spaces to five car spaces based on 19 customer seats to be provided on site.
- Public notice of the application was undertaken. There have been a total of 14 submissions. There were five objections and nine letters of support for the proposal.
- Concerns raised in objections relate to concerns regarding car parking provision and potential impacts on the corner store located opposite the site, to the east.
- A condition in relation to revised car parking arrangements, so as to ensure the parking is workable, is recommended to be placed on any permit issued.
- The proposal is considered to be acceptable subject to appropriate conditions. Whilst the application seeks to reduce the car parking requirement, there is adequate on street car parking to meet overflow demand.
- It is recommended that Council issue a Notice of Decision to Grant the Permit for the proposal.

Background

A dwelling was approved on the site by planning permit PP243/2011-1 on 7 November 2011. The dwelling is currently under construction and is nearing completion.

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) Refuse to grant a Planning Permit.

It is recommended Option (a) is supported for the reasons outlined in the report below.

Proposal

The proposal involves the part use and development of the dwelling as a cafe, and includes:

- The front section of the building approved as a dwelling to be used as cafe which incorporates a food preparation and coffee preparation and a servery area.
- Hours of operation of 8.30am to 5.30pm seven days a week.
- Remaining part of the building to be used for private purposes as a dwelling and located in the rear section of the building. The plan shows this area includes two (2) bedrooms, bathroom and kitchen area. Access to the dwelling/private area would be through the cafe.
- Five (5) car spaces to be located at the front of the site, including two (2) spaces shown on the plan submitted as staff and dwelling spaces. Three (3) car spaces are shown to be provided as customer spaces. The surface is proposed to be treated with concrete.
- Disabled entry to the cafe to be located at the front of the building.
- The applicant has advised that the number of patron seats has been reduced to 19 seats so as to accommodate the disabled access at the cafe entry. A total of 25 patron seats was originally indicated to be provided.
- The provision of two (2) toilets for patrons located inside the cafe building.
- Delivery of goods Monday to Saturday between approximately 8.30am at the earliest to 3pm at the latest.
- Waste bin store to be located on the southern side of the building.
- Septic treatment plant associated with the use to be located at the rear of the building.
- Some landscaping of the premises including raised herb and vegetable beds at the rear of the site and plantings to the front of the building.

Site & Surrounds

The subject site is located on the western side of Corangamite Lake Road in Cororooke. The site has recent approval for a dwelling in PP243/2011-1 which is currently under construction and almost at lock-up stage. The site is 705.2 square metres in area and is a rectangular shaped lot. The site is level and there is no significant vegetation.

The site is approximately 10km north west of Colac, and is west of Lake Colac. It is centrally located within the township of Cororooke. Surrounding land comprises predominantly of commercial and residential uses and some industrial type uses.

There is a corner store (Embrey's Store) located directly to the north east of the site. The corner store incorporates a post office facility. The Fonterra factory is located further to the north east of the site on Factory Road. The Cororooke Maternal and Child Health Centre is located to the south of the site.

Public Notice

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

A total of 14 submissions were received in relation to the proposal. Five (5) of these were objections to the proposal. Nine (9) of these submissions were letters of support for the proposal.

The grounds of objection are summarised as follows:

- Substantial reduction in car parking on the 15 car spaces required by the Planning Scheme.
- The lack of parking and use as a cafe will detrimentally impact the drop-off point located in front of the site for the school bus.
- Impacts on efficient postal service as lack of parking will make it difficult for customers to pick-up their parcels.
- Crossover is inadequate to cater for the proposed car parking spaces.
- The lack of parking will impact neighbouring properties.
- Overflow parking will affect access to the corner store.
- Public toilet provision is not genuine public toilet provision as it would only be accessible via the premises.
- The toilet is not separate but is used in conjunction with the rest of the premises.
- The toilet does not appear to be of an adequate size to allow for adequate disabled access.
- Economic impact on the existing corner store particularly in view of proposed rezonings.
- Septic system is a domestic system which is inappropriate and inadequate for the proposed use.
- Applicant has stated that wastewater can be reused to water vegetables located in raised beds suggesting this is to be used as a dispersal area for wastewater.
- Site is located above an aquifer and this must be preserved.
- Inaccuracies in application including items available for sale at the corner store. Corner store provides food items which the applicant stated were not available in Cororooke.

The issues raised in the submissions are addressed in detail in the report below.

Letters in support of the proposal stated the following:

- The cafe will be a meeting place for local people.
- The cafe will support and add to the vitality of the township and other businesses including the recently approved art gallery at 520 Corangamite Lake Road Cororooke, (located to the south of the site) approved in permit number PP184/2011-1 issued on 13 October 2011.
- The cafe will provide a service to Cororooke which is projected to grow including through proposed rezonings.
- The cafe will provide a toilet as there is no public toilet provision in the township.

Referrals

The application was referred in accordance with Section 55 of the *Planning and Environment Act 1987* to VicRoads, Barwon Water and Southern Rural Water Corporation. Internal referrals were made to the Council's Building, Health (including Food Safety officer) and Infrastructure departments.

All parties provided consent to the application with most imposing conditions on any approval.

VicRoads and Southern Rural Water Corporation have provided conditions. Barwon Water has included a permit note requiring the developer to apply to Barwon Water for details relating to costs and conditions for the provision of water supply.

Planning Controlsa. 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 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 – Settlement
- Clause 15 – Built Environment & Heritage
- Clause 17 – Economic development
- Clause 21.02-1 – Vision
- Clause 21.02-2 – Land Use Vision

The proposal is considered to be consistent with the broader principles of the State and Local Planning Policy Framework. The land use vision includes an objective to encourage less intensive residential and township development to take place in other, smaller settlements such as Cororooke "in a manner that contributes to the economic development of these townships."

Objections have raised issues around the negative impact of the proposal on the corner store and post office. It should be stated that an assessment of the impact of one business on another is not within the ambit of this planning application. However, local policies do allow for the consideration of economic development.

Overall, the proposal is considered to contribute to the economic development of Cororooke providing another business that could, for example, cater to workers of various businesses operating in the area as well as local people and any visitors to the area including those visiting the approved art gallery.

b. Zone Provisions

The site is located within the Township Zone (TZ). The purpose of this zone is to:

- *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.*

The proposal fits best within the definition of a 'food and drink premises' under Clause 74 of the Scheme. A food and drink premises is defined under the Scheme as:

"Land used to prepare and sell food and drink for immediate consumption on, or off, the premises."

The cafe use forms a section 2 use under Clause 32.05-1 of the Scheme and therefore requires a permit. The buildings and works associated with the use that are not yet complete also require approval under Clause 32.05-8 of the Scheme. The dwelling component would not require consent under the zoning provisions.

Under Clause 32.05-9 in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate several decision guidelines. The proposal has been assessed against the decision guidelines as follows:

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

The proposal has been considered against the State and Local policy Framework above and is considered to be acceptable in terms of these policies.

- *The protection and enhancement of the character of the town and surrounding area including the retention of vegetation.*

The approved building (approved as a dwelling) is considered appropriate for the area and consistent with the built form found in the township of Cororooke, being single storey and with a pitched roof. There is no vegetation required to be retained on site.

- *The availability and provision of utility services, including sewerage, water, drainage, electricity, gas and telecommunications.*

The proposal has access to utility services except for sewerage. The site has access to town water provision. The proposal also includes a septic tank connection. As noted above, the health officer considers this to be acceptable.

- *In the absence of reticulated sewerage, the capability of the lot to treat and retain all wastewater in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970.*

As noted above, the site is not connected to sewerage but will have connection to a septic system. Council's health officer has considered that the proposal can be served by a septic system.

- *The design of buildings, including provision for solar access.*

The proposed café use utilizes areas dedicated as living and meal areas in the original dwelling design as well as utility rooms such as toilets and the laundry. While it is unusual in that the building is not a purpose built commercial premises, the design of the building is such that it easily lends itself to conversion to a café. It will have sufficient solar access and includes solar panels over the kitchen area. In summary, the design is considered to be acceptable in terms of quality of design.

The applicant has indicated two toilets to be provided. In the supporting written documentation the applicant has referred to these toilets as being for the public. These toilets will serve the patrons of the cafe.

Council's Municipal Building Surveyor has indicated that the building may require an upgrade to meet accessibility requirements. This upgrade may also include the toilets.

The building is setback from the sides to neighbouring properties, namely the adjoining dwelling at 537 Corangamite Lake Road, therefore reducing noise impacts from the use. Car parking is also to be provided at the front of the property thereby also reducing amenity impacts of parking movements such as noise.

The applicant has not provided any detail of ventilation of the premises in relation to odour extraction, however, if a flu or other similar extraction system is required, this should be easily accommodated on the building. The waste store location to the south side of the building, will be predominantly screened from the neighbouring property at 537 Corangamite Lake Road by a solid fence.

The parts of the building identified in plans as being private/dwelling are considered sufficient for private purposes and to have sufficient solar access.

Use of the kitchen for a combined commercial/private use is acceptable subject to the kitchen being upgraded to a commercial kitchen to the satisfaction of Council's Food Safety Officer.

- *The need for a verandah along the front or side of commercial buildings to provide shelter for pedestrians.*

The building has a verandah located at the front and to the north side. The front part of the verandah and part of the side is intended for use by patrons. Part of the verandah, on the north side, will be dedicated for private use.

- *Provision of car parking and loading bay facilities and landscaping.*

The proposal seeks to include car parking and the revised plan submitted on 4 January 2012 shows some parking provision. A condition is recommended to be placed on any permit issued in requiring loading and unloading to take place within the site.

The proposal includes landscaping of the site. It is however recommended that the condition requiring revised plans also include a requirement for further landscaping at the front of the site.

Further landscaping of the front of the site would improve the delineation of the property boundary to the street and would assist in integrating the car park area at the front of the site, particularly the proposed hard standing area, into the surrounding area and will reduce the extent of paved surface area.

c. Overlay Provisions

The site is covered by the Environmental Significance Overlay (ESO) and Schedule 1 to the ESO – Warrion Groundwater Area (ESO1). The purpose of this overlay is to:

- *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 development of land may be affected by environmental constraints.*
- *To ensure that development is compatible with identified environmental values.*

The environmental objective in relation to this overlay is “to protect and maintain the quality and quantity of groundwater recharge in the Warrion aquifer area.”

The proposal was required to be referred to both Barwon Water and Southern Rural Water Corporation under section 55 of the *Planning and Environment Act*. Southern Rural Water Corporation has specifically required a licence in certain instances. Council’s Health officer considers the proposal to be acceptable.

It should be noted that the applicant has stated that the raised vegetable beds at the rear are to be used for wastewater dispersal. This aspect will be addressed in detail by Council’s Health officer when assessing a septic installation application. The Health officer has however recommended that a permit note stating no wastewater is to be placed on root vegetables be placed on any permit issued.

The proposal is not considered to result in an adverse impact on the groundwater quality or the recharge area.

d. Clause 52.05 Advertising

As the site is located within the Township Zone, it falls within a Category 3 – High Amenity Area for advertising. The proposal does not include any advertising signage. The applicant was made aware of the requirement for a planning application for signage and has verbally stated that a separate application for advertising signage will be made.

e. 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. The table at Clause 52.06-5 includes car parking rates for different uses.

As the proposal involves a use which fits with the definition of restaurant under the Scheme, the proposal requires 0.6 car spaces for every patron seat under Clause 52.06-5. The proposal is currently shown as being for 23 patron seats. This would generate a need for 14 car parking spaces to be provided on site.

As noted above, the applicant has however stated that 19 patron seats would more than likely be achievable in view of the need to provide for provision for adequate circulation for disabled access. 19 seats generates a need for 11 car parking spaces.

The application provides for five (5) on site car parking spaces.

This number of car spaces is however not achievable in terms of vehicle turning area and adequacy of manoeuvrability and does not allow for adequate sizing and dimensions for provision of a disabled car space in accordance with the *AS2890.6:2009: Parking Facilities Part 6 off street parking for people with disabilities*.

Council’s Infrastructure Department has recommended that a revised plan be submitted and endorsed as a condition on any permit. This includes deletion of car space three to allow manoeuvrability to the space dedicated to the dwelling and one disabled car space being provided where car spaces 1 and 2 are currently shown on the plan received on 4 January 2012. It is anticipated that with the changes to the plan, no more than two (2) car spaces may be accommodated within the proposed car park.

In relation to the parking rates, the Victorian Car Parking Provisions Review (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.

The rate provided for a restaurant use under the draft revised Clause 52.06 provisions is 0.4 spaces to each patron permitted. The required number of car spaces based on 19 seats being provided is 7.6 car spaces under this draft rate.

The report also provides a separate rate for food and drink premises other than restaurants. The rate provided for food and drink premises in the report is 4 car spaces to each 100 square metres of leasable floor area. The use as a cafe is arguably less than that for a restaurant which tends to be a more formal sit down situation and often evening oriented use. If the food and drink premises rate is therefore applied, the car parking requirement would be 4 spaces based on a floor area for the cafe of approximately 102 square metres (including kitchen floor area). This is substantially less than the current requirements and much closer to the two (2) car spaces as recommended by Council's Infrastructure Department.

There is considered to be ample on street car parking in close proximity to the site. Planning officers inspected the area and established that there is ample on street parking availability along Corangamite Lake Road and further along just to the north of the site on Factory Road. The hours of operation, being 8.30am to 5.30pm, are also considered to be acceptable and to not result in unreasonable demand for car parking.

Objections raised concern in relation to the use of the area at the front of the site used for a school bus. It should be noted that this is not a designated bus stop and there are no signs on the street to indicate this to be the case.

Objections also raised concern with the potential for conflict of use with the convenience store opposite the site particularly the use of the post office located in the convenience store for parcel pick-up. There is considered to be sufficient parking in the vicinity of the cafe and the convenience store to cater for both uses.

In summary, the proposal is considered to be acceptable in terms of car parking. A reduction in the car parking provision is therefore considered to be supportable subject to a revised plan for the car parking layout.

f. Clause 52.29 Land adjacent to a Road Zone, Category 1, or a Public Acquisition Overlay for a Category 1 Road

As the proposal involves the alteration of an access to a road designated as Road Zone Category 1, a planning permit is triggered under this Clause. The relevant purpose of this clause is to ensure appropriate access to identified roads.

The application was required to be referred to VicRoads under Section 55 of the *Planning and Environment Act 1987*. The authority has advised that the proposal is acceptable subject to conditions on any permit issued. The conditions required by VicRoads relate to the type and standard of construction of the access to the site.

Consideration of the Proposal

The proposal is considered to generally be consistent with the purpose of the zoning and to meet the decision guidelines for proposals in the zone.

One of the key issues is car parking provision. The issue of the car parking layout at the front of the site is recommended to be addressed by a condition requiring a revised plan.

As noted, there is considered to be sufficient on street car parking availability to cater for the reduction in car parking. The reduction in car parking provision is therefore considered to be supportable subject to conditions on any permit issued.

There is not considered to be any adverse impact on the surrounding area and the proposal will generally be consistent with State and particularly local policies in relation to small towns.

Council Plan / Other Strategies / Policy

The Council Plan includes objectives to improve economic growth in the Shire and to support a range of business needs. As noted in the discussion of local policies above, support for this proposal is considered to be consistent with these objectives. Relevant planning policies relevant to this application have been discussed earlier in this report.

Rural Living Strategy

Council's *Rural Living Strategy* adopted on 21 December 2011 states that the growth potential of Cororooke is moderate. It has identified a long term investigation area for further growth located to the west of the township around Factory Road, west of the subject site. Most growth is predicted to occur on existing vacant infill sites. While this growth potential is long term, the strategy has recognised that as the settlement is within easy commuting distance to Colac it will attract people seeking a rural lifestyle. The proposal, being located centrally within the township, will add to the vitality of the town and offer employees of the Fonterra factory an option which is within close proximity.

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 climate change implications arising from this proposal. The issue of impact on Warrion groundwater has been addressed in detail above in the report. There is not considered to be an adverse impact on the groundwater arising from the proposal.

Communication Strategy / Consultation Period

Community consultation in the form of public notification has been undertaken as part of this assessment process and has been addressed above under the 'Public Notice' section.

Conclusion

The proposal is considered to be generally consistent with the relevant planning policies subject to conditions, with the exception of the proposed reduction in car parking. The issue of the car parking layout at the front of the site is recommended to be addressed by a condition requiring a revised plan. The reduction in car parking provision is therefore considered to be supportable subject to conditions on any permit issued.

Attachments

Nil

Recommendation(s)

That Council's Planning Committee resolves to issue a Notice of Decision to Grant a Permit for the use of part of the dwelling as a cafe and associated works, a reduction in car parking and the creation of an accessway onto a Road Zone Category 1 (RDZ1) subject to the following conditions:

- 1. Prior to the commencement of the use, 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 (received 4 January 2012), but modified to show:***
 - a) One disabled car park space and the deletion of car park space 3 as shown on the Carpark Layout Plan received by Council on 4 January 2012;***
 - b) Kitchen area to be used as part of the dedicated café area;***
 - c) A minimum of a 1 metre landscape strip along the front boundary;***
 - d) The provision of a landscape plan for the area to the front of the site. The landscape plan shall include the location, species name (botanical and common names) and details of all mulching.***
- 2. The layout of the uses on the endorsed plans must not be altered without the written consent of the Responsible Authority.***
- 3. The hours of operation must be within 8.30am to 5.30pm seven days a week.***
- 4. No more than 19 seats may be available at any one time to patrons on the premises.***
- 5. The landscaping as required in the endorsed plans must be installed and maintained to the satisfaction of the Responsible Authority.***
- 6. All loading and unloading is to occur within the boundaries of the site.***
- 7. The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:***
 - a) transport of materials, goods or commodities to or from the land***
 - b) appearance of any building, works or materials***
 - c) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil***
 - d) presence of vermin***
 - e) others as appropriate.***
- 8. External lighting must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land.***

9. **Noise levels emanating from the land must comply with the requirements of the Environment Protection Authority's Information Bulletin No. N3/89 Interim Guidelines for the Control of Noise in Country Victoria.**
10. **The vehicular crossing must be constructed to the road to suit the proposed driveway to the satisfaction of the Responsible Authority.**
11. **An application to construct a vehicle crossing must be lodged and approved by the Responsible Authority prior to the commencement of works.**
12. **The driveway must enter the roadway perpendicular to the roads centre line and be in a safe location for users, pedestrians, cyclists and motorists by consideration of both vertical and horizontal sight distance to the satisfaction of the Responsible Authority.**
13. **The driveway must be constructed to an all weather surface to the satisfaction of the Responsible Authority.**
14. **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.**

VicRoads conditions:

15. **Prior to the development coming into use the access shall be constructed in accordance with the submitted plan and shall be at least 7.5 metres wide at the entrance to provide a passing area for vehicles entering and leaving the subject site.**
16. **Access to the development shall be designed so that all vehicles can be driven in a forward direction when entering or leaving the subject site.**
17. **Access works shall be constructed to a standard approved in writing by the Responsible Authority and VicRoads.**

Southern Rural Water Corporation conditions:

18. **The existing sewer disposal system is capable of servicing the proposal in accordance with EPA's Code of Practice – Septic Tanks 2008 (publication 891.2).**
19. **If any works will impact on a waterway or ground water or will include the use of water for irrigation or commercial purposes from these resources or from a dam, soak or spring, it will be necessary for the land owner to apply to Southern Rural Water for a licence in accordance with Section 51 or 67 of the Water Act 1989.**

Expiry of permit:

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

- a) The development is not started within (2) years of the date of this permit.**
- b) The development is not completed and the use is not commenced 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

Permit notes:

- 1. The applicant must liaise with Council’s Food Safety Officer (Phone 5232 9430), before any works are started on the fit-out of the kitchen, food preparation and servery facilities.**
- 2. A plan of the proposed kitchen showing details of all equipment, fixtures and working surfaces must be submitted to the health department of council for approval.**
- 3. Before the business can sell food the premises must be registered with the council for that purpose, a food safety plan submitted to the health department of council for approval and a suitable number of staff trained in food handling techniques.**
- 4. A building permit is required for the change of use. You are advised that disabled access and accessible facilities will be required. The Municipal Building Surveyor has advised that the circulation spaces for disabled access will need to be addressed.**
- 5. A separate application will be required for advertising signage.**
- 6. Effluent wastewater cannot be used on root vegetables.**

~~~~~~~~~~