



Colac Otway
SHIRE

AGENDA

PLANNING COMMITTEE MEETING
OF THE
COLAC-OTWAY SHIRE
COUNCIL

11 JULY 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

11 JULY 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 11 July 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 13/06/12.

Recommendation

That Council confirm the above minutes.

OFFICERS' REPORTS

Sustainable Planning and Development

- PC121107-1 PLANNING & BUILDING STATISTICAL REPORT
- PC121107-2 CONSTRUCT AN EXTENSION TO THE EXISTING DWELLING AT 45
GREAT OCEAN ROAD, SKENES CREEK - PP216/2011-1
- PC121107-3 USE OF THE LAND AS A MEDICAL CENTRE (OSTEOPATHIC CLINIC
AND SPEECH PATHOLOGY), ASSOCIATED WORKS AND REDUCTION
IN CAR PARKING REQUIREMENT AT 6 HART STREET, COLAC –
PP333/2011-1

Rob Small
Chief Executive Officer

PC121107-1

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 June 2012.

Planning Statistics

27 Planning permit applications were received for the period of 1 June 2012 – 30 June 2012.
 43 Planning permit applications were considered for the period of 1 June 2012 – 30 June 2012.

Building Statistics

Please note that the Building Commission website has been updated to March 2012.

Attachments

1. Planning & Building Statistical Report - June 2012

Recommendation(s)

That Council's Planning Committee note the statistical reports.

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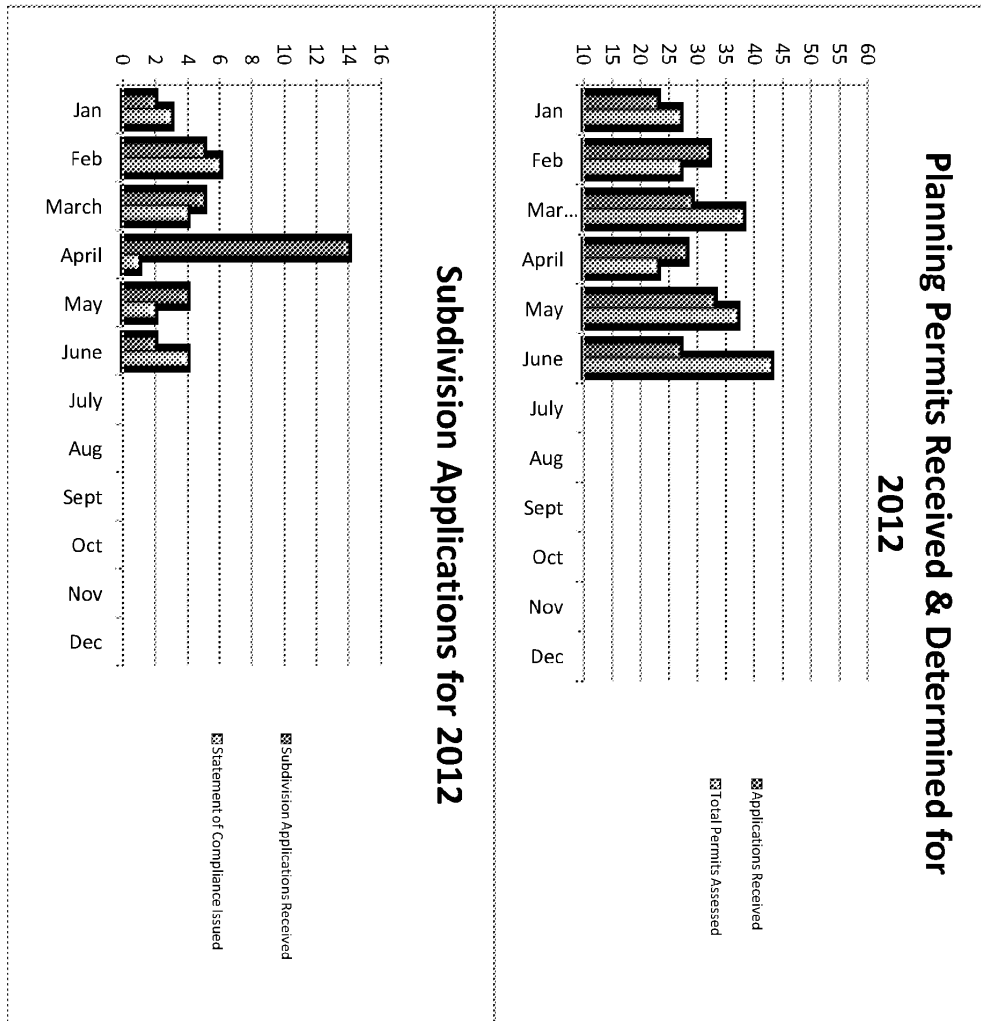


Planning Statistical Report June 2012

| APPLIC NO   | DATE RECEIVED | LOCATION                                   | PROPOSAL                                                                                                                | DETERMINATION DATE | ACTUAL TIME | AUTHORITY          | DECISION                  |
|-------------|---------------|--------------------------------------------|-------------------------------------------------------------------------------------------------------------------------|--------------------|-------------|--------------------|---------------------------|
| 3112005-4   | 7 OCT 2011    | 4 McLELLAN COURT WYE RIVER                 | TWO (2) LOT SUBDIVISION & DEVELOPMENT OF TWO (2) DWELLINGS - AMENDMENT                                                  | 29 JUN 2012        | 44          | UNDER DELEGATION   | AMENDED PERMIT ISSUED     |
| 80/2006-3   | 18 MAR 2011   | 2440 COLAC LAVERS HILL ROAD GELLIBRAND     | USE & DEVELOPMENT OF A DWELLING, DAM & ACCESS - AMENDMENT                                                               | 5 JUN 2012         | 315         | UNDER DELEGATION   | AMENDED PERMIT ISSUED     |
| 27/3/2006-2 | 22 AUG 2011   | 43 GELLIBRAND STREET COLAC                 | TO CARRY OUT BUILDINGS & WORKS TO ALTER AN EXISTING BUILDING - AMENDMENT                                                | 7 JUN 2012         | 208         | UNDER DELEGATION   | NOTICE OF DECISION ISSUED |
| 129/2006-4  | 13 FEB 2012   | 205 FLANNAGANS ROAD IRREWILLIPE EAST       | USE & DEVELOPMENT OF THE LAND FOR A DWELLING, GARAGE, STORE & RURAL INDUSTRY - AMENDMENT                                | 19 JUN 2012        | 78          | UNDER DELEGATION   | AMENDED PERMIT ISSUED     |
| 134/2008-2  | 7 OCT 2011    | 1480 PRINCES HIGHWAY PIRRON YALLOCK        | USE & DEVELOPMENT OF THE LAND FOR A SHED - AMENDMENT                                                                    | 5 JUN 2012         | 0           | UNDER DELEGATION   | LAPSED                    |
| 255/2008-2  | 27 FEB 2012   | 200 BIRREGURRA DEANS MARSH ROAD BIRREGURRA | CONSTRUCTION OF A SHED - AMENDMENT                                                                                      | 28 JUN 2012        | 10          | UNDER DELEGATION   | AMENDED PERMIT ISSUED     |
| 27/8/2010-3 | 21 DEC 2011   | 495 HENRY'S ROAD WONGARRA                  | DEVELOPMENT OF A DWELLING - AMENDMENT                                                                                   | 14 JUN 2012        | 133         | UNDER DELEGATION   | AMENDED PERMIT ISSUED     |
| 104/2011-1  | 4 MAY 2011    | 255 BUSTY ROAD APOLLO BAY                  | USE & CONSTRUCTION OF A SINGLE DWELLING & ASSOCIATED WORKS                                                              | 15 JUN 2012        | 104         | UNDER DELEGATION   | PERMIT ISSUED             |
| 17/3/2011-2 | 1 MAY 2012    | 35 OCEAN PARK DRIVE MARENGO                | CONSTRUCTION OF A DWELLING - AMENDMENT                                                                                  | 5 JUN 2012         | 48          | UNDER DELEGATION   | AMENDED PERMIT ISSUED     |
| 196/2011-1  | 8 AUG 2011    | 6 MILLER STREET COLAC                      | USE & DEVELOPMENT OF THE LAND FOR A RESIDENTIAL BUILDING (ACCOMMODATION ASSOCIATED WITH A PRIMARY HEALTH CARE FACILITY) | 13 JUN 2012        | 167         | PLANNING COMMITTEE | PERMIT ISSUED             |
| 235/2011-1  | 20 SEP 2011   | 29 HARRINGTON STREET SEPARATION CREEK      | CONSTRUCTION OF A NEW DWELLING & REMOVAL OF VEGETATION                                                                  | 6 JUN 2012         | 117         | UNDER DELEGATION   | PERMIT ISSUED             |
| 239/2011-2  | 16 APR 2012   | 1 OTWAY AVENUE SKENES CREEK                | ALTERATION & ADDITION TO EXISTING DWELLING - AMENDMENT                                                                  | 22 JUN 2012        | 67          | UNDER DELEGATION   | AMENDED PERMIT ISSUED     |
| 236/2011-1  | 20 SEP 2011   | 27 HARRINGTON STREET SEPARATION CREEK      | BUILDINGS & WORKS AND USE OF THE LAND FOR A DWELLING WITH ASSOCIATED VEGETATION REMOVAL OF 11 TREES                     | 5 JUN 2012         | 111         | UNDER DELEGATION   | PERMIT ISSUED             |
| 277/2011-1  | 2 NOV 2011    | 30 MARRINERS LOOKOUT ROAD APOLLO BAY       | TREE REMOVAL & REPLANTING                                                                                               | 25 JUN 2012        | 24          | UNDER DELEGATION   | PERMIT ISSUED             |
| 282/2012-1  | 28 OCT 2011   | 329 PRINCES HIGHWAY COLAC WEST             | ADDITION TO EXISTING STORAGE SHED                                                                                       | 6 JUN 2012         | 115         | UNDER DELEGATION   | PERMIT ISSUED             |
| 303/2011-1  | 21 NOV 2011   | 32 QUAMBY AVENUE COLAC                     | TWO (2) LOT SUBDIVISION                                                                                                 | 7 JUN 2012         | 15          | UNDER DELEGATION   | PERMIT ISSUED             |
| 307/2012-1  | 24 NOV 2011   | 6120 GREAT OCEAN ROAD APOLLO BAY           | CHANGE OF USE - CONVERSION OF EXISTING SHED INTO A DWELLING                                                             | 6 JUN 2012         | 151         | UNDER DELEGATION   | PERMIT ISSUED             |

| APPLIC NO   | DATE RECEIVED | LOCATION                              | PROPOSAL                                                                                                               | DETERMINATION DATE | ACTUAL TIME | AUTHORITY        | DECISION              |
|-------------|---------------|---------------------------------------|------------------------------------------------------------------------------------------------------------------------|--------------------|-------------|------------------|-----------------------|
| 31/1/2011-1 | 1 DEC 2011    | 21 CARULSE GELLIBRAND ROAD GELLIBRAND | USE & DEVELOPMENT OF THE SITE FOR A DWELLING, 5 BAY STEEL SHED, REMOVAL OF EXISTING HOUSE AND ERECTION OF A WATER TANK | 7 JUN 2012         | 168         | UNDER DELEGATION | PERMIT ISSUED         |
| 31/6/2011-2 | 25 MAY 2012   | 539 CORANGAMITE LAKE ROAD COHROOKE    | USE OF PART OF THE DWELLING AS A CAFE AND ASSOCIATED WORKS AND REDUCTION IN CAR PARKING - AMENDMENT                    | 25 JUN 2012        | 24          | UNDER DELEGATION | AMENDED PERMIT ISSUED |
| 31/7/2011-1 | 8 DEC 2011    | 63 MORLEY AVENUE, WYE RIVER           | CUT IN LAND TO CREATE FLAT PLATFORM FOR CARAVAN                                                                        | 21 JUN 2012        | 0           | UNDER DELEGATION | LAPSED                |
| 320/2011-1  | 14 DEC 2011   | 3 GIBSON AVENUE KENNETT RIVER         | ADDITION TO EXISTING RESIDENCE                                                                                         | 12 JUN 2012        | 126         | UNDER DELEGATION | PERMIT ISSUED         |
| 32/2011-1   | 20 DEC 2011   | 985 SKENES CREEK ROAD TANYBRYN        | CONSTRUCT A REPLACEMENT DWELLING                                                                                       | 18 JUN 2012        | 150         | UNDER DELEGATION | PERMIT ISSUED         |
| 331/2011-1  | 22 DEC 2011   | 15 SELLS ROAD BARONGAROOK             | BUILDINGS & WORKS COMPRISING ADDITIONS TO AN EXISTING DWELLING                                                         | 5 JUN 2012         | 83          | UNDER DELEGATION | PERMIT ISSUED         |
| 13/2012-1   | 23 JAN 2012   | 755 IRREWILLIPE ROAD BARONGAROOK WEST | ADDITION TO EXISTING DWELLING                                                                                          | 5 JUN 2012         | 0           | UNDER DELEGATION | LAPSED                |
| 16/2012-1   | 25 JAN 2012   | 88 STRACHAN STREET BIRREGURRA         | TWO (2) LOT RE-SUBDIVISION                                                                                             | 15 JUN 2012        | 0           | UNDER DELEGATION | PERMIT ISSUED         |
| 27/2012-1   | 13 FEB 2012   | 5170 GREAT OCEAN ROAD WONGARRA        | EXTENSION & RENOVATION TO AN EXISTING DWELLING                                                                         | 29 JUN 2012        | 0           | UNDER DELEGATION | LAPSED                |
| 47/2012-1   | 5 MAR 2012    | 10 KETTLE STREET COLAC                | TWO (2) LOT SUBDIVISION                                                                                                | 6 JUN 2012         | 63          | UNDER DELEGATION | PERMIT ISSUED         |
| 57/2012-1   | 19 MAR 2012   | 29 ROSSMOYNE ROAD COLAC WEST          | DEVELOPMENT OF A STORAGE SHED (WAREHOUSE)                                                                              | 5 JUN 2012         | 51          | UNDER DELEGATION | PERMIT ISSUED         |
| 66/2012-1   | 28 MAR 2012   | 111-117 GREAT OCEAN ROAD APOLLO BAY   | AMENDMENT TO CARRIAGEWAY EASEMENT                                                                                      | 25 JUN 2012        | 45          | UNDER DELEGATION | NOTICE OF DECISION    |
| 67/2012-1   | 2 APR 2012    | 10 ANDERSON STREET BIRREGURRA         | REMOVAL OF EFFLUENT DISPOSAL ENVELOPE AND CHANGE TO BUILDING ENVELOPE                                                  | 7 JUN 2012         | 39          | UNDER DELEGATION | PERMIT ISSUED         |
| 77/2012-1   | 13 APR 2012   | 40 BUSHBYS ROAD BARONGAROOK           | USE & DEVELOPMENT OF THE LAND FOR A DWELLING & GARAGE                                                                  | 22 JUN 2012        | 36          | UNDER DELEGATION | PERMIT ISSUED         |
| 86/2012-1   | 30 APR 2012   | 170 SINCLAIR STREET STH COLAC         | CONSTRUCT A STORAGE SHED ANCILLARY TO THE EXISTING DWELLING                                                            | 18 JUN 2012        | 49          | UNDER DELEGATION | PERMIT ISSUED         |
| 89/2012-1   | 30 APR 2012   | 1 HENNINGAN CRESCENT FORREST          | DEVELOPMENT OF THE SITE TO ERECT A FENCE AND REPAIR THE DWELLING                                                       | 5 JUN 2012         | 11          | UNDER DELEGATION | PERMIT ISSUED         |
| 90/2012-1   | 24 APR 2012   | 6240 GREAT OCEAN ROAD APOLLO BAY      | CONSTRUCTION OF A SHED                                                                                                 | 25 JUN 2012        | 12          | UNDER DELEGATION | PERMIT ISSUED         |
| 91/2012-1   | 4 APR 2012    | 55 JOHNSONS ROAD BARONGAROOK          | EXTENSION TO EXISTING DWELLING                                                                                         | 21 JUN 2012        | 51          | UNDER DELEGATION | PERMIT ISSUED         |

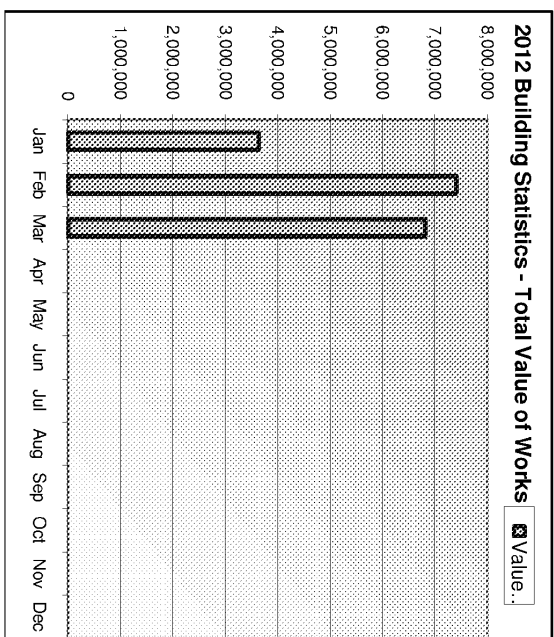
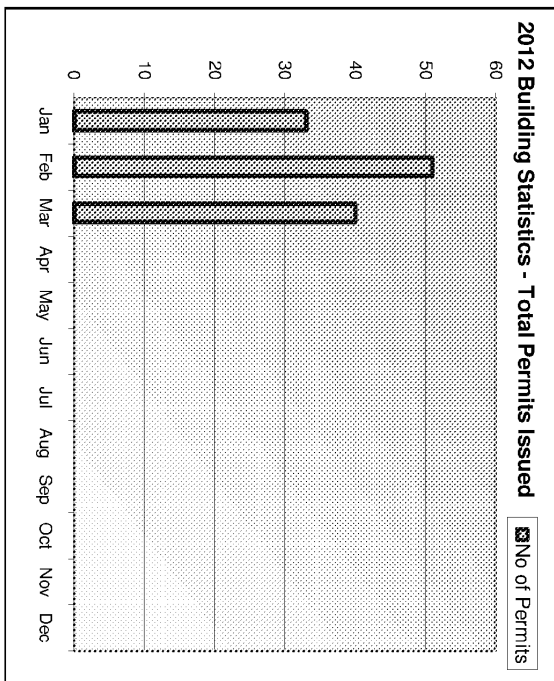
| APPLIC NO                                     | DATE RECEIVED | LOCATION                             | PROPOSAL                                                             | DETERMINATION DATE | ACTUAL TIME | AUTHORITY        | DECISION      |
|-----------------------------------------------|---------------|--------------------------------------|----------------------------------------------------------------------|--------------------|-------------|------------------|---------------|
| 93/2012-1                                     | 1 MAY 2012    | 46 GRANT STREET COLAC                | DISPLAY OF BUSINESS IDENTIFICATION SIGNAGE                           | 27 JUN 2012        | 7           | UNDER DELEGATION | PERMIT ISSUED |
| 105/2012-1                                    | 11 MAY 2012   | 15 FACTORY ROAD COBOROOKIE           | EXTENSION TO EXISTING OUT LOAD CANOPY                                | 6 JUN 2012         | 26          | UNDER DELEGATION | PERMIT ISSUED |
| 106/2012-1                                    | 15 MAY 2012   | 90-99 WALLACE STREET COLAC           | CHANGE OF USE TO OFFICES (ACCOUNTING SERVICES)                       | 15 JUN 2012        | 31          | UNDER DELEGATION | PERMIT ISSUED |
| 112/2012-1                                    | 21 MAY 2012   | 74 BULLENS LANE COBOROOKIE           | TWO (2) LOT SUBDIVISION (DWELLING EXCISION)                          | 27 JUN 2012        | 0           | UNDER DELEGATION | WITHDRAWN     |
| 119/2012-1                                    | 31 MAY 2012   | 6 HARRISON STREET MARENGO            | ALTERATIONS & ADDITIONS TO EXISTING DWELLING                         | 22 JUN 2012        | 22          | UNDER DELEGATION | PERMIT ISSUED |
| 123/2012-1                                    | 5 JUN 2012    | 102 FOREST STREET COLAC EAST         | CONSTRUCTION OF AN EXTENSION TO THE EXISTING SHED & ASSOCIATED WORKS | 28 JUN 2012        | 16          | UNDER DELEGATION | PERMIT ISSUED |
| 124/2012-1                                    | 5 JUN 2012    | 136 MURRAY STREET COLAC              | DISPLAY OF BUSINESS IDENTIFICATION SIGNAGE                           | 14 JUN 2012        | 9           | UNDER DELEGATION | PERMIT ISSUED |
| 133/2-012-1                                   | 13 JUN 2012   | 75 EVERETT CRESCENT BARONGAROOK WEST | ENCLOSE EXISTING PATIO                                               | 22 JUN 2012        | 9           | UNDER DELEGATION | PERMIT ISSUED |
| AVERAGE DAYS TO PROCESS PLANNING APPLICATIONS |               |                                      |                                                                      |                    | 64          |                  |               |



Pulse Building Reports Financial Yr Stats

|               | Domestic   | Residential* | Commercial | Retail     | Industrial | Hospital/HealthCare | Public Buildings | Municipal Totals |
|---------------|------------|--------------|------------|------------|------------|---------------------|------------------|------------------|
| No of BP      | No of BP   | No of BP     | No of BP   | No of BP   | No of BP   | No of BP            | No of BP         | No of BP         |
| Value (\$)    | Value (\$) | Value (\$)   | Value (\$) | Value (\$) | Value (\$) | Value (\$)          | Value (\$)       | Value (\$)       |
| Jan           | 23         | 0            | 4          | 2          | 1          | 0                   | 3                | 33               |
| Feb           | 36         | 0            | 7          | 2          | 4          | 0                   | 2                | 51               |
| Mar           | 30         | 0            | 4          | 2          | 2          | 0                   | 2                | 40               |
| Apr           |            |              |            |            |            |                     |                  |                  |
| May           |            |              |            |            |            |                     |                  |                  |
| Jun           |            |              |            |            |            |                     |                  |                  |
| Jul           |            |              |            |            |            |                     |                  |                  |
| Aug           |            |              |            |            |            |                     |                  |                  |
| Sep           |            |              |            |            |            |                     |                  |                  |
| Oct           |            |              |            |            |            |                     |                  |                  |
| Nov           |            |              |            |            |            |                     |                  |                  |
| Dec           |            |              |            |            |            |                     |                  |                  |
| <b>Totals</b> | <b>89</b>  | <b>0</b>     | <b>15</b>  | <b>6</b>   | <b>7</b>   | <b>0</b>            | <b>7</b>         | <b>124</b>       |
|               | 11,682,116 | 0            | 729,189    | 506,500    | 3,457,222  | 0                   | 1,483,310        | 17,858,337       |

\*Multi-Development





**PC121107-2                    CONSTRUCT AN EXTENSION TO THE EXISTING  
DWELLING AT 45 GREAT OCEAN ROAD, SKENES CREEK  
- PP216/2011-1**

|             |                                       |           |            |
|-------------|---------------------------------------|-----------|------------|
| AUTHOR:     | Kim Linden                            | ENDORSED: | Jack Green |
| DEPARTMENT: | Sustainable Planning<br>& Development | FILE REF: | F11/1634   |

**Location:** 45 Great Ocean Road, Skenes Creek

**Zoning:** Township Zone (TZ)

**Overlay controls:** Significant Landscape Overlay (SLO2)  
Design and Development Overlay Schedule 4 (DDO4)  
Erosion Management Overlay Schedule 1 (EMO1)  
Neighbourhood Character Overlay Schedule 1 (NCO1)

**Abuts:** Road Zone Category 1 (RDZ1)

**Proposed Amendments:** None applicable.

**Purpose:**

This application seeks approval to construct an extension to the existing dwelling on the site. The application is before the Planning Committee as there have been over four (4) objections to the proposal.

**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 an extension to the existing single storey dwelling at the property at 45 Great Ocean Road Skenes Creek.
- The extension will be located at the rear of the dwelling. It includes a two storey component and will include an extension over the existing garage on the site.
- The site is zoned Township Zone (TZ). It is affected by the Significant Landscape Overlay (SLO2), Design and Development Overlay Schedule 4 (DDO4), Erosion Management Overlay Schedule 1 (EMO1) and Neighbourhood Character Overlay Schedule 1 (NCO1).
- The site is located in Skenes Creek - Precinct 2 of the Neighbourhood Character Precincts applicable to areas located within the NCO1.
- The proposal was modified by the applicant in response to officer concerns in relation to the size of the extension. Revised plans were received by Council on 2 April 2012.
- Public notice of the application was undertaken. There have been a total of eight (8) objections received, with three (3) of these reiterated after re-notification of the revised plans.

- The proposal seeks minor variations to some of the standards specified in the NCO1, including a minor increase in the site coverage (0.9%), a minor reduction in the side setback on the north eastern elevation (0.8m) and a minor reduction in the side setback on the south western elevation. The proposal however would maintain the preferred character of the area and the variations are supported on this basis.
- It is recommended that the Committee support the application and issue a Notice of Decision to grant a permit.

### **Background**

The application was lodged on 29 August 2011. The original design of the extension was larger and was substantially over the 25% site coverage stipulated in the NCO1 standard. The applicant was advised by Council officers of the following options: to have the original design refused; withdraw the application; or to reduce the size of the extension and seek to ensure the proposal is more in keeping with Council policy. The applicant chose to reduce the size of the extension so as to address officer concerns.

Draft revised plans were received on 31 January 2012. These plans had shown a proposed site coverage of 28.2% which was still considered to be excessive and did not substantially reduce the overall extent of the extension at the rear, particularly at the rear of the garage. The applicant was advised that these plans would not be supported, and was given an opportunity to submit further revised plans. Further revised plans were received on 2 April 2012, and these plans are those being considered by this report.

### **Issues / Options**

Council has the option 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 that option (a) is supported for the reasons outlined in the report below.

### **Proposal**

The proposal involves the construction of an extension above the garage at first floor and a two storey extension attached to the existing dwelling. Both are to be located at the rear of the existing dwelling. Both components will comprise of materials and finishes to match the existing materials of Colorbond roofing and weatherboard cladding. Each component comprises the following features:

#### First floor extension above garage:

- Hobby room and store
- Totals 27.3 square metres in area
- Maximum height of 6.4m
- Recessed in on the north east elevation facing 47 Great Ocean Road
- Connected to first floor of other component in the extension by a small balcony/walkway totalling 1 square metre in area
- Includes a highlight window located 1.7m above floor level on the north east elevation within 9m of 47 Great Ocean Road
- Setback 3m from the side boundary and 14m from the rear boundary



Two storey extension attached to rear of dwelling:

- Comprises a billiard room and bar at ground floor and bedroom and bathroom at first floor
- Totals 51.7 square metres for the combined ground and first floor areas
- Connected to hobby room by balcony/walkway
- Includes an upper floor window to the bedroom facing towards 39-43 Great Ocean Road on south west elevation
- Upper floor is recessed from side boundary
- Maximum height of 6.9m
- Side setback of 3m at ground level and 3.8m at upper level
- Rear setback of 18.9m

**Site & Surrounds**

The site is located on the western side of the Great Ocean Road, Skenes Creek. It is approximately 893 square metres in area. It forms a reasonably regular shaped rectangular lot. It is legally described as Lot 1 TP: 93800. It contains one detached single storey dwelling with detached double garage located at the rear of the site. The existing dwelling is setback approximately 8.6m to the Great Ocean Road. It is located on the eastern side of Precinct 2 of the coastal township of Skenes Creek.

The surrounding properties are residential with the foreshore opposite the site. There is a mix of both single storey and two storey dwellings in the area. Directly adjacent to the subject site, at 47 Great Ocean Road, Skenes Creek, is a large two storey dwelling which has a second storey above the garage setback 1.65m from the boundary with the subject site.

The property immediately to the south west of the site contains large trees, some of which are dying and have been chopped back in a very unsympathetic manner. This lot forms part of the property known as 39-43 Great Ocean Road, Skenes Creek which comprises of three (3) lots. The dwelling on this property is single storey and is located in the middle of the three lots.

The majority of dwellings fronting Surf Avenue located to the rear of the site are two storeys. The dwellings at 13 and 15 Surf Avenue are single storey, however they benefit from setbacks to existing buildings to obtain views and from the higher positioning of properties on Surf Avenue, due to topography, in relation to the subject site. 17 Surf Avenue which abuts the site at the rear is two storeys and has a large upper floor level rear deck area.

**Public Notice**

Public notice of the application was given by the applicant for the original design of the extension as submitted and again by Council for the revised design received on 2 April 2012.

Public notice of the original application as submitted was given in accordance with section 52 of the *Planning and Environment Act* by sending letters to all directly adjoining neighbours and those considered to be impacted by the proposal and a site notice on the front of the property. A statutory declaration was provided by the applicant, received by Council on 30 November 2011. The advertising of the original design is considered to have been carried out in accordance with Council requirements. Eight (8) objections were received in response to the notification of the original design as submitted.

Public notice by Council for the revised design included renotification by way of letter to all original properties notified and all objectors. Three (3) objections were received in response to this round of notification, reiterating their original objections.

Five (5) of the eight objections were submitted as pro forma objections. One of the submissions is from an objector who does not appear to own or occupy land in the immediate area.

The grounds of objection are summarised as follows:

- Impact on property values
- Impact on views and outlook
- Concern that the proposal is for a bed and breakfast and for commercial purposes
- Bulk and scale of extension is excessive
- Excessive increase in floor area of dwelling on the existing floor area
- Single storey is preferred form
- Increase in site coverage is excessive
- Overdevelopment of the site
- Proposal will stand out from the Great Ocean Road and will be visually confronting
- Adverse impact on entry to Skenes Creek
- Overlooking and privacy impacts to 15 Surf Avenue (rear of site)
- Potential overshadowing impacts to 15 Surf Avenue and lack of shadow diagrams mean this cannot be properly assessed
- Increased noise and disturbance from use of a room for billiards and hobbies.
- Increased traffic in the area resulting from the proposal.

All relevant planning issues are addressed below in the report and in the assessment against the Neighbourhood Character Overlay Schedule 1 (NCO1) and relevant standards under Clause 54.

The grounds of objection relating to impact on property values is not a relevant planning issue and cannot be addressed within the ambit of this planning permit application:

The issue of whether or not the proposal is for a commercial use cannot be assessed in this application as the applicant has not applied for such a use. Nonetheless, this issue has specifically been raised with the applicant who stated that the proposed use is not for commercial purposes. Any such proposal would be subject to compliance with the provisions of the Colac Otway Planning Scheme.

### **Referrals**

The application was referred internally to the Council's Building Department. No objections were raised subject to an advice note being included with the planning permit regarding the requirement for a Building Permit.

### **Planning Controls**

#### **a. State and Local Planning Policy Framework**

The State and Local Policy Framework seeks to ensure the objectives of planning in Victoria are fostered through appropriate 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:

State Planning Policy Framework:

- Clause 11.05-5 – Coastal Settlement
- Clause 12.02-2 – Appropriate development of coastal areas
- Clause 12.02-6 – Great Ocean Road region
- Clause 12.04-2 – Landscapes
- Clause 13.01-1 – Coastal Inundation and erosion
- Clause 13.03-2 – Erosion and landslip
- Clause 15.03 – Heritage conservation

Local Planning Policy Framework:

- Clause 21.03 – Settlement
- Clause 21.03-5 – Skenes Creek (Precinct 2 – Preferred Character Statement)
- Clause 21.04-5 – Erosion
- Clause 21.04-7 – Climate Change
- Clause 21.04- 8- Landscape character

The proposal is considered to be consistent with the principles and objectives of the State and Local Planning Policy Framework.

A landslip risk assessment accompanied the application and meets the requirements for this type of application. This issue is addressed in detail below under the EMO1 provisions.

The revised design which reduces the site coverage from the original 30.8% to 25.9% and increases boundary setbacks is considered to meet the objectives of the preferred character statement for Skenes Creek.

It is considered that the proposal meets the objectives of the preferred character statement for Precinct 2 of Skenes Creek in relation to maintaining a sense of openness, dwellings set amongst coastal gardens and respecting views to hills and coast.

The issues in relation to bulk and scale, site coverage, impact on the Skenes Creek and Great Ocean Road region and views as raised in objections are dealt with in detail under the overlay provisions.

b. Zone provisions

The site is zoned **Township Zone (TZ)**. A permit is not required to construct a single dwelling pursuant to Clause 32.05 of the Colac Otway Planning Scheme. Planning approval is not required to undertake building and works under the zone provisions.

c. Overlay Provisions

The site is covered by the **Neighbourhood Character Overlay 1 (NCO1 - Coastal towns: Skenes Creek, Kennett River, Wye River and Separation Creek)**. A planning permit is triggered under Clause 43.05-2 of the NCO1 to construct and carry out works on the site.

The Preferred Character Statement (Neighbourhood Character Study 2005, Precinct Brochure) for this area states the following:

*“This precinct will continue to be characterised by diverse coastal dwellings set amongst established coastal gardens. The sense of openness will be maintained by setting the buildings apart, minimising intrusive front fencing, and encouraging building forms that respect views to the surrounding hills and coast. The precinct will be united by consistent mature plantings of native and exotic coastal species in the public and private domains.*

*This preferred character will be achieved by:*

- *Ensuring new development incorporates appropriate coastal and indigenous vegetation*
- *Ensuring buildings are sited to accommodate a spacious coastal garden*
- *Ensuring buildings are low scale and fit within the landscape*
- *Encouraging the siting of building to have regard to a reasonable sharing of views*
- *Encouraging a lack of front fencing or provision of open style fencing.”*

The overall intent of this Overlay is to ensure new development respects the preferred Neighbourhood Character of the site and surrounds.

A key decision guideline of the Neighbourhood Character Overlay is: *“Whether the building respects the predominantly low scale forms in the area...”*. The proposal is generally considered to meet the predominant built form found in the area. In summary, the proposed extension meets the objectives of NCO1 and generally satisfies the modifications to Clause 54 standards under the NCO1. The proposal is assessed below against the relevant Clause 54 standards as modified by the NCO1 below.

#### *Street Setback – Modified Standard A3*

Standard A3 requires a minimum front setback of 7m. The existing dwelling has a minimum setback of 8.9m from the Great Ocean Road. The proposed extension will be well setback behind the existing dwelling. The section closest to the street (containing the billiard room at ground level) will have a 26.8m setback to the Great Ocean Road.

#### *Building Height – Modified Standard A4*

Modified Standard A4 requires that the maximum building height should not exceed 8 metres or two storeys, whichever is the lesser. The proposed extension has a maximum height of 6.9m above natural ground level. This is well within the required maximum under the standard. It is not considered necessary for the building to be stepped to follow the contours of the site as the site is relatively level and also given the significant setback of the extension to the Great Ocean Road combined with a generous rear setback (addressed below).

#### *Site coverage - Modified Standard A5*

This modified standard requires that the site coverage respects the existing or preferred neighbourhood character and responds to the features of the site. The site is located in Precinct 2 of Skenes Creek which has a maximum site coverage of 25%. The site coverage of the proposal has been substantially reduced in revised drawings received on 2 April 2012. The total floor area of the dwelling will be 231.7 square metres which equates to a site

coverage based on a site area of 893 square metres of approximately 25.9%. While this is slightly above the maximum recommended in the modified standard, the increase is minor (0.9%) and the proposal is still considered to respect the character of the area.

#### *Side and Rear Setbacks – Modified Standard A10*

Standard A10 requires a side setback of 3m to boundaries plus an additional 0.3m for every 1m over 3.6m up to 6.9m in height. Standard A10 requires a rear setback of 5m plus an additional 0.3m for every 1m over 3.6m up to 6.9m. The purpose of this modified standard is to ensure that the building height and setbacks respect the character and limit amenity impacts.

#### *Proposed side setbacks:*

The north side along the boundary with 47 Great Ocean Road has a proposed setback of 3m. The elevation facing 47 Great Ocean Road will be recessed from the boundary with that property. It should be noted that the existing garage has a setback of only 1.3m to that boundary. The height of the building on that side will be 6.4m. The side setback required is therefore 3.8m. The reduced side setback of 3m is considered to be acceptable in this instance as the second storey will be recessed and there is already some built form in that location. In addition, there are not considered to be any adverse amenity impacts arising from this reduction in the side setback of 0.8m.

The side setback to 39-43 Great Ocean Road will be 3m at ground floor and 3.8m at the upper floor. The required setback is 3.9m at upper floor level. The existing side setback of the dwelling is 3m along this boundary. The setback to the side at upper floor is only 0.1m under that required by the modified standard. While the new component will be two storey there is not considered to be any adverse amenity impacts along that boundary arising from the reduced setback as there is no dwelling on the adjoining property in that location. In addition, the dwelling at 39-43 Great Ocean Road is some distance away from the side boundary. In the event that a future dwelling is constructed closer to this boundary, the proposal is not considered to hinder the siting of a dwelling on that property by virtue of any amenity impacts.

#### *Proposed rear setback:*

The closest part of the extension to the rear boundary is the second storey extension above the existing garage. This component has a height of 6.4m. The proposed extension should be setback 5.8m from the rear property boundary in order to meet the Standard. The proposed rear setback of the extension above the garage is 14m. The proposed rear setback of the extension attached to the rear of the existing dwelling will be 18.9m. These are substantial rear setbacks which have the overall result of maintaining openness and reducing the visual bulk of the extension. The extent of the rear setback reduces any potential noise impacts arising from the extension, in particular the proposed billiard room.

#### *Walls on boundaries - Modified Standard A11*

This standard requires that no walls be constructed on a boundary. There will be no walls built on boundaries. This is consistent with the modified standard, thereby reducing amenity impacts and ensuring the character of the area is maintained and respected.

#### *Design detail - Modified Standard A19*

This standard requires proposals to respect the character of an area. The design allows for a reasonable sharing of views in the area and maintains a large area as garden. The gap

between the extensions and the substantial rear setback allows for a good sharing of views and maintains a sense of openness. The materials and finishes will match the existing dwelling and will be in keeping with this coastal area. On this basis, and in view of the detailed assessment of the proposal above, the proposal is considered to meet the objective of this standard.

The site is covered by the **Significant Landscape Overlay and Schedule 2 (Coastal towns: Skenes Creek, Kennett River, Wye River and Separation Creek)**. A permit is required under Clause 42.03-2 of SLO2. The overlay seeks to achieve the following general landscape objectives:

- *To protect and enhance the valued characteristics of the nationally significant Great Ocean Road Region landscape.*
- *To ensure that the dominance of vegetation over built form is retained as an element of township character by encouraging retention of existing trees and planting of new indigenous vegetation.*
- *To increase the use of indigenous vegetation to highlight natural features within the precinct.*
- *To retain the contrasts between landscape elements within the precinct.*
- *To ensure that development that occurs on hill faces or in other prominent locations is not highly visible.*
- *To minimise the visual impact of signage and other infrastructure, particularly in coastal areas, hill faces and ridges.*
- *To protect the clear, sweeping views to the ocean available from the precinct.*
- *To retain the dominance of an indigenous natural landscape in coastal areas, between townships, particularly from the Great Ocean Road.*
- *To ensure that fence styles and heights reflect the predominant and preferred character of the townships.*

The subject site is visible from the Great Ocean Road. However the proposed extension will be located fully at the rear of the site. While the two storey nature of the extension changes the overall design of the dwelling, it is considered to be acceptable on balance. The extension is well setback from the Great Ocean Road and will therefore not be highly visible from the road. The gap between the two wings of the two storey elements allows for some visual relief between the proposed built form, thereby maintaining a sense of openness from both the properties behind the dwelling and from the Great Ocean Road.

The second storey component will also be partially obscured by the roof of the existing dwelling when viewed from the Great Ocean Road, reducing the visual effect of the two storey design. No vegetation is to be removed as a result of the application and no trees will be adversely impacted by the proposed extension. The views to the ocean will predominantly be maintained as side setbacks will be maintained. There will be no impacts on the views to the ocean from the Great Ocean Road itself. The proposed extension is therefore considered to be consistent with the objectives of the SLO2.

The site is covered by the **Erosion Management Overlay 1 (EMO1)**. A planning permit is required by Clause 44.01-1 for buildings and works under this overlay. The applicant has provided a geotechnical assessment of landslide prepared by Saunders Consulting Group dated 4 August 2011 (report no. 34675) in accordance with the requirements of this overlay provision. The assessment concludes that there is a low risk of landslide. The report recommends that some cut and fill, approximately 300mm to 600mm in depth, will be required to site the extension. This assessment is based largely on the cut that would have

been required to site the original design of the extension to the rear of the garage. Nonetheless, in order to ensure that any works accord with the overall findings of the geotechnical assessment, it is recommended that any permit issued should include a condition requiring the works to be carried out in accordance with the recommendations of the geotechnical report.

The site is covered by the **Design and Development Overlay (DDO4)**. A planning permit is not triggered under this overlay for this proposal.

d. Relevant Particular Provisions:

**Clause 54 – One dwelling on a lot:**

The proposal is considered to meet the requirements of Clause 54. Specific aspects which have been raised in submissions are assessed against the relevant standards of Clause 54 below.

- *Solar access standards - Standard A7 (Energy efficiency), Standard A12 (Daylight to Existing Windows), Standard A13 (North facing windows), Standard A14 (Overshadowing open space), Standard A18 (Solar access to open space of subject site)*

All these standards seek to achieve adequate solar access and reduce shadow impacts of new development on existing development and on the new development.

Some objections had raised issue in relation to the potential for overshadowing. No shadow diagrams were submitted with the application but these are not considered necessary given the extensive rear setback of the extension and the orientation of the extension to the closest adjoining property at 47 Great Ocean Road. There would be negligible shadow impacts to properties fronting Surf Avenue as there is a 14m setback to those properties. The potential shadow impacts on the rear of 47 Great Ocean Road and the open space at the rear of that property would be negligible as the extension is located on the south western side of that property. As the property at 47 Great Ocean Road is two storey in nature and located to the north of the site, it impacts the subject site. It should also be noted that no objections were received from that property. The internal amenity of the extension is considered to achieve energy efficiency requirements and there will be ample usable private open space with adequate solar access.

- *Parking – Standard A9*

There will be no change to the existing parking situation. The current car parking for two cars provided on site is considered to be acceptable. The proposal is not considered to result in unacceptable increases in traffic and parking demand. There is no change to the access to the site.

- *Overlooking Standard A15*

This standard seeks to limit views into existing secluded private open space and habitable room windows. The proposal has a window located on the north east elevation facing 47 Great Ocean Road however this window will have a sill height of 1.7m above floor level and is a highlight window. No adverse overlooking is anticipated from this window. The window located on the north east side of the upper floor extension comprising the bedroom will face the blank wall at 47 Great Ocean Road. The window is therefore not considered to have any adverse impact on

habitable rooms or open space at that property as there are no direct views into the open space at the rear.

The windows on the south west side of the extension include another highlight window at upper level above the garage which has no amenity impact. The windows at both lower ground floor and upper floor in the billiard room and the bedroom extension do not have any adverse impacts on any adjoining dwellings. The lower windows in that part of the extension are obscured by the existing side fence. The windows on the north eastern elevation face the blank wall of the dwelling at 47 Great Ocean Road. The upper floor bedroom window on the south western elevation has no direct views to existing habitable room windows or usable open space within 9m of the window and a 45 degree plane.

The windows located at the rear do not have any adverse impacts as these are located well away from the windows of properties at the rear and there is no overlooking discernable within a 45 degree plane of the proposed windows in the extension.

The balcony above ground floor connecting the buildings is also well setback from the rear (approximately 18.9m) and has no views to the side boundaries. There is not considered to be any adverse amenity impacts arising from this small balcony connecting the upper sections. This balcony will also be partially obscured from the Great Ocean Road by the roof area of the existing dwelling.

#### **Clause 52.29 - Land adjacent to a Road Zone, Category 1, or a Public Acquisition Overlay for a Category 1 Road**

The subject site abuts the Great Ocean Road which is designated as a Road Zone Category 1 (RDZ1). There are no changes to the access and no new access points being created as a result of this proposal. This Clause therefore does not apply.

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

The proposed extension will be located at the rear of the site and will be well setback from the Great Ocean Road. The increase in floor area will result in a minor increase in the site coverage and is acceptable. The slight reduction of the side setbacks on the north eastern and south western elevations are also considered to be acceptable as they only represent a minor change from the required setback. The revised design is considered to satisfactorily address issues raised in objections, particularly those relating to the size of the extension, bulk and scale and impacts on the character of Skenes Creek. The extension is also considered to preserve and respect the amenity of adjacent dwellings.

The proposal maintains the sense of openness and spaciousness of the area and is suitable for the coastal setting. There are also not considered to be any adverse impacts on the Great Ocean Road area. On this basis the proposal is considered to be acceptable.

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

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 issues 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 extension is considered to be consistent with the character of the area and the existing dwelling on the site. It is therefore recommended that a Notice of Decision to issue a planning permit be supported subject to conditions.

**Attachments**

Nil

**Recommendation(s)**

***That Council's Planning Committee issue a Notice of Decision to Grant a Planning Permit PP216/2011-1 to construct an extension to the existing dwelling at 45 Great Ocean Road Skenes Creek subject to the following conditions and permit notes:***

- 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 roof and external walls of the extension must be constructed to match the existing dwelling. Non-reflective materials which will effectively blend the buildings and works in with the natural colours of the surrounding landscape should be used for the extension and shed.***
- 3. 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.***
- 4. The proponent must follow the recommendations contained in the Geotechnical Risk Assessment report number 34675 prepared by Saunders Consulting dated 4 August 2011.***

***Expiry of permit:***

- 5. 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.***

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As a result of discussions with Council planning officers at the end of 2011 regarding the site and building alterations being proposed, it was established that the use does not have planning consent. The applicant was advised verbally and by way of follow-up letter from Council dated 7 December 2011, to submit a planning permit application so as to formalise the use of the site as a medical centre. The current application was subsequently lodged on 22 December 2011.

Issues / Options

Council has the option of:

- a) Supporting the application through the grant of a Planning Permit subject to conditions; or
- b) Refusing to grant a Planning Permit.

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

Proposal

The proposal is a retrospective application for an existing medical centre. The centre provides osteopathic services to patients and the services of a speech pathologist is provided one day per week. One receptionist works on the site. There is a maximum of two (2) practitioners at any one time on site.

The centre has the following hours of operation:

- Monday to Friday: 8.40am to 5.20pm
- Saturday: 8.40am to 1.00pm.

There are four (4) consulting rooms on the site. The premises has four client seats in the waiting room and one in each consulting room.

The proposal includes a revised car parking layout comprising of four (4) car parking spaces located at the rear including one (1) disabled car parking space. The car parking is to be sealed and line marked. Existing landscaping, including the existing tree at the rear, is to be retained.

Site & Surrounds

The site is located on the east side of Hart Street, Colac between Murray Street and Connor Street. The site is 676 square metres in area. It contains a detached single storey period style building. The main entry to the building faces west, however the steps up to the main entry face the driveway and are located on the north side. There is also a rear entry to the premises.

The rear of the site is dedicated to an existing informal car parking area accessed via a driveway. The car parking currently accommodates approximately six (6) cars and has a hard gravel surface. The car parking area is well landscaped and includes a mature tree located on the rear boundary.

There are two (2) freestanding business identification signs in the front garden area which would be less than 8 square metres in area in total.

The site is located in an area zoned Business 1 Zone. To the west of the site the properties are zoned Business 2 Zone. The Bulla manufacturing premises is located directly to the west of the site. Directly adjoining to the south and east of the site are medical uses. Further south of the site is the Colac Hospital. To the south west of the site, the properties are within a Residential 1 Zone. The commercial centre of Colac is located further north of the site.

Public Notice

Public notice was given by the applicant in accordance with section 52 of the *Planning and Environment Act* by sending letters to all directly adjoining and nearby properties and a site notice placed on the front of the property. A statutory declaration was provided by the applicant, received by Council on 6 June 2012. The notification is considered to have been carried out correctly and to meet Council requirements. No objections were received in response to the notification of the application.

Referrals

The application was referred internally to the Infrastructure and Building Departments of Council. Both Departments have raised no objections. The Infrastructure Department had required a revised plan to be submitted to show a disabled parking space and to reduce the number of spaces so that adequate manoeuvrability can be achieved on the site. A revised plan was received by Council on 29 March 2012. The details of this plan are discussed further below. The Infrastructure Department has recommended conditions be placed on any permit. The Building Department has advised that no Building permit is required for the use.

Planning Controlsa. State and Local Planning Policy Framework*State Planning Policy Framework*

- Clause 15 - Built Environment & Heritage
- Clause 15.01-1 - Urban design
- Clause 19.02-1 - Health facilities

Local Planning Policy Framework

- Clause 21.03-2 - Colac

The proposal is considered to be consistent with the above State and Local planning policies. In particular, it is considered that the use makes a positive contribution to Colac and provides important medical services to residents and visitors to the Shire. The proposal will have minimal impact on the urban environment and involves minimal alterations to the existing building. The existing building makes a positive contribution to the streetscape and presents as a period building with good quality and advanced landscaping. The alterations required to the existing car parking area to the rear will have minimal impact on the urban environment but will also assist in providing better service by the provision of a disabled car space. The reduced car parking provision is considered to be acceptable and will not have an adverse impact on the surrounding road network

b. Zone provisions

The site is zoned Business 1 Zone (B1Z). The purpose of this 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.*

The use of the land as a medical centre requires a planning permit. In addition, the associated works to seal the car parking area and to line mark the spaces, requires a planning permit.

When considering a use under this zoning, Council must consider the amenity of the neighbourhood. In particular, Clause 34.01-2 of the zoning provisions requires that uses must not detrimentally affect the amenity of the neighbourhood, including through the:

- Transport of materials, goods or commodities to or from the land.
- Appearance of any building, works or materials.
- Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.

It is considered that the use will not detrimentally affect the amenity of the neighbourhood. The application has also been assessed against the decision guidelines below:

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

The application has been assessed against the relevant State and Local policies at point (a) and is considered appropriate.

- *The effect that existing uses may have on the proposed use.*

The existing uses surrounding the site comprise predominantly business and industrial activities (Bulla located to the west of the site). The existing uses are not considered to have any adverse affect on the use of the site as a medical centre. The close proximity of the site to Colac Area Health services is considered to be a good planning outcome due to the complimentary nature of the use.

- *The drainage of the land*

The site is connected to stormwater. The applicant has provided stormwater details in the revised car parking layout plan. The plan shows an existing stormwater pit located at the rear of the site. Stormwater will be required to connect to a legal point of discharge. A condition is recommended to be placed on any permit in relation to this aspect.

- *The availability of and connection to services*

The site is connected to reticulated sewer, water services and power services.

- *The effect of traffic to be generated on roads*

It is considered there will not be any adverse traffic impacts resulting from the proposal. The issues of car parking provision and loading/unloading are addressed in detail under the particular provisions below.

- *The interim use of those parts of the land not required for the proposed use.*

The entire site is used for the purposes of a medical centre.

In summary, the proposal is considered to meet the requirements under Clause 34.01-2 in relation to uses on the site.

Clause 34.01-4 requires consideration of various aspects where buildings and works are proposed, including parking and landscaping. The only works proposed are those associated with the car parking layout. The car parking area will be required to be properly sealed and line marked and the disabled space will be required to be marked as such. The site is

connected to stormwater. The proposed car parking layout includes drainage treatments addressing any impacts of the required sealing of the car park area. Drainage of the site is considered to be adequate. The existing landscaping is to be retained and is in good condition. Its retention is supported.

In summary, the proposal is considered to satisfy the zone provisions.

c. Overlay provisions

No overlays apply.

d. Particular provisions

Clause 52.05 – Advertising signs

Signage within the Business 1 Zone (B1Z) falls within Category 1 of the signage requirements under the advertising provisions. Clause 52.07-1 restricts the area permitted without the need for a planning permit for business identification signage to a maximum of 8 square metres in area.

There are two (2) existing signs on site located at the front of the property. Both are freestanding. One advertises the osteopathic clinic and the other, a much smaller sign, advertises the speech pathologist. The combined signage is under the 8 square metres in area permitted without need for a planning permit.

Clause 52.06 – Car parking

The car parking provisions have recently been amended by Amendment VC90 gazetted on 5 June 2012. The new provisions for a medical centre include a requirement for 5 car parking spaces for the first person providing health services and 3 to every other person providing services. The total number of spaces required in this instance is therefore 8 car spaces.

The proposal includes provision of four (4) on site car spaces to be located at the rear of the site in the existing car parking area. The car parking layout plan originally submitted with the application included six (6) car parking spaces. However, following consideration by the Infrastructure department, the plans were modified to provide for safe and efficient car parking and adequate manoeuvrability which resulted in 4 car spaces being provided.

The car spaces are dimensioned in accordance with Australian Standard 2890 – Parking facilities (AS2890). To achieve adequate manoeuvrability to car spaces three and four, a section of the small structure used for storage at the rear will be removed.

The Colac and Apollo Bay Car Parking Strategy (December 2011) recommends an off street parking rate of four (4) car spaces per practitioner, which is slightly less than the requirement of 5 spaces for the first practitioner on any site under the new parking provisions in the planning scheme. Nonetheless, the requirement under the Parking Strategy for this proposal would equate to the same as that required under the current planning scheme provisions.

In relation to medical uses, the Strategy states at paragraph 4.1 that "*parking associated with this land use type should be provided for off street, particularly in areas with existing high demand.*"

The subject site is however located in an area identified by the Plan as having only 50% to 75% on street parking utilisation during peak weekday demand. The use is not considered to have an adverse impact on this peak demand, particularly in view of the use having been in existence for 8 years without any documented adverse impact.

The proposed car parking is four (4) spaces less than the requirement. While this represents half the amount of parking required, the provision of a disabled car parking space is considered to be fundamental to the use. This provision has contributed to the reduction of some area currently available for additional car spaces. In addition, there are generally considered to be sufficient numbers of on street car parking spaces to cater for the use.

In view of the above, the provision of four (4) spaces is considered to be acceptable in this instance. A condition has been recommended to be included in the permit that would prevent more than two practitioners operating from the site at any one time. This is considered appropriate to reflect the current operating conditions and avoid further parking pressures on the street.

Clause 52.07 – Loading and unloading of vehicles

The applicant has stated that no unloading and loading will take place apart from deliveries via Australia Post. Any items brought to the site could be delivered either via the driveway or by utilising on street parking.

Consideration of the Proposal

The proposal is considered to be consistent with the zoning and other planning policy provisions. The car parking layout required some negotiation so as to ensure that it meets Council requirements in relation to vehicle turning and the provision of a disabled car parking space. The provision of this space is considered to be important for the orderly planning of the use. In view of the use being in existence for 8 years, in addition to nearby on street parking, it is considered that the reduction in the car parking requirement by four (4) car parking spaces should be supported.

Council Plan / Other Strategies / Policy Leadership and Governance

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 issues arising from this report.

Environmental Consideration / Climate Change

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

Communication Strategy / Consultation Period

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

Conclusion

The proposal is considered to be consistent with relevant planning policy provisions. It is considered the use will not have any adverse amenity impacts. In view of the use being in existence for some time (8 years) without apparent adverse impacts, including impacts on parking provision, the provision of some on-site parking and the availability of on street parking, it is considered that the reduction in the car parking requirement by four (4) car parking spaces should be supported.

Attachments

Nil

Recommendation(s)

That Council’s Planning Committee resolves to issue a Planning Permit PP333/2011-1 for the use of the land as a medical centre and reduction in car parking requirement at 6 Hart Street Colac subject to the following conditions:

1. ***The layout of the site and the size of the proposed buildings and works as shown on the endorsed plans must not be altered or modified without the written consent of the Responsible Authority.***
2. ***No more than two (2) practitioners shall work from the premises at any one time without the further written approval of the Responsible Authority.***
3. ***The use hereby approved shall only operate during the following hours, unless with the further written approval of the Responsible Authority:***
 - ***Monday to Friday: 8.40am to 5.20pm***
 - ***Saturday: 8.40am to 1.00pm.***
4. ***All infectious waste is to be removed by a licensed commercial waste company to the satisfaction of the Responsible Authority.***
5. ***All run off from stormwater, including overflow from water storage, must be taken to a legal point of discharge to the satisfaction of the Responsible Authority.***
6. ***No fewer than four (4) car parking spaces must be provided on the land for the use and or development including one (1) space clearly marked for the disabled. All car parking spaces must be clearly line marked.***
7. ***Within three (3) months of the date of this permit, areas set aside for parked vehicles and access lanes as shown on the endorsed plans must be:-***
 - (a) ***Constructed to the satisfaction of the Responsible Authority.***
 - (b) ***Properly formed to such levels that they can be used in accordance with the plans.***
 - (c) ***Sealed to the satisfaction of the Responsible Authority.***
 - (d) ***Drained and maintained to the satisfaction of the Responsible Authority.***
 - (e) ***Line-marked to indicate each car space and all access lanes to the satisfaction of the Responsible Authority.***
 - (f) ***Clearly marked to show the direction of traffic along access lanes and driveways***

Parking areas and access lanes must be kept available for these purposes at all times.
8. ***In areas set aside for car parking, measures must be taken to the satisfaction of the Responsible Authority to prevent damage to fences or landscaped areas.***

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