

PLANNING COMMITTEE MEETING

AGENDA

18 NOVEMBER 2015

at 10:30 AM

COPACC Meeting Rooms



Our Vision

A sustainable community with a vibrant future.

Our Mission

Council will work with our community and partners to provide:

- Innovative leadership, good governance and financial accountability
- Value for money, accessible and appropriately targeted services
- A strong advocacy and engagement approach to achieve a truly liveable community

Our Values

Council will achieve its Vision and Mission by acting with:

- Respect
- Integrity
- Goodwill
- Honesty
- Trust

Our Strategic Direction

The four pillars of our Council Plan indicate our key strategic direction for 2013-2017.

An underlying principle in the development of the Council Plan was to more effectively integrate service delivery.

Pillar 1: Good Governance

Pillar 2: A Planned Future

Pillar 3: A Place to Live and Grow

Pillar 4: A Healthy Community and Environment

Our Councillors

Cr Frank Buchanan (Mayor), Cr Brian Crook (Deputy Mayor), Cr Michael Delahunty, Cr Stephen Hart, Cr Lyn Russell, Cr Chris Smith, Cr Terry Woodcroft.



Planning Committee Meeting

Welcome

Welcome to this Meeting of the Colac Otway Shire Council Planning Committee.

Planning Committee meetings are an important way to ensure that your democratically elected representatives are working for you in a fair and transparent way.

The Planning Committee makes decisions on planning permit applications where the proposals are outside of the delegation for decisions by planning officers.

About this meeting

There are a few things to know about today's meeting.

The agenda itemises all the matters to be discussed by the Committee.

Each report is written by a Council officer outlining the purpose of the report, all relevant information and a recommendation. The Committee will consider the report and either accept the recommendation or make amendments to it. All decisions of the Committee are adopted if they receive a majority vote from the Councillors present at the meeting.

A copy of the decision on any planning permit applications determined by the Committee, together with information relating to opportunities for review of these decisions by the Victorian Civil and Administrative Tribunal (VCAT) are circulated to all applicants and objectors after the meeting.

Recording of Meetings

All Council and Committee meetings are audio recorded. This includes the public participation sections of the meetings. Audio recordings of meetings are taken to facilitate the preparation of the minutes of open Council and Committee meetings and to ensure their accuracy. In some circumstances a recording will be disclosed to a third party.

Those circumstances include, but are not limited to, circumstances, such as where Council is compelled to disclose an audio recording because it is required by law, such as the Freedom of Information Act 1982, or by court order, warrant, or subpoena or to assist in an investigation undertaken by the Ombudsman or the Independent Broad-based Anti-corruption Commission.

Council will not use or disclose the recordings for any other purpose. It is an offence to make an unauthorised recording of the meeting.

Hearing of Submissions

The proponent and/or submitter may, at the approval of the Chairperson, be given an opportunity to have their views heard by the Planning Committee regarding an item listed on the agenda.

A written request should be received by Council two (2) days prior to the Planning Committee Meeting. The deadline for requests to be heard will close at 5.00pm on the Monday prior to each Meeting (except when Monday is a public holiday the close off will be Tuesday at 5.00pm).

One speaker on behalf of each party/group will be given the opportunity to be heard within a time restriction of 5 minutes. The applicant will be heard last, after any objectors.

All speakers are to be present at the beginning of the Planning Committee Meeting being held at 10.30am.

When the relevant item is listed for discussion, the Mayor/Chairperson will call your name and ask you to address the Committee.

COLAC-OTWAY SHIRE PLANNING COMMITTEE MEETING

18 NOVEMBER 2015

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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 Meeting Rooms on 18 November 2015 at 10.30am.

AGENDA

1. **OPENING PRAYER**

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

AMEN

2. **PRESENT**

3. **APOLOGIES**

4. **MAYORAL STATEMENT**

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

Colac Otway Shire encourages 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.

All Council and Committee meetings are audio recorded, with the exception of matters identified as confidential items in the Agenda. This includes the public participation sections of the meetings.

Audio recordings of meetings are taken to facilitate the preparation of the minutes of open Council and Committee meetings and to ensure their accuracy.

In some circumstances a recording will be disclosed to a third party. Those circumstances include, but are not limited to, circumstances, such as where Council is compelled to disclose an audio recording because it is required by law, such as the Freedom of Information Act 1982, or by court order, warrant, or subpoena or to assist in an investigation undertaken by the Ombudsman or the Independent Broad-based Anti-corruption Commission.

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5. DECLARATION OF INTEREST

6. CONFIRMATION OF MINUTES

- **Planning Committee held on the 12/08/15.**

Recommendation

That Council confirm the above minutes.

7. 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.

**Sue Wilkinson
Chief Executive Officer**

**PC151811-1 SEVEN (7) LOT SUBDIVISION, REMOVAL OF NATIVE VEGETATION
(11 TREES) AND ASSOCIATED WORKS AT 20-26 OLD COACH
ROAD, SKENES CREEK (PP144/2013)**

AUTHOR:	Ian Williams	ENDORSED:	Brydon King
DEPARTMENT:	Development & Community Services	FILE REF:	F13/5202

Location: 20-26 Old Coach Road, Skenes Creek

Zoning: Township Zone (TZ)

Overlay controls: Significant Landscape Overlay (SLO2)
Design and Development Overlay (DDO4)
Neighbourhood Character Overlay (NCO1)
Erosion Management Overlay (EMO1)
Bushfire Management Overlay (BMO)

Proposed Amendments: Nil

Purpose:

Planning permission is sought for a seven (7) lot subdivision, the removal of native vegetation (11 trees) and associated works.

This application is before the Planning Committee as eight (8) objections have been received.

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 a seven (7) lot subdivision, the removal of native vegetation (11 trees, three of which are dead) and associated works. The proposed lots would range in area from 881sqm to 1548sqm.
- The proposal also includes the creation of a 3m wide (43sqm) reserve which would be vested in Council, to provide footpath access from Vista Avenue through to Muller Road.
- Twelve (12) objections were initially received in response to this application. Following discussions between the applicant and objectors, including a consultation meeting facilitated by Council, five (5) objections were formally withdrawn. The remaining objections expressed concerns about inadequate drainage, traffic congestion, the removal of native vegetation, a surplus of vacant land in Skenes Creek, bushfire concerns and that a reserve is required between Vista Avenue and Muller Road.

- The applicant formally amended the planning application under Section 57A of the *Planning and Environment Act 1987* on 4 August 2015, as the number of native trees proposed to be removed increased from three (3) to eleven (11) to meet the minimum Bushfire Attack Level (BAL) of BAL-29 (defendable space provisions) required under the Bushfire Management Overlay (BMO).
- After the application was amended, it was re-advertised and three (3) further letters of objection were received. Two objections were from residents who had already objected to the application, with one objection from a resident who had formally withdrawn their earlier objection to the proposal. A total of eight objections to this proposal therefore remain.
- The application was referred externally to Aboriginal Affairs Victoria (AAV), Barwon Water, the Country Fire Authority (CFA), Powercor, Tenix and the Department of Environment, Land, Water and Planning (previously DEPI), and internally to Council's Environment, Infrastructure and Health Protection Units. No objections have been received as a result of the referrals.
- It is considered that the proposed subdivision would allow for future dwellings on lots within a location which has existing infrastructure and, on balance, the proposal is considered to meet the preferred vision for the Skenes Creek township.
- It is recommended that a Notice of Decision to Grant a Permit be issued.

Background

There is no relevant background in relation to this application.

Issues / Options

Council has the options of:

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

It is recommended that Option a) is supported for the reasons outlined in the balance of this report.

Proposal

Planning permission is sought for a seven (7) lot subdivision, the removal of native vegetation and associated works. The proposed lots would range in area from 881sqm to 1548sqm. With the exception of Lot 7, the proposed lots would be generally rectangular in shape. Proposed Lots 1 to 6 would benefit from access onto Treetops Terrace and Lot 7 would be accessed via Vista Avenue to the east. The lots would have frontages (east/west) onto Treetops Terrace of between 17m and 39m, with a depth (north/south) of 48m to 50m.

As part of the works proposed on the site, and to facilitate access, the applicant has advised that a stone retaining wall would need to be built along the southern boundary of proposed lots 2-7 (adjacent to Treetops Terrace). The proposed stone wall would be partially submerged into the slope of the land and would range in height above natural ground level from 0.25cm to 0.75cm.

Eleven (11) native trees are required to be removed (three of which are dead native trees) to meet the minimum Bushfire Attack Level (BAL) of BAL-29.

The three dead trees are located on proposed lots 1 and 2. The balance of the vegetation to be removed is located on proposed lots 1, 2 and 4.

The proposal also includes the creation of a 3m wide (43sqm) reserve to be vested in Colac Otway Shire, to provide footpath access from Vista Avenue through to Muller Road. There is an easement, for an underground powerline and drainage, in the location of the proposed reserve. Powercor was contacted and advised it has no objections to the proposed reserve, and does not require any conditions to be imposed relating to the easement or reserve. Council's Infrastructure Unit also advised it has no issues with this aspect of the proposal.

Site & Surrounds

The site is located on the eastern side of Old Coach Road and the northern side of Treetops Terrace. The site is located to the north of Muller Road, which is an unsealed road. The site is identified on title as C/A: 13 SEC: 3A Parish of Krambruk. There are no restrictions on title.

The western corner and eastern side of the site is identified as being an area of cultural heritage sensitivity. A Cultural Heritage Management Plan (ref. 12924) was submitted as part of the application, which Aboriginal Affairs Victoria confirmed was acceptable.

The site has an irregular shape, with an overall area of approximately 7082sqm. The site has a 163m frontage onto Treetops Terrace and a 50m frontage onto Old Coach Road. The northern 116m length of boundary backs onto the southern boundary of properties at 28 and 32 Old Coach Road. The site is one of the few remaining larger lots in the Skenes Creek township, being situated in an area which has been subdivided for housing within the Township Zone.

The site has a 2m wide powerline and drainage easement along the south eastern boundary, adjacent to Treetops Terrace, Muller Road and Vista Avenue. The site is located at approximately 24.5AHD in the south western corner, increasing to 33.5AHD in the north eastern corner. There is an embankment along the southern boundary of the site which creates an elevated status relative to Treetops Terrace.

Old Coach Road to the west of the application site is a sealed road with table drains. Vegetation cover follows the site boundary along Old Coach Road. Treetops Terrace to the south of the site is a gravel road with table drains along the northern side.

The site contains vegetation cover in the central and western sections, extending towards Old Coach Road. The vegetation cover comprises approximately 31 Eucalyptus trees. The north and eastern parts of the site are mostly cleared of trees, with ground cover in these areas. Power, water and sewer are currently available to surrounding lots within Old Coach Road, Treetops Terrace and Vista Avenue.

Skenes Creek is a coastal hamlet set on rolling topography at the base of the Otway Ranges, within a broader highly significant coastal landscape setting. There is a sense of openness to the town created by the spacious siting of buildings and expansive views to the coast and hillsides. A green wedge corridor through the centre of the township links the town with a vegetated hillside backdrop and is enhanced by regeneration of indigenous coastal shrubs around dwellings and public areas. The application site is located within the Neighbourhood Character Skenes Creek Precinct 1, which includes the green wedge that runs along the Old Coach Road through the middle of Skenes Creek township, as well as a broad area of coastal dwellings in the north.

Public Notice

Public notice of the application was given in accordance with Section 52 of the *Planning and Environment Act* by sending a copy of the notice to adjoining property owners and occupiers, with a sign also placed on the site for a period of 14 days. At the end of the public notice period twelve (12) objections had been received. Following discussions between the applicant and objectors, five (5) objections were withdrawn and seven (7) objections remained.

Following receipt of the objections, the applicant amended the application plans to include a reserve 3m wide by 14m long to be vested in Council, which it is intended would be used as a footpath from Vista Avenue through to Muller Road.

On 1 May 2015, officers arranged a consultation meeting to allow the applicant to discuss the proposal with the objectors. The aim of the meeting was to bring the submitters and the applicant together so that each party was fully informed about the proposal and aware of the reasons for the submissions. No further objections were withdrawn following the meeting.

The applicant was subsequently asked to provide written clarification to Council about the extent of vegetation that would need to be removed to meet the BAL 29 defendable space provisions specified under the Bushfire Management Overlay for each lot to be created under this application.

On 22 July 2015, the applicant provided an updated Tree Assessment Report from Ecology Services (dated 3 July 2015) which advised that a total of eleven (11) trees would be required to be removed (3 dead and 8 living) to facilitate future dwellings on lots 1-7. To reduce the level of vegetation to be removed, the applicant also considered consolidating lots 1 and 2, however Ecology Services advised that the BAL 29 defendable space requirements, and hence the level of vegetation to be removed, would be the same whether this was one or two lots.

Following receipt of this additional information, the application was re-advertised and three (3) further letters of objection were received. Two objections were from residents who had already objected to the application, with one objection from a resident who had formally withdrawn their objection to the proposal. A total of eight objections to this proposal therefore remain.

The objections are summarised as follows:

- a. There is inadequate drainage on Vista Avenue abutting the proposed Lot 7 and surface run-off down Vista Avenue is significant. There is a need to maintain a drainage channel down the eastern side of proposed Lot 7 to stop the surface water from washing gardens away and causing damage to property.
- b. The channel drain down the eastern side of Muller Road is subject to severe erosion, and represents a significant safety issue. Additional stormwater drainage from the proposed development will potentially add to these major problems.

Comment

Council's Infrastructure Unit is aware of stormwater issues on Vista Avenue and Muller Road, where significant erosion occurs. Council has already resolved to place underground drainage along the length of Muller Road.

Any permit that may be granted for the proposed subdivision would need to include suitable conditions requiring the applicant to also provide underground stormwater drainage

benefitting all proposed lots. This would be connected to the Council's underground drainage infrastructure in Muller Road. Any permit issued should also require the modification of existing drainage in Vista Avenue, so that no proposed lot is affected by inundation and the drainage to existing lots is not worsened (see proposed condition 14 in the recommendation at the end of this report). Improvements to the existing stormwater system would be required to achieve this. This would require improvement to the existing pit alignment and shaping, so that over ground water is better collected by the underground network.

- c. Muller Road is a 'No Through Road' and the termination of Muller Road needs to be made more substantial, rather than relying on a temporary sign. Signs have been erected at the end of Muller Road to stop traffic accessing the Great Ocean Road and the proposed development will increase the risk of vehicular traffic using this illegal short-cut to access Muller Road from the Great Ocean Road.

Comment

Council's Infrastructure Unit is aware that some motorists ignore clear signage and break road rules by accessing the Great Ocean Road from Muller Road. The Unit has endeavoured in the past to ensure that no motorists make use of this area of road reserve by erecting signage and by placing timber bollards to prevent access. These bollards have been removed in the past by persons unknown to Council and this is an ongoing issue. Council's Infrastructure Unit is giving this matter further consideration, with the aim being to present more permanent structures which cannot be removed.

- d. Concern is raised to the probable infrastructure implications during the development. The applicant has referred to an existing 'drainage pit' as a sewer pit and, as such, the design plan for the concrete apron should incorporate a design for the stormwater disposal adjacent to Vista Avenue.

Comment

The applicant has provided additional details of the drainage pits adjacent to Vista Avenue. Council's Infrastructure Unit has considered this additional detail and has advised that, subject to planning approval, the applicant would be required to prepare and undertake a full stormwater management plan to Council's satisfaction. Included in this plan would be the issue of drainage at Vista Avenue and how the proposed development would be carried out so that newly created lots are protected from stormwater, and also to ensure that newly created (eventually developed) lots do not cause stormwater nuisance to existing properties. It is likely that the eventual plan would contain elements not currently embedded in the applicant's overall site plan, which is purely conceptual. Council's Infrastructure Unit is satisfied that there are reasonable and practical engineering solutions to the development's interface with Vista Avenue and that there is no engineering reason not to issue an appropriately conditioned permit at this stage. Council's Infrastructure Unit also confirmed that the applicant's plans accurately reflect on site conditions in terms of stormwater assets.

- e. The removal of all trees would be at odds with the Neighbourhood Character and Significant Landscape Overlay, and remove trees which provide a wind break and add to the ambiance of the area. The removal would present a significant impact on the landscape character and existing habitat and this should not be allowed to facilitate subdivision. Lots 1 and 2 should form a single lot allowing the trees to be retained.

Comment

It is agreed that the existing vegetation coverage within the south western corner of the site contributes in a significant way towards the preferred landscape character within the Great Ocean Road region. The land is within a Township Zone of Skenes Creek, where there is a reasonable expectation that a level of vegetation cover will need to be removed at some point to facilitate the provision of dwellings on any individual lots created. This is not dissimilar to how the surrounding lots within Skenes Creek have been developed with dwellings in the past.

The applicant has confirmed that, to enable works associated with the subdivision to be completed and to meet the minimum Bushfire Attack Level (BAL) of BAL 29, eleven (11) trees are required to be removed from the site. As noted previously in the report, the applicant has submitted an additional report by Mark Trengove Ecology Services (3 July 2015) to quantify the level of vegetation to be removed to meet the BAL 29 defensible space provisions, noting that of the 31 trees on site, eight (8) live trees and three (3) dead trees would be required to be removed. The report adds that the assessment is based upon a 5m canopy separation; however a canopy separation of 2m would result in the same number of trees being removed.

It is also noted within the report that the creation of a single larger lot by merging proposed Lots 1 and 2 would not alter the number of trees required to be removed, as the defensible space requirements would remain unchanged.

The report adds that potential exists to undertake major pruning of several of the trees as an alternative to removal. This would involve lopping the trees back to a much lower height that would then promote lower and smaller canopy growth, thus complying with the canopy separation requirements. The report adds that this may be beneficial to the health of several of the trees that currently have relatively poor structure, canopy and vigour.

This level of vegetation removal is not considered to be unreasonable to facilitate the subdivision of this land. The proposed building envelopes and driveways have been identified on the proposed new lots to allow for the retention of vegetation where possible.

Future planning applications for dwellings on lots 1-7 would require a further assessment in relation to the retention or removal of vegetation to meet the current overlay provisions. The applicant has already undertaken an additional level of analysis against the BMO provisions to ascertain the level of vegetation likely to be removed on lots 1-7 to facilitate future dwellings. On the basis of this additional research, it is anticipated that no further vegetation removal would be required and that additional garden landscaping (including shrubs and trees) would be planted on the lots. On balance, the proposed subdivision is considered to suitably respond to the provisions of the zone and overlays, allowing a subdivision which it is considered would not compromise the landscape character of Skenes Creek or the Great Ocean Road.

- f. The subdivision is not required as there are existing vacant lots in Skenes Creek. The proposed subdivision should include less lots.

Comment

It is accepted that there are a number of vacant lots which remain undeveloped within the township of Skenes Creek. However, the existence of vacant lots within the immediate and surrounding area is not a reasonable planning ground to justify a refusal of this application.

Under the provisions of the Design and Development Overlay Schedule 4, a new lot must have a minimum lot size of 800sqm, with an average of 900sqm for four or more lots. The lots proposed under this application would all be greater than 800sqm in area, with an average area of 1017sqm. The proposal complies with the requirements of this overlay and, as such, it is not considered that there is any reasonable planning ground to require larger lots.

- g. The proposed driveway onto Old Coach Road would add to a number of driveways and would lead to traffic congestion onto this road and would be dangerous to pedestrians.

Comment

It is accepted that the proposal would result in one additional driveway onto Vista Avenue, which would be in addition to the four (4) existing driveways towards the western end of Vista Avenue. The additional driveways are not considered to result in any significant traffic congestion to the immediate or surrounding area or present any significant risk to pedestrians beyond the current arrangement. Council's Infrastructure Unit has considered the application and no objection has been raised subject to permit conditions which have been included in the recommendation at the end of this report.

- h. The proposal does not comply with the provisions of the Bushfire Planning Policy and will result in additional risk for current owners.

Comment

The applicant has submitted a 'Bushfire Management Statement', dated 02 December 2014. This report confirms that defendable space and BAL 29 construction could be achieved for each of the seven lots, and this requirement could be met through the removal and management of vegetation on the proposed lots. The submitted Bushfire Management Statement has been referred to the CFA, which has not raised any objection to the application subject to the inclusion of conditions on any permit issued. The CFA conditions require defendable space to be provided on each lot in accordance with the Bushfire Management Plan (Bushfire Attack Level (BAL) of BAL 29. In view of this, it is considered that the implementation of this defendable space would allow for management of ground vegetation and ultimately reduce potential additional fire risk for surrounding lots.

- i. Additional trees will need to be removed from these lots to comply with the Bushfire Management Overlay and dwellings on these lots. Conditions should be included to prevent the future removal of the trees on the lots.

Comment

It is unlikely that any additional trees would need to be removed by new owners of lots 1-7 to facilitate future dwellings, as the level of vegetation required to be removed to meet the minimum Bushfire Attack Level (BAL) of BAL 29 has been fully assessed under this application. It is also likely that additional garden landscaping, including shrubs and trees, would be planted on the lots around any future dwellings. It is considered unreasonable to include permit conditions, or to require a Section 173 Agreement on the land, to prevent any additional tree removal from the lots.

Clause 52.48-5 'Bushfire Protection Exemptions' (Exemption to Create Defendable Space for a Dwelling Approved under Clause 44.06 of this Planning Scheme) would allow for additional vegetation to be removed on the lots once a dwelling has been approved (provided the vegetation removal does not exceed the distance specified in Table 1 to Clause 52.47-3 based on the bushfire attack level determined by a relevant building surveyor when deciding an application for a building permit under the Building Act 1993).

The application site is not dissimilar to surrounding Township Zone land within Skenes Creek and other coastal townships which has already been subdivided. For example, Nos. 1-9 Muller Road was created in 2004 through a five lot subdivision. Vegetation was retained on these lots until planning applications were received by Council to develop the lots for dwellings. Incrementally vegetation has been removed on these lots and further planting undertaken in accordance with permit conditions.

The application site is one of the few remaining parcels of land within this part of Skenes Creek which can be subdivided. It is considered unreasonable for Council to try to remove State-wide planning exemptions which ultimately seek to provide defendable space to safeguard communities from bushfire.

- j. There is an existing informal footpath from Vista Avenue to Muller Road. This path is heavily used by locals. A pedestrian footpath should be shown between Treetops Terrace and Vista Avenue and its retention would allow for residents of Vista Avenue to walk to the beach.

Comment

The applicant is sympathetic to the residents' request for a footpath from Vista Avenue to Muller Road, and has included a 3m wide x 14m long reserve (43sqm) to be vested in Council. This would include a 1.5m wide footpath with bollards adjacent to Vista Avenue. Council's Infrastructure Unit has acknowledged that the proposed provision of the footpath is in response to objections and advised that, given maintenance requirements for Council, this would have to be constructed in concrete.

Referrals

In accordance with Section 55 of the *Planning and Environment Act*, the application was referred to Aboriginal Affairs Victoria (AAV), Barwon Water, the Country Fire Authority (CFA), Powercor and Tenix (Determining Referral Authorities) and the Department of Environment, Land, Water and Planning (previously DEPI) in accordance with Section 52 of the Act. No objections have been raised from any external referral authorities, subject to conditions being included on any permit issued. These conditions have been included in the recommendation at the end of this report.

The application was also referred internally to Council's Infrastructure Unit, Environment Unit and Recreation, Arts and Culture Unit. No objections were received, subject to conditions being included on any permit issued. These conditions have also been included in the recommendation at the end of this report.

Planning Controls

The land is included in the Township Zone (TZ) and is subject to the Significant Landscape Overlay (SLO2), Design and Development Overlay (DDO4), Neighbourhood Character Overlay (NCO1), Erosion Management Overlay (EMO1) and Bushfire Management Overlay (BMO). A planning permit is required under the following provisions:

- Clause 32.05-4 – Subdivision – Township Zone

- Clause 44.01-1 – Works – Erosion Management Overlay
 - Clause 44.01-2 – Vegetation Removal – Erosion Management Overlay
 - Clause 44.01-4 – Subdivision – Erosion Management Overlay
 - Clause 44.06-1 – Subdivision – Bushfire Management Overlay
 - Clause 42.03-2 – Removal of Native Vegetation – Significant Landscape Overlay
 - Clause 42.03-2 – Works – Significant Landscape Overlay
 - Clause 43.02-3 – Subdivision – Design and Development Overlay
 - Clause 43.05-2 – Works – Neighbourhood Character Overlay
 - Clause 52.17 – Removal of Native Vegetation – Native Vegetation
- a. State and Local Planning Policy
The State and Local Planning Policy Frameworks seek to ensure that the objectives of planning in Victoria are fostered through appropriate land use and development planning policies 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 - Settlement
 - Clause 12 - Environmental and Landscape Values
 - Clause 13 - Environmental Risks
 - Clause 16 – Housing
 - Clause 19 – Infrastructure
 - Clause 21.03-1 – General
 - Clause 21.03-5 - Skenes Creek
 - Clause 21.04-3 – Vegetation
 - Clause 21.04-5 – Erosion
 - Clause 21.04-6 – Flooding
 - Clause 21.04-7 - Climate Change
 - Clause 21.04-8 - Landscape Character
 - Clause 21.04-9 - Cultural Heritage

In general terms, the State planning policies seek to provide for appropriately located supplies of residential land within established areas in existing settlements, to reduce the pressure for fringe development and meet community needs in accordance with the relevant regional growth plan. The policies seek to direct residential development and infrastructure within defined boundaries of existing settlements that are capable of accommodating growth. The policies add that development should be sensitively sited and designed to respect the character of coastal settlements, and encourage revegetation of cleared land abutting coastal reserves. Permitted clearing of native vegetation should result in no net loss in the contribution made by native vegetation to Victoria's biodiversity.

In relation to the Great Ocean Road Region, the State policies specifically seek to ensure that development responds to the identified landscape character of the area, directing urban growth to strategically identified areas whilst assisting to strengthen community resilience to bushfire.

The local planning policies seek to encourage future residential development in existing zoned and serviced areas, to avoid an oversupply of residential zoned land and to make the most effective use of infrastructure services to meet the needs of the existing and future population. The policies seek to promote a pattern of settlements in the coastal strip that balances between opportunity for growth and retention of environmental and cultural qualities.

The local planning policies also seek to protect native vegetation and other significant stands of vegetation in order to prevent land degradation, maintain water quality and protect the biodiversity of flora and fauna species.

Clause 21.07 (Reference Documents) identifies a number of strategic studies which have been included within the Planning Scheme. The Skenes Creek, Kennett River, Wye River and Separation Creek Neighbourhood Character Study (2005) is a reference document for background and guidance only.

Overall, it is considered that the proposal is in accord with the principles of the State and Local Planning Policy Frameworks.

b. Zoning

The land is zoned Township Zone (TZ). The purpose to the zone includes the following:

- *To provide for residential development and a range of commercial, industrial and other uses in small towns.*
- *To encourage development that respects the neighbourhood character of the area.*
- *To implement neighbourhood character policy and adopted neighbourhood character guidelines.*

A planning permit is required under the provisions of Clause 32.05-4 of the Township Zone for the subdivision of the land. An application to subdivide land, other than an application to subdivide land into lots each containing an existing dwelling or car parking space, must meet the requirements of Clause 56 and:

- *Must meet all of the objectives included in the clauses specified in the table.*
- *Should meet all of the standards included in the clauses specified in the table.*

The following clauses apply to subdivision of 3 – 15 lots - Clauses 56.03-5, 56.04-2 to 56.04-5, 56.05-1, 56.06-2, 56.06-4, 56.06-5, 56.06-7 and 56.06-8 to 56.09-4.

c. Overlays

i. Significant Landscape Overlay (SLO2)

The site is covered by the Significant Landscape Overlay – Schedule 2 (SLO2). The purpose of this overlay is:

- *To identify significant landscapes.*
- *To conserve and enhance the character of significant landscapes.*

Landscape character objective to be achieved (from Schedule 2)

The general landscape objectives to be achieved include:

- *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.*

Before deciding on an application the responsible authority must consider, as appropriate, a number of matters including:

Tree Removal

- *The impact of the changes to the landscapes on the valued characteristic of the nationally significant Great Ocean Road Region landscape.*
- *The species of vegetation, its age, health and growth characteristics.*
- *The location of the vegetation on the land and its contribution to the lot garden area, neighbourhood and streetscape character.*
- *Whether the tree is isolated or part of a grouping.*
- *The availability of sufficient unencumbered land to provide for replacement planting.*
- *The impact of the tree on the structural integrity of existing buildings including foundations.*
- *Whether there are other options for further planting on the site.*
- *Vegetation management requirements to reduce fire hazard, prevent erosion and maintain flood control measures.*

Under the provisions of Clause 42.03-2 (Permit Requirement), a planning permit is required for the removal of native vegetation. The schedule to this overlay specifies that a permit is required to remove, destroy or lop a tree; however this does not apply to a tree having a single trunk circumference less than 0.5 metre at a height of one metre above the ground level, or a tree that is dead or dying. Three of the trees proposed to be removed are dead and therefore a planning permit is not required under this overlay to remove these trees. One tree has a trunk circumference of 85cm at a height of one metre above the ground level and, as such, a permit is required for the removal of this single tree under the SLO2.

A planning permit is also triggered under this overlay for the proposed stone retaining wall. A planning permit is not required under the provisions of this overlay for subdivision.

ii. Design and Development Overlay (DDO4)

The site is covered by the Design and Development Overlay (DDO4). The purpose of this overlay is:

- *To identify areas which are affected by specific requirements relating to the design and built form of new development.*

Design objectives (from the Schedule)

- *To achieve the neighbourhood character Vision for the townships and Preferred Character of each Precinct as identified in the Municipal Strategic Statement and in the Skenes Creek, Kennett River, Wye River and Separation Creek Neighbourhood Character Study, Planisphere, 2005.*
- *To ensure that lot sizes are sufficient to accommodate adequate vegetation, including substantial trees, dwellings that meet the township's Visions and Preferred Character, and provide space for wildfire management requirements.*

Lots created by a subdivision must (from the Schedule):

- *Provide for a dwelling or dwellings that will meet the Vision for the township, the preferred character of the Precinct and associated design guidelines; and*
- *Where creating a battle-axe style lot, not include the area of any driveway in the lot area calculations; and*
- *Where creating new streets, incorporate layout and public domain features, such as street trees and kerbing that meet the township Vision and preferred character of the Precinct.*

Under the provisions of Clause 43.02-3, a planning permit is required for subdivision. Under section 3 of the Schedule, a new lot must have an area that accords with the minimum lot size specified for the relevant Precinct. In this instance, the application site is within Skenes Creek Precinct 1, where the minimum lot size specified is 800sqm and the average lot size for four or more lots must be 900sqm.

A planning permit is not required under the provisions of this overlay for vegetation removal or for works associated with the proposed stone retaining wall.

iii. Neighbourhood Character Overlay (NCO1)

The site is covered by the Neighbourhood Character Overlay (NCO). The purpose of this overlay is:

- *To identify areas of existing or preferred neighbourhood character.*
- *To ensure that development respects the neighbourhood character.*
- *To prevent, where necessary, the removal of buildings and vegetation before the neighbourhood character features of the site and the new development have been evaluated.*

A planning permit is not required under the provisions of this overlay for subdivision or vegetation removal. A planning permit is required under the provisions of Clause 43.05-2 for works associated with the proposed stone retaining wall.

iv. Erosion Management Overlay (EMO1)

The site is covered by the Erosion Management Overlay (EMO1). The purpose of this overlay is:

- *To protect areas prone to erosion, landslip or other land degradation processes, by minimising land disturbance and inappropriate development.*

The objectives specified within section 4.0 of the Schedule seek to:

- *To manage the risk of landslip.*
- *To ensure that development can be carried out in a manner which will not adversely increase the landslip risk to life or property affecting the subject land or adjoining or nearby land.*
- *To ensure that development is not carried out unless the risk associated with the development is a Tolerable Risk or lower.*
- *To ensure that applications for development are supported by adequate investigation and documentation of geotechnical and related structural matters.*
- *To ensure that development is only carried out if identified geotechnical and related structural engineering risks to life and property are effectively addressed.*

A planning permit is required under the provisions of Clause 44.01-1 for works associated with the stone retaining wall, under the provisions of Clause 44.01-2 for the removal of vegetation (as the roots below ground level would be removed) and under the provisions of Clause 44.01-4 for subdivision.

v. Bushfire Management Overlay (BMO)

The site is covered by the Bushfire Management Overlay (BMO). The purpose of this overlay is:

- *To ensure that the development of land prioritises the protection of human life and strengthens community resilience to bushfire.*
- *To identify areas where the bushfire hazard warrants bushfire protection measures to be implemented.*
- *To ensure development is only permitted where the risk to life and property from bushfire can be reduced to an acceptable level.*

Under the provisions of Clause 44.06-1, a planning permit is required for subdivision. A planning permit is not required under this overlay for the removal of vegetation or works.

d. Particular Provisions

i. Clause 52.01 – Public Open Space Contribution and Subdivision

A person who proposes to subdivide land must make a contribution to the council for public open space in an amount specified in the schedule to this clause (being a percentage of the land intended to be used for residential, industrial or commercial purposes, or a percentage of the site value of such land, or a combination of both). If no amount is specified, a contribution for public open space may still be required under section 18 of the *Subdivision Act 1988*.

Under the Schedule to Clause 52.01, a contribution of 5% is required for a subdivision creating 3 additional lots or more in Skenes Creek.

ii. Clause 52.17 – Native Vegetation

The purpose of this Clause is:

- *To ensure permitted clearing of native vegetation results in no net loss in the contribution made by native vegetation to Victoria's biodiversity. This is achieved through the following approach:*
 - *Avoid the removal of native vegetation that makes a significant contribution to Victoria's biodiversity.*
 - *Minimise impacts on Victoria's biodiversity from the removal of native vegetation.*
 - *Where native vegetation is permitted to be removed, ensure that an offset is provided in a manner that makes a contribution to Victoria's biodiversity that is equivalent to the contribution made by the native vegetation to be removed.*
- *To manage native vegetation to minimise land and water degradation.*
- *To manage native vegetation near buildings to reduce the threat to life and property from bushfire.*

Under Clause 52.17-2, a planning permit is required to remove, destroy or lop native vegetation, including dead native vegetation. Under Clause 52.17-7, a permit is not required to remove dead vegetation, unless the vegetation comprises standing dead trees with a trunk diameter of 40 centimetres or more at a height of 1.3 metres above ground level.

Consideration of the Proposal

The site is located within a residential area of the Skenes Creek township, on land which forms part of a larger estate which has previously been subdivided. The adjoining roads have already been developed and would provide access to the proposed lots, although a level of upgrade would be required as per Council's Infrastructure Unit's requirements. The proposed subdivision would provide for future residential development in an existing zoned and serviced area of the township, making the most effective use of infrastructure services (power, water and sewer etc.). A supply of drinking water would be provided to the boundary of all lots in the development in accordance with the requirements of Barwon Water, and the site is seweraged.

An assessment has been undertaken against the relevant provisions of Clause 56 ('ResCode') of the Colac Otway Planning Scheme. It is considered that the size of the proposed lots would allow for the appropriate siting and construction of a dwelling on each lot, ensuring future compliance with the setback and design standards of the Neighbourhood Character Overlay. All lots would be well in excess of 300sqm in area, with the smallest lot having an area of 881sqm. It is considered that the lots would achieve good street and solar orientation (orientated in a north to south direction). Drainage and required infrastructure would be fully designed and constructed to Council's standards. Council's Infrastructure Unit has considered the proposal and raised no objection subject to conditions being imposed on any permit issued. The proposal would require the provision of underground drainage in order to effectively protect downstream properties. The open drain on the north side of Treetops Terrace would need to be filled and shaped as a pavement area. This would facilitate an improved trafficable width which would be required as a result of the proposal.

Kerb and underground drainage would be provided on the northern side of Treetops Terrace.

The works proposed under this application include a stone retaining wall along the southern boundary of proposed lots 2-7 (adjacent to Treetops Terrace). The stone wall would be partially submerged into the slope of the land and would range in height above natural ground level from 0.25cm to 0.75cm. It is not considered that the proposed stone wall would be detrimental to the character and appearance of this part of the Skenes Creek township, being of a scale and materials consistent with the surrounding natural landscape setting.

The proposed subdivision is located within Skenes Creek Precinct 1 and would create lots that would be larger than the minimum 800sqm, and average 900sqm, specified in the schedule to the Design and Development Overlay. The minimum lot size proposed would be 881sqm, and the average lot area would be 1017sqm.

The proposed lots sizes would be consistent with the surrounding lot sizes and consistent with the provisions of the DDO4. The topography of the land and the existing surrounding road network is considered to assist with the proposal and is not considered to present any significant difficulties. It is considered that the proposal would be integrated with the adjoining lots and surrounding infrastructure, and consistent with the surrounding neighbourhood character.

The proposed subdivision is considered to allow for future dwellings on lots within a location which would meet the preferred vision for the Skenes Creek township. The proposed lots would not be battle axe style and would allow for frontages onto Treetops Terrace which present south towards the Great Ocean Road. Overall, it is considered that the proposed subdivision layout would be consistent with the vision for the township.

As previously noted, the vegetation coverage within the south western corner of the site contributes in a significant way towards the preferred landscape character within the Great Ocean Road region. As the land is within the Township Zone, there is a reasonable expectation that a level of vegetation cover would need to be removed at some point to facilitate the provision of dwellings on any lots created. The applicant has confirmed that, in order to enable the physical works associated with the subdivision to be completed and to meet the minimum Bushfire Attack Level (BAL) of BAL 29 on these lots, eleven (11) trees are required to be removed. The majority of vegetation on the site is located towards the western side on proposed lots 1 and 2. The applicant has addressed the existing vegetation on the land, with proposed lot 1 (the most western lot) having the largest area and containing the majority of trees on this lot. Indicative building envelopes and driveways have been identified on the site layout to allow for the retention of vegetation where possible.

It is not considered appropriate to require the building envelopes to be shown on title as a restriction; any additional tree removal that may be required by an alternative siting of future dwellings would trigger the requirement for a further planning permit for vegetation removal which would be assessed on its merits, having regard to the landscape character and the tree removal already allowed by the subdivision permit. On balance, it is not considered that the proposed subdivision would compromise the landscape character of Skenes Creek or the Great Ocean Road. The applicant has also considered consolidating lots 1 and 2 to reduce the amount of vegetation to be removed; however the applicant's bushfire consultant has advised that the level of vegetation to be removed would be the same regardless and therefore the applicant retained the original lot configuration proposed.

Dwellings are not proposed as part of this application, and any future dwellings on proposed lots 1-7 would have to be assessed on their individual merits, and against the zone and overlay requirements in force at the time of the application. However, it is reasonable to give some consideration to the likely visual impact of any future buildings on proposed lots 1-7 when viewed from surrounding properties and the Great Ocean Road. The applicant has shown building envelopes on the proposed lots and has identified the access locations for these lots, including the level of tree removal required. The site is located at an elevated level, approximately 160m to the north of the Great Ocean Road. The Great Ocean Road is located between 6.5 and 7.5m AHD. The central section of the application site is located at approximately 30m AHD, with the roof of any future two-storey dwellings expected to be at a height of approximately 38m AHD. The application site is currently screened from the Great Ocean Road by surrounding tall native vegetation and the existing two-storey dwellings at 8-16 Treetops Terrace (20m AHD), the dwellings within Ocean Terrace (10m AHD to 20m AHD) and the two-storey dwellings along the east and west side of Muller Road (10m AHD to 20m AHD). Any possible views of the application site or future dwellings on proposed lots 1-7 are likely to be screened by future dwellings along the southern side of Ocean Terrace.

It should also be noted that any future dwellings proposed on the application site would need to be appropriately designed and located on the land, and would have to be constructed using appropriate materials and colours with additional soft and hard landscaping to integrate the buildings into the Skenes Creek landscape coastal setting. Subject to the above, it is considered that the proposed lots could accommodate future dwellings without any significant detrimental impact on the Great Ocean Road.

In a similar way to the surrounding lots within Skenes Creek (such as Muller Road, Ocean Terrace etc.), which have been subdivided and developed with dwellings, it is likely that future owners of the lots may propose additional tree removal to facilitate any future dwellings on the lots. Any future application for a dwelling and vegetation removal on these lots would be assessed on its individual merits and against the provisions of the Significant Landscape Overlay. It is noted that, as with the surrounding residential lots, it is likely that additional garden landscaping, including shrubs and trees, would be planted on the lots around any future dwellings (subject to compliance with BMO provisions). However, it should also be noted that the provisions of Clause 52.48-5 ('Bushfire Protection Exemptions') allow for vegetation to be removed to create defendable space (subject to the bushfire attack level determined by a relevant building surveyor) for existing dwellings. This is a state-wide planning provision and one that not only applies to the application site, but also to the existing surrounding lots which contain dwellings built after 2009 within the township. As the allowance to create defendable space is a state-wide planning provision, it is considered unreasonable to include permit conditions, or require a Section 173 Agreement, to prevent future dwelling owners from removing any additional trees from the lots to create bushfire defendable space.

Native Vegetation

The Department of Environment, Land, Water and Planning's (previously DEPI) 'Biodiversity Assessment Handbook' (Version 0.2) specifies that the Responsible Authority should ensure the extent of vegetation removal considers the full footprint of the use or development, including consequential losses, and adds that the Responsible Authority should assume that "*all native vegetation within any subdivision plot of less than 4000sqm will be lost*". The application proposes lots of less than 4000sqm and, as such, full loss should be considered under the provisions of this clause.

Amendment VC105 dated 20 December 2013 introduced risk-based pathways of *low, moderate or high* to assess the level of vegetation removal required. The application requirements and decision guidelines included in this clause must be applied in accordance with the classified pathway. The proposal has been assessed by Council's Environment Unit, which has advised as follows:

"A Biodiversity Assessment Report has been prepared for the site which has identified all the native vegetation on the site. In accordance with the Permitted Clearing of Native Vegetation Biodiversity Assessment Handbook, January 2014 it is assumed that 'all native vegetation within any subdivision plot of less than 4000m² will be lost', this extent should be included.

*Under this assessment, the applicant is removing **0.252** Habitat Hectares and needs to provide an offset of **0.398** Biodiversity Equivalence Units (BEU). This amount is well above what would actually be removed on site, especially given the applicant has designed their subdivision with building envelopes and driveways to avoid large trees on the site. It is also reasonable to expect that some trees would be removed as it is zoned Township to allow dwellings on the site. It is also expected that additional vegetation would be planted on the site once dwellings were established to improve the amenity on these lots."*

In view of this, no objection was raised to this proposal subject to the inclusion of permit conditions, which have been included in the recommendation at the end of this report.

Erosion Management

The applicant has advised that the extent of soil disturbance on the lots would depend on the level of works associated with the required driveways, crossovers, retaining wall and the level of vegetation removal. The applicant has submitted a Geotechnical Assessment (reference ES13149, dated 05/08/2013), and addendum letters dated 08 January 2015 and 12 August 2015.

The Geotechnical Report confirms that the proposal is within the '*acceptable*' range and within the submitted '*Form A*' confirms that the proposal meets the acceptable criteria. The report is considered to address the works proposed and the vegetation removal and, as such, meets the requirements of the Erosion Management Overlay.

Bushfire

In support of this application, the applicant has submitted a '*Bushfire Management Statement*' dated 22 April 2013, and updated 02 December 2014. The submitted report identifies that, subject to vegetation removal, the proposed lots could meet the minimum Bushfire Attack Level (BAL) of BAL 29 (defendable space) for future construction. The submitted Bushfire Management Statement has been referred to the CFA which has not raised any objection to the application subject to the inclusion of conditions on any permit issued. These have been included in the recommendation at the end of this report.

Public Open Space

The schedule to Clause 52.01 (Public Open Space Contribution and Subdivision) specifies that for a subdivision creating three or more lots, there is a requirement for a contribution of 5%. This contribution relates to a percentage of area of the land, or a monetary contribution based on the percentage of the value of the land.

The application was referred to Council's Recreation, Arts and Culture Unit for comments on whether a financial contribution or land contribution should be provided as part of this permit. The Recreation, Arts and Culture Unit advised that:

“There is little reference in the application to the provision of an open space contribution through this subdivision. In accordance with Council’s Public Open Space Strategy, it is recommended that a monetary contribution be provided to Council rather than a land contribution. This is based on the amount of land that could be provided (i.e. 5%) would be insufficient to adequately cater for the public open space needs of this community. A monetary contribution would be more beneficial in this instance.”

As part of this application, the applicant has included the proposed provision of a 3m wide x 14m long reserve (43sqm) to be vested in Council. This would allow for a 1.5m wide concrete public footpath to provide pedestrian access from Vista Avenue through to Muller Road. The proposed reserve would provide for 0.6% of the total land area. In view of this, the appropriate permit condition has been recommended which requires a financial contribution of 4.4% of the value of the land.

Council Plan / Other Strategies / Policy

A Planned Future

Creates an attractive shire with quality buildings and spaces, accessible travel and transport, and a community that has the services and facilities it needs now and in the future; supports a prosperous economy where trade, manufacturing and business activity flourishes.

Our Goal:

Facilitate the growth, liveability and development of the shire and encourage innovation and efficiency in the local economy. The Council Plan identifies that there are significant differences in the supply of residential property within the Shire, which will have a major influence during the next five to ten years due to changing needs.

New development opportunities have been identified in Elliminyt and the coastal areas, while the established areas of Colac and the rural areas have relatively low numbers of new dwellings expected over the forecast period.

The proposed subdivision would assist in providing residential land within the established residential area of Skenes Creek.

Financial & Other Resource Implications

The proposal raises no financial or resourcing implications for Council.

Risk Management & Compliance Issues

The proposal raises no risk management or compliance implications for Council.

Environmental Consideration / Climate Change

Any relevant environmental considerations have been addressed within this report.

Communication Strategy / Consultation Period

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

Conclusion

The proposal is considered acceptable, having regard to the land being suitably zoned to allow for this type of subdivision. The site is located within the established township of Skenes Creek. It is considered that subject to the conditions contained in the recommendation below, the proposal would not cause any significant detriment to the character of the area. It is therefore recommended that a Notice of Decision to Grant a Permit be issued.

Attachments

1. PP144 2013-1 Planning Application & Site map

Recommendation(s)

That Council's Planning Committee resolve to issue a Notice of Decision to Grant a Planning Permit for a Seven (7) Lot Subdivision, Removal of Native Vegetation (11 trees) and Associated Works at 20-26 Old Coach Road (CA13 SEC 3A) subject to the following conditions:

Endorsed Plans

1. ***The layout and site dimensions of the subdivision hereby permitted, as shown on the endorsed plan/s, must not be altered or modified without the written consent of the Responsible Authority. There are no requirements to alter or modify the endorsed plan if a plan is certified under the provisions of the Subdivision Act 1988 that is generally in accordance with the endorsed plan/s.***
2. ***The development and removal of native vegetation must be in accordance with the endorsed plan to the satisfaction of the Responsible Authority.***

Creation of Easements

3. ***Prior to the certification of the plan of subdivision under the Subdivision Act 1988, all easements deemed necessary to protect existing or future drainage lines within the subject site, and any easements required between the subject site and the nominated legal point of discharge must be created to the satisfaction of the Responsible Authority.***

Open Space

4. ***Prior to the issue of a statement of compliance under the Subdivision Act 1988, the applicant or owner must pay to the Responsible Authority a cash contribution equivalent to 4.4% of the site value of all land in the subdivision.***

Creation of Reserve

5. ***Prior to the issue of a statement of compliance under the Subdivision Act 1988, details of works required to create a concrete footpath from Vista Avenue to Muller Road including, but not limited to, long and cross sections, elevations and any additional construction of the footpath must be submitted to and approved by the Responsible Authority.***
6. ***Prior to the issue of a statement of compliance under the Subdivision Act 1988, Reserve No. 1, as shown on PS719586H between Vista Avenue and Muller Road, must be constructed in accordance with the details approved under condition 5 to the satisfaction of the Responsible Authority.***

Compliance with Geotechnical Assessment

7. *The approved development must be carried out on the site in accordance with the recommendations of the Geotechnical Assessment by 2020 Engineering (reference ES13149, dated 05/08/2013) and associated addendum letters dated 08 January 2015 and 12 August 2015, or any Geotechnical Practitioner engaged to review those assessments submitted with the application.*

Vegetation

7. *In order to offset the removal of 0.252 hectares of native vegetation approved as part of this permit, the applicant must provide a native vegetation offset that meets the following requirements, and is in accordance with the 'Permitted Clearing of Native Vegetation – Biodiversity Assessment Guidelines' and the 'Native Vegetation Gain Scoring Manual'.*

The offset must:

- a) *contribute a gain of 0.039 general biodiversity equivalence units,*
 - b) *be located within the Corangamite Catchment Management Authority boundary or Colac Otway municipal district,*
 - c) *have a strategic biodiversity score of at least 0.398.*
8. *Before any native vegetation is removed, evidence that an offset has been secured must be provided to the satisfaction of the Responsible Authority. This offset must meet the offset requirements set out in this permit and be in accordance with the requirements of 'Permitted Clearing of Native Vegetation – Biodiversity Assessment Guidelines' and the 'Native Vegetation Gain Scoring Manual'. Offset evidence can be either:*
- a) *a security agreement, to the required standard, for the offset site or sites, including a 10 year offset management plan.*
 - b) *a credit register extract from the Native Vegetation Credit Register.*
9. *In the event the offset is provided through a security agreement:*
- a) *Prior to vegetation removal, an offset plan showing appropriate offsets to compensate for the losses must be submitted to and approved by the Responsible Authority. Three copies of the plan must be provided. When approved, the plan will be endorsed and will then form part of this permit.*
 - b) *Every year, for ten years after the Responsible Authority has approved the offset management plan, the applicant must provide notification to the Responsible Authority of the management actions undertaken towards the implementation of the offset management plan. An offset site condition statement, including photographs must be included in this notification.*
10. *Vegetation removal and disposal must not cause damage to vegetation stands to be retained, to the satisfaction of the Responsible Authority.*

11. ***Prior to commencement of the vegetation removal, the boundaries of all vegetation stands to be removed and retained must be clearly marked on the ground or marked with tape or temporary fencing to the satisfaction of the Responsible Authority.***
12. ***Unless otherwise approved in writing by the Responsible Authority, no trenching, soil excavation, storage or dumping of equipment or waste is to occur within areas of existing native vegetation on the site.***

Drainage

13. ***Each lot on the endorsed plan must be drained to the satisfaction of the Responsible Authority.***
14. ***Prior to commencement of any works associated with the subdivision, a stormwater management plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The plans must be drawn to scale with dimensions and three copies must be provided. The stormwater plan must show how the developed site will be effectively drained without causing any detrimental downstream effects. The plan must also show detailed design levels for the access to Lot 7 and the drainage area affecting lot 7. When approved, the plans will be endorsed and will form part of the planning permit. All works must be undertaken in accordance with the endorsed stormwater management plan.***
15. ***Prior to the issue of a statement of compliance under the Subdivision Act 1988, an underground drain must be constructed on the northern side of Treetops Terrace, to the satisfaction of the Responsible Authority.***
16. ***Prior to the issue of a statement of compliance under the Subdivision Act 1988, the open drain on the northern side of Treetops Terrace must be filled and constructed as pavement to the satisfaction of the Responsible Authority. Kerb and channel must be provided in this location to the satisfaction of the Responsible Authority. Detailed construction plans for this work must be submitted to and approved by the Responsible Authority prior to any works being undertaken.***
17. ***Prior to the issue of a statement of compliance under the Subdivision Act 1988, the following drawings and information must be submitted to the Responsible Authority:***
 - a) ***Copies of the as constructed engineering roads and drainage drawings in the following format: pdf and dwg.***
 - b) ***Survey enhanced digital data for the drainage information component of the subdivision, in accordance with the current version of D-Spec. The preferred formats are MID/MIF or shape file.***

Access

18. ***Prior to the issue of statement of compliance, access to each lot must be constructed to the satisfaction of the Responsible Authority.***

Telecommunication Services

19. *The owner of the land must enter into an agreement with:*

- *a telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and*
- *a suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.*

20. *Before the issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:*

- *a telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and*
- *a suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrated that the land is in an area where the National Broadband Network will not be provided by optical fibre.*

Barwon Water conditions

General

21. *The owner shall create easements for Pipelines or Ancillary Purposes in Favour of Barwon Region Water Corporation over all existing and proposed sewers located within the subdivision. The width of these easements shall be 5.9m over the existing main along the north east boundary and the proposed sewer main in a location yet to be determined.*

22. *The plan of subdivision must be referred to Barwon Water in accordance with the Subdivision Act 1988 and any subsequent amendments to the plan provided to Barwon Water.*

Water

23. *The provision and installation of individual water services to all lots in the subdivision in accordance with Barwon Water's requirements and Victorian Plumbing Regulations. A dimensioned plan showing location of all services relative to the allotment boundaries is to be submitted.*

24. *The payment of New Customer Contributions for each additional lot created and/or each additional metered connection for water supply within the subdivision.*

25. Tappings are to be supplied to service the proposed development. Note that tappings and services are not to be located under existing or proposed driveways.

Sewer

26. The provision of sewerage services to all lots in the subdivision in accordance with Barwon Water's requirements and Victorian Plumbing Regulations. Individual allotment house connection drains are to be provided for and extend into each allotment. Note that if any common drain or drain from another allotment crosses under a proposed dwelling, a 'modification to consent' is to be obtained from the Victorian Building Authority and presented to Barwon Water with the required drainage plan.

27. The payment of New Customer Contributions for sewer for each additional lot created and/or each additional metered connection within the subdivision.

28. Reticulated sewer main extension is required to service the proposed development.

29. The provision of a separate sewer connection branch to all lots within the subdivision in accordance with Barwon Water's requirements, Victorian Plumbing Regulations, and all relative statutory regulations. Note that sewer connection branches are to be provided by a Barwon Water approved confined space plumber. A list of approved plumbers can be provided upon request.

30. Any existing house connection branch that is to be utilised for additional connections or altered to serve the development is to be CCTV inspected with the report and/or video submitted to Barwon Water for condition assessment. If it is deemed by Barwon Water that the branch is unsatisfactory for use, it is to be removed and replaced at the developer's expense. If the branch being replaced is greater than 4.0 metres deep, a new sewer manhole or maintenance shaft is to be constructed with the new branch connected to this structure. Also, any existing house connection drain that traverses through the proposed allotments shall be relocated so not to inhibit future development.

Powercor conditions

31. The plan of subdivision submitted for certification under the Subdivision Act 1988 shall be referred to Powercor Australia Ltd in accordance with Section 8 of that Act.

32. The applicant shall:

- a) Provide an electricity supply to all lots in the subdivision in accordance with Powercor's requirements and standards, including the extension, augmentation or re-arrangement of any existing electricity supply system, as required by Powercor. (A payment to cover the cost of such work will be required.) In the event that a supply is not provided the applicant shall provide a written undertaking to Powercor Australia Ltd that prospective purchasers will be so informed.**

- b) Where buildings or other installations exist on the land to be subdivided and are connected to the electricity supply, they shall be brought into compliance with the Service and Installation Rules issued by the Victorian Electricity Supply Industry. You shall arrange compliance through a Registered Electrical Contractor.**
- c) Any buildings must comply with the clearances required by the Electricity Safety (Installations) Regulations.**
- d) Any construction work must comply with Energy Safe Victoria's 'No Go Zone' rules.**
- e) Set aside on the plan of subdivision for the use of Powercor Australia Ltd reserves and/or easements satisfactory to Powercor Australia Ltd where any electric substation (other than a pole mounted type) is required to service the subdivision.**

Alternatively, at the discretion of Powercor Australia Ltd a lease(s) of the site(s) and for easements for associated powerlines, cables and access ways shall be provided. Such a lease shall be for a period of 30 years at a nominal rental with a right to extend the lease for a further 30 years. Powercor Australia Ltd will register such leases on the title by way of a caveat prior to the registration of the plan of subdivision.

- f) Provide easements satisfactory to Powercor Australia Ltd, where easements have not been otherwise provided, for all existing Powercor Australia Ltd electric lines on the land and for any new powerlines required to service the lots and adjoining land, save for lines located, or to be located, on public roads set out on the plan. These easements shall show on the plan as easement(s) in favour of 'Powercor Australia Ltd' for 'Powerline Purposes' pursuant to Section 88 of the Electricity Industry Act 2000.**
- g) Obtain for the use of Powercor Australia Ltd any other easement external to the subdivision required to service the lots.**
- h) Adjust the position of any existing easement(s) for powerlines to accord with the position of the line(s) as determined by survey.**
- i) Obtain Powercor Australia Ltd's approval for lot boundaries within any area affected by an easement for a powerline and for the construction of any works in such an area.**
- j) Provide to Powercor Australia Ltd a copy of the version of the plan of subdivision submitted for certification, which shows any amendments which have been required.**

Country Fire Authority conditions

Mandatory Condition

- 33. Before the statement of compliance is issued under the Subdivision Act 1988 the owner must enter into an agreement with the responsible authority under Section 173 of the Planning and Environment Act 1987. The agreement must:**

- *State that it has been prepared for the purpose of an exemption from a planning permit under Clause 44.06-1 of the Colac Otway Planning Scheme.*
- *Incorporate the plan prepared in accordance with Clause 52.47-2.4 of this planning scheme and approved under this permit.*
- *State that if a dwelling is constructed on the land without a planning permit that the bushfire mitigation measures set out in the plan incorporated into the agreement must be implemented and maintained to the satisfaction of the responsible authority on a continuing basis.*

The land owner must pay the reasonable costs of the preparation, execution and registration of the Section 173 Agreement.

Bushfire Management Plan

34. *The Bushfire Management Plan (Attachment 3 – Bushfire Management Plan & Attachment 4 – Draft Planning Permit Conditions) must be endorsed to form part of the permit, be included as an annexure to the section 173 agreement and must not be altered unless otherwise agreed in writing by the CFA and the Responsible Authority.*

Maintenance of Defendable Space

35. *Before the Statement of Compliance is issued under the Subdivision Act 1988 defendable space on every lot in the subdivision must be implemented and maintained as specified on the Bushfire Management Plan, unless otherwise agreed in writing by the CFA and the Responsible Authority.*

Expiry

36. *This permit will expire if one of the following circumstances applies:*
- a) The plan of subdivision is not certified within two years of the date of the permit.*
 - b) A statement of compliance is not issued within five years of the date of certification of the Plan.*

The Responsible Authority may extend the period referred to for certification if a request is made in writing before the permit expires, or within six months afterwards.

Notes

1. *It is recommended that, at an early date, the applicant commences negotiations with Powercor for supply of electricity in order that supply arrangements can be worked out in detail, so prescribed information can be issued once all electricity works are completed (the release to the municipality enabling a Statement of Compliance to be issued).*

Prospective purchasers of lots in this subdivision should contact Powercor Australia Ltd to determine the availability of a supply of electricity. Financial contributions may be required.

2. ***The developer is to apply to Barwon Water for details relating to costs and conditions required for the provision of water supply and sewerage services to the subdivision. It would be appreciated if all communication between the developer/agent and Barwon Water quote Barwon Water reference number L011356.***

3. ***Barwon Water has recommended that a consulting engineer is engaged to ensure that the sewer main extension and the required retaining wall are structurally designed in conjunction with one another.***

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Rec # 232396  
25/6/13



Application for Planning Permit

Application Type Planning Permit  
Version 1  
Pre-application Meeting No  
Responsible Authority Name Colac Otway Shire  
Responsible Authority Reference Number(s) (Not Supplied)  
SPEAR Reference Number S037588S  
New Plan Number (Not Supplied)

Supplied by Bernard Goodison  
Submitted Date 20/06/2013

Applicant Contact Details

Applicant Contact Bernard Goodison  
Goodison & Associates  
424 Bridge Road, Richmond, VIC,  
3121  
Phone: 03 9428 1818  
[goodison@mira.net](mailto:goodison@mira.net)

Reference Number 13512

Applicant and Owner Details

Applicant (Applicant details per Applicant Contact)  
Owner Valma Deppeler  
13 Montrose Avenue, Apollo Bay,  
VIC, 3233 Australia

The Land

Property 20-26 OLD COACH ROAD, SKENES CREEK VIC 3233  
Volume 8679/Folio 861  
SPI 13-3A\PP5716

CPN 19969 \*  
Zone: 32.05 Township  
Overlay: 43.02 Design and Development  
44.01 Erosion Management  
43.05 Neighbourhood Character  
42.03 Significant Landscape  
44.06 Wildfire Management

The Proposal

Proposal Type Planning permit to:  
Remove or lop vegetation (where it is native vegetation)  
Subdivide (land into 3 to 9 lots)  
Description of the way the land is proposed to be used or developed Subdivision of the land and associated works including earthworks and removal of native vegetation.  
Estimated Development Cost \$0

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**Existing Conditions**

**Description of the way the land is used now**

Vacant

**Covenant Declaration**

Encumbrances on title, such as a restrictive covenant, section 173 agreement or other obligation such as an easement or building envelope do not apply.

**Cultural Heritage Management Plan**

A Cultural Heritage Management Plan is NOT required for this application.

**Declaration**

I, Bernard Goodison, declare that I have notified the owner(s) about this application.

I, Bernard Goodison, declare that all the information supplied is true.

**Authorised by**

Bernard Goodison

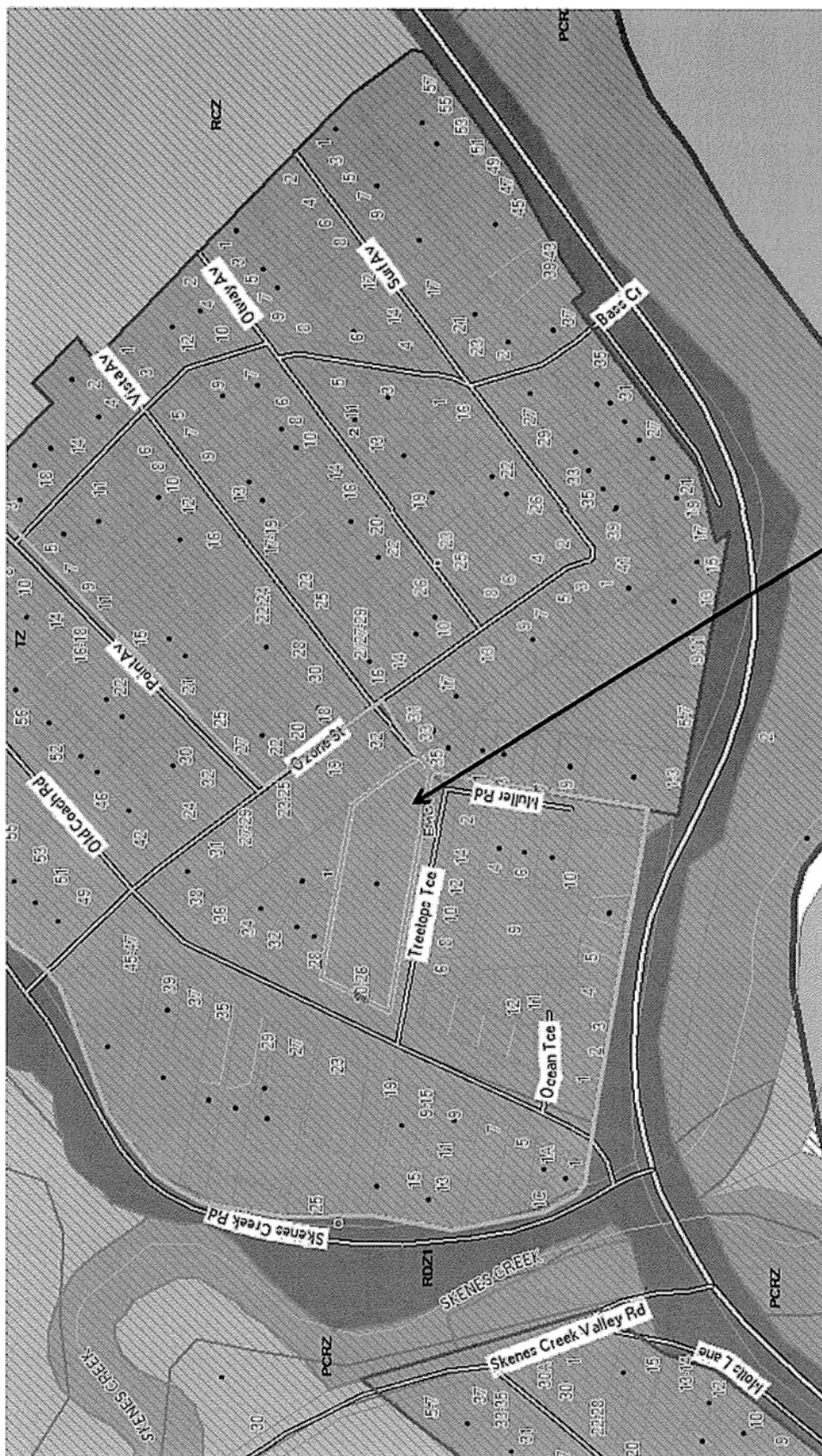
**Organisation**

Goodison & Associates

**Permit Issued**

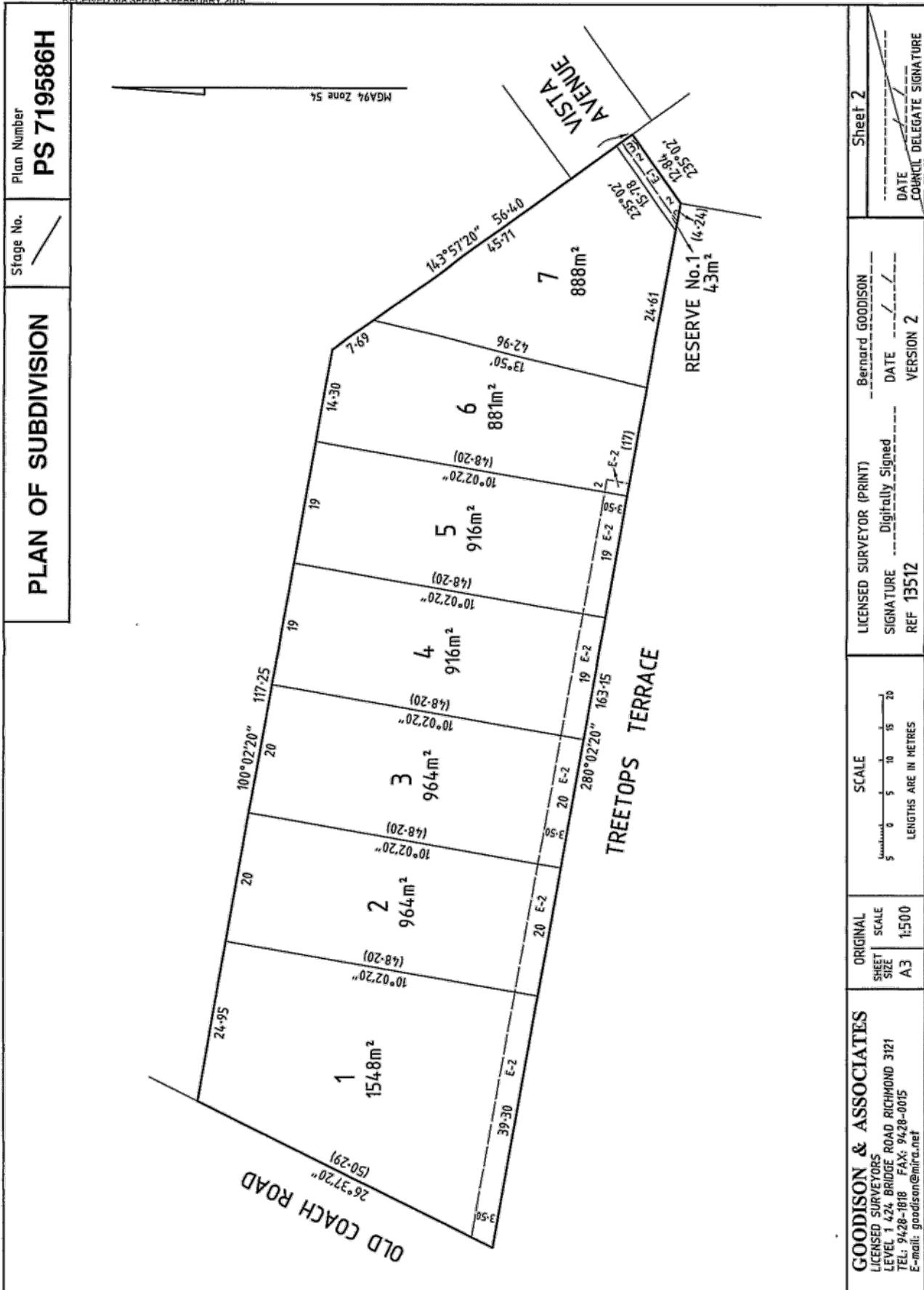
Not Issued





20-26 OLD COACH ROAD

RECEIVED VIA SPEAR 3 FEBRUARY 2015





**PC151811-2 CONSTRUCTION OF SUPERMARKET AND SHOPS, CREATION/ALTERATION OF ACCESS TO RDZ1, REDUCTION IN CAR PARKING AND BICYCLE FACILITIES, AND REALIGNMENT OF A TITLE BOUNDARY AT 140-158 BROMFIELD STREET, 66-70 QUEEN STREET AND ROAD RESERVE, COLAC (PP247/2013-1).**

|             |                                  |           |             |
|-------------|----------------------------------|-----------|-------------|
| AUTHOR:     | Ian Williams                     | ENDORSED: | Brydon King |
| DEPARTMENT: | Development & Community Services | FILE REF: | F13/9762    |

**Location:** 140-158 Bromfield Street, 66-70 Queen Street and Bromfield Street Road Reserve, Colac

**Zoning:** Commercial 1 Zone (C1Z)  
Adjacent to Road Zone (RDZ1)  
Adjacent to Public Park and Recreation Zone (PPRZ)  
Adjacent to Public Use Zone (PUZ4 – Transport)

**Overlay controls:** Parking Overlay (PO1)  
Design and Development Overlay (DDO8)  
Environmental Significance Overlay (ESO2)  
Land Subject to Inundation Overlay (LSIO)

**Proposed Amendments:** Nil

**Purpose:**

A planning permit is sought for buildings and works associated with the proposed use of the land for a shopping centre, comprising a 4,300sqm supermarket and four specialty retail units totaling 1,100sqm. In addition a permit is sought for the creation and alteration of access to a road in a Road Zone Category 1, a reduction in car parking of 69 spaces, a reduction in the provision of bicycle facilities and the realignment of an existing title boundary.

A permit is not required for the intended use of the land, which is a section 1 use (permit not required) in the Commercial 1 Zone.

This application is before the Planning Committee as a reduction in car parking of sixty-nine (69) car spaces is proposed, there are more than three objections, and the application has potential to have an effect on the broader community.

**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 buildings and works associated with the use of the land for a shopping centre (comprising 4,300sqm supermarket and 1,100sqm specialty retail), the creation and alteration of access to a road in a Road Zone Category 1, a reduction in car parking (69 spaces) and bicycle facilities, and the realignment of an existing title boundary.
- Whilst the majority of the supermarket building would be located on private land, the northernmost section would extend into the current road reserve, with a rear loading bay and some of the car parking accessed along a modified road pavement to the north of the building. A separate process is currently underway to discontinue the small section of the road into which the proposed supermarket would extend; it is proposed that this land subsequently be purchased from the State Government by the proponent and the title boundary realigned.
- Four specialty retail shops are proposed towards the front (western side) of the building, with the supermarket located towards the rear. The building would comprise one storey plus a mezzanine office level, with a maximum height above natural ground level of 11.5m.
- Landscaping is proposed throughout the site and along the rear boundary with Barongarook Creek.
- A total of 248 car parking spaces are required to be provided for the proposed development in order to accord with the requirements of Clause 52.06 (Car Parking) of the Planning Scheme. One hundred and seventy nine (179) are proposed to be located on private land and sixty-nine (69) spaces are located within the Bromfield Street reservation. As the latter would be located outside the land in private ownership, rather than being provided on-site as required by Clause 52.06, a reduction in car parking is required.
- A total of 21 bicycle spaces are proposed in association with the development of the site. However, as 6 of these would be provided within the Bromfield Street road reserve, a reduction of 6 bicycle spaces is required.
- The application was referred to the Corangamite Catchment Management Authority (CCMA), the Department of Environment, Land, Water and Planning (DELWP), Public Transport Victoria, VicRoads, Aboriginal Affairs Victoria, the Environmental Protection Authority (EPA) and VicTrack. No objections have been received from these bodies, subject to conditions being imposed on any permit issued. The relevant conditions have been included in the recommendation at the end of this report.
- The application was referred internally to Council's Infrastructure, Environmental Health, Assets, Building, and Recreation and Arts Units. No objections were raised subject to conditions being imposed on any permit issued. These have also been included in the recommendation at the end of this report.
- Public notice of the application was given in accordance with Section 52 of the *Planning and Environment Act* by sending a copy of the notice to all adjoining properties and by posting a site notice on the site for a period of 14 days. The application was also advertised in the Colac Herald. Four (4) objections to the planning application have been received. The grounds of objection include amenity concerns such as noise, visual impact, light spill, traffic congestion and conflict, and location of the use away from Murray Street. Responses to the concerns raised are set out in the report below. On balance it is considered that, subject to appropriate conditions being imposed on any permit issued, any potential impacts could be addressed or ameliorated to an acceptable level.
- It is considered that the scale and mass of the proposed building would complement the existing commercial development to the north. It is not considered that the proposed development would be detrimental to the prevailing character of this part of the Colac CBD.

The proposed building is considered to build on the distinct character and image of the CBD, defining the streetscape and identity of this part of Bromfield Street whilst enhancing the pedestrian amenity of the retail area through a quality building design and integration with Barongarook Creek.

- Whilst there would be a few dwellings abutting the proposed development, it is noted that these are within the Commercial 1 Zone in which the level of amenity afforded would not be expected to be at the same level as in a residential zone. The application also includes the provision of an acoustic fence and landscaping between the proposed development and the dwellings.
- The application included a Traffic Report, and the traffic implications have been assessed by VicRoads and Council's Infrastructure Unit. Subject to the provision of a roundabout at the Bromfield Street/Queen Street intersection, and controls over the use of the secondary access/egress to Queen Street, no objection has been raised on traffic related grounds. The proposed parking provision is considered acceptable.
- It is considered that a Notice of Decision to Grant a Permit could reasonably be issued in this case.

### **Background**

For several years Coles Supermarket has been looking for an alternative site to provide a much larger supermarket in the town. Whilst Council has encouraged the developer to try to relocate to a site more central to the core part of the Murray Street shopping precinct, this has proved challenging given the resistance of existing land uses to relocating out of the CBD. The proposed site is considered to be the largest remaining, appropriately zoned and undeveloped, parcel of land in close proximity to the CBD. Officers have been in discussion with the developer over potential development of the site since 2008, including the possibility of the incorporation of the road reserve into the site.

The planning permit application for the development of this site was submitted in late 2013, but at the time the developer was still negotiating the purchase of various land parcels to enable the development to proceed. Several former residential allotments fronting Queen Street have been purchased subject to the development proceeding.

In the intervening period, the developer has prepared and submitted plans for the proposal, and prepared information required to be submitted in support of the application, including an environmental audit to demonstrate that the site does not contain contaminants, from its previous use as fuel depots, which would prevent use for commercial purposes. Treatment of contaminants in soils on the site is still continuing, although the developer is hopeful that this process will be completed satisfactorily in the coming months.

The proponent of the planning application is currently in negotiation with the owner of land (Mobil) at 140–150 Bromfield Street, Colac (Certificates of Title Volume 9655 Folio 071 - land in Consolidation Plan 161552L and Volume 9654 Folio 974 - Lot B on Plan of Subdivision 202154M) about the remediation of the land. This land forms the bulk of the development site, being the former fuel depots. The current owner of the proposed development site has given the agreement to remediate the land on the basis of several conditions. These conditions are:

- That the sale of the subject land to the proponent is satisfactorily completed; and
- If required, that the current owner be granted access for the purpose of groundwater monitoring, sampling and remediation purposes to satisfy any requirements applicable by operation of the *Environment Protection Act 1970* (Vic).

It should also be noted that the proponent of the planning application is currently undertaking a separate, but related, process to discontinue and purchase a portion of the Bromfield Street road reserve (approximately 15.3m x 81.7m), on which part of the supermarket would be located.

Whilst the majority of the Bromfield Street road reserve adjacent to the proposed development would remain as a road reserve under Council management as a result of this planning application, albeit predominantly developed as part of the car park associated with the proposed development, the proponent intends to purchase the discontinued section of the road and incorporate it into the application site through a boundary realignment.

Following an initial consideration of the application to discontinue the portion of the road reserve at the Ordinary Council meeting held on 22 July 2015, that application was put on public exhibition (concurrently with the planning application). In response, five submissions were received. These were considered at the Ordinary Council meeting held on 28 October 2015 when it was resolved to discontinue the relevant section of Bromfield Street subject to the following conditions:

- *“That the proponent provides to Council a copy of the properly executed contract of sale for the property at 140 – 150 Bromfield Street Colac.*
  - *That the proponent enters into an agreement with Barwon Water to relocate the underground services identified by them in their submission.*
  - *That the planning approval, currently being sought by the proponent for the development of the above site under planning permit PP247/2013, is granted.*
  - *That the proponent enters into an agreement with Council and the Department of Environment, Land, Water, and Planning that the land being discontinued continue to be used and managed as a public road in the period up until construction of the approved development commences.*
  - *That the proponent enter into an agreement with Council that in the event the development approved under permit PP247/2013 does not commence within four years of the date of the permit being issued, the proponent will transfer/sell the land back into public ownership at no cost to Council or the State Government, for continued use as a public road.*
2. *Upon receipt of satisfactory evidence that the above conditions have been met, Council places a notice in the Victorian Government Gazette giving notice of the discontinuation in accordance with Schedule 10 clause 3 of the Local Government Act 1989.”*

### **Issues / Options**

Council has the options of:

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

Key issues in the consideration of this application relate to the impact of the proposed development on the character and amenities of the area, including the visual impact of the development and the integration of the building with Barongarook Creek, the impact on neighbouring properties, the impact from traffic generation including the potential for congestion, and whether the reduction in car parking should be allowed.

It is also necessary to consider any significant social effects and economic effects which the use or development may have, as required by section 60 of the Planning and Environment Act.

In this case, it is recommended that Option a) is supported for the reasons outlined in the balance of this report.

### **Proposal**

Planning permission is sought for buildings and works associated with the use of the land for a shopping centre (comprising a 4,300sqm supermarket and 1,100sqm of specialty retail units) at the eastern end of Bromfield Street, together with the creation and alteration of access to a road in a Road Zone Category 1, a reduction in car parking of 69 spaces and a reduction in the provision of bicycle facilities. In addition, the realignment of an existing title boundary on the former vacant Mobil and BP sites, opposite the Crowe Horwath office, is proposed.

As noted earlier in this report, a permit is not required for the proposed use of the land, which is a section 1 use (permit not required) in the Commercial 1 Zone.

Whilst the majority of the supermarket building would be located within private land, the northernmost section would extend into the current road reserve. A rear loading bay and car parking would be accessed along a modified road pavement to the north of the proposed building. The road reserve would also contain storm water quality management infrastructure serving the development.

A separate process is currently underway to discontinue a small section of the road into which the proposed supermarket building would extend; it is proposed that this land subsequently be purchased by the proponent of this application and the title boundary realigned. The remainder of the road reserve would remain a public road, with changes to road pavement and kerb lines by the proponent to give effect to the supermarket parking, access and loading layout. Council resolved to support the road discontinuance at its meeting on 28 October 2015.

Access and egress from the site would be via a modified Bromfield Street/Queen Street junction and would include a roundabout (provided at the expense of the developer) with a new crossover adjacent to the north of 72 Queen Street.

Council's Infrastructure Unit has supported the proposed approach to the road discontinuance, which would result in the majority of Bromfield Street remaining under Council's management as a road reserve, as it would ensure ongoing public access to the north side of Bromfield Street (i.e. Crowe Horwath) and Barongarook Creek. Responsibility for maintenance of the land in the altered road reserve, which would provide parking, access to the loading/unloading area for the supermarket and storm water quality management infrastructure, would have to be addressed by condition, in the event a permit is issued.

Four specialty retail shops are proposed towards the front (western side) of the building, with the supermarket located towards the rear. The building would comprise one storey plus a mezzanine office level, with a maximum height above natural ground level of 11.5m. The proposed building would be set back 21m from the eastern (rear) boundary, 47m-87m from the western (front) boundary and 1.3m from the southern boundary (which abuts the railway line). The applicant has advised that it is expected that the proposed retail shops and supermarket would employ between 150-180 people full and part time.

The proposed development would require a maximum cut of 1.5m depth and a maximum fill of 1.5m. It is proposed that the material from the cut and fill would be spread evenly across the site to meet the existing natural ground level at both the entry threshold as well as the services area to the rear.

The customer entrance would be located in the western façade and would face onto the customer car park. This elevation would comprise retractable angled timber awnings (timber finish) over glass windows, with a steel framed grey coloured entrance around an air lock entry. The façade also would include colour feature walls and profiled precast concrete panels with anti-graffiti coating to 2m high with a raw finish.

At the upper level, the proposed building would include a grated metal screen finished in dark grey to enclose the raised clerestory/clearstory mall roof and building plant, and signage and aluminum wall panels. The individual shop units would be finished to a similar standard and would also face west.

The northern façade would front onto Bromfield Street and would contain the glass façade of the northern specialty shop unit, and timber and colour feature wall panels. The timber feature wall would be constructed in recycled timber sleepers with incorporated vegetation planting towards the eastern end to integrate with the creek. At the upper level, a section of exposed steel would be visible adjacent to the creek.

The eastern elevation would face onto Barongarook Creek and would comprise recycled timber sleepers, profiled precast concrete panels (with anti-graffiti coating to 2m high) with a raw finish and exposed steel. A mezzanine level would project towards the rear.

The southern façade would be 1m to 3.1m from the southern boundary and would be finished in precast concrete panels interspersed with blue shadowclad panels and exposed steel. A 2.4m high double lined acoustic paling fence is proposed along the shared southern and western boundaries with the residential properties fronting Queen Street.

Loading and unloading of service vehicles is proposed from rear of the site, adjacent to Barongarook Creek. Access to the loading zone would be via the northern intersection of Bromfield Street and Queen Street, through the altered road reserve. A 6.5m high feature wall made from precast panels with a raw concrete finish (with anti-graffiti coating applied to 2m above natural ground level) is proposed to assist in screening the trolley bay, compactor and loading area at the rear of the site from the creek.

Landscaping is proposed throughout the site and along the rear boundary with Barongarook Creek. Towards the rear of the site vegetation, including Blackwood, River Sheoak and Silver Banksia Evergreen trees, together with a variety of shrubs, would be planted. It is anticipated that the trees would grow to a height of 15m. Two existing Canary Island palms within the site are proposed to be relocated to frame the pedestrian entrance near the Crowe Horwath building adjacent to the footpath. Screening vegetation is also proposed along the boundary with the Queen Street residential properties.

The applicant has advised that the display of signage does not form part of this application and a separate application would be submitted to Council at a later date to address this.

A total of 248 car parking spaces are required for the proposed development in accordance with Clause 52.06 (Car Parking) of the Planning Scheme. One hundred and seventy nine (179) are proposed to be located on the private land and sixty-nine (69) spaces would be located within Bromfield Street reservation. Twelve (12) staff car parking spaces are proposed to be located towards the rear of the site. Shade sails are proposed over the car parks towards the middle and southern section of the car park. Lighting is proposed throughout the site until approximately one hour after the premises closes.

A total of 12 bicycle spaces are proposed. Trolley bays would be located throughout the car parking area at the front of the site.

The applicant has advised that several options have been explored with regards to the layout of the building, including locating the building closer to Queen Street. The applicant has advised that, due to the 5m fall across the site (from Queen Street to Barongarook Creek) and the desire for a functional layout, these options were not viable.

### **Site & Surrounds**

The site is located towards the south eastern end of Colac town centre, on the south-east corner of the junction of Bromfield Street and Queen Street. The 180m long easternmost section of Bromfield Street terminates at a dead end, to the west of Barongarook Creek, and forms part of the subject site for the purposes of the development application. The application site is located to the south and west of the Barongarook Creek and reserve. A public pedestrian trail follows the creek from Lake Colac and terminates to the east of the site. The office of Crowe Howarth is located to the north of the application site on the opposite side of Bromfield Street. To the west of the application site is a mix of uses, including a service station, and commercial and residential properties. The Warnambool railway line is located to the south.

The site comprises six (6) separate titles. The three most westerly lots (closest to the creek) are vacant, whilst the three lots adjacent to Queen Street contain single-storey dwellings. As previously noted, the site also includes part of the Bromfield Street road reserve, i.e. the section which extends east from Queen Street for approximately 180m, terminating adjacent to the Barongarook Creek reserve.

The site is located within the Commercial 1 Zone (C1Z) and is irregular in shape, with a 74.8m frontage onto Queen Street. The site has a depth of approximately 200m and an area of 1.8 hectares.

Queen Street is an arterial road identified as Road Zone Category 1 (RDZ1) and is managed by VicRoads. Queen Street is located to the west of the application site and links Princes Highway (Murray Street) and Colac Forest Road. Queen Street is 31.2m wide (including the road reserve). On-street car parking is available along both sides of the road. Bromfield Street is a local road managed by Council and comprises a 13m wide sealed carriageway. Parallel car parking (2.6m wide) is available along the northern side of the road.

Due to the proximity to Barongarook Creek, almost the entire site is located within an area of cultural heritage sensitivity pursuant to the Aboriginal Heritage Act and Regulations (2006 and 2007). The land to the north of the site adjacent to Barongarook Creek is Crown Land managed by the Department of Environment, Land, Water and Planning (DELWP).

### **Public Notice**

Public notice of the application was given in accordance with Section 52 of the *Planning and Environment Act* by sending a copy of the notice to all adjoining properties. A site notice was also posted on the site for a period of 14 days. In addition, the application was advertised in the Colac Herald.

It should be noted that formal public notice was given concurrently of the planning application and of the intention to discontinue part of the Bromfield Street road reserve adjoining the development site in accordance with the requirements of the Local Government Act, to ensure there was clear communication with the public about why the discontinuance is being considered.

Four (4) objections to the planning application were received, raising the following issues:

- a) *Deliveries to the site late at night are likely to result in noise impacts to adjoining and nearby properties adjacent to Barongarook Creek.*

The applicant has asked that delivery times be controlled as a condition of the permit. However, the use of the land for a retail premises in the Commercial 1 Zone does not require a planning permit. In view of this, Council cannot recommend permit conditions relating to use, such as controlling the hours of operation or the times of deliveries to this site.

As previously noted, the proposal includes a 6.5m high feature wall made from precast panels with a raw concrete finish (with anti-graffiti coating applied to 2m above natural ground to the eastern side of the lot) to assist in screening the trolley bay, compactor and loading area at the rear from the creek and adjoining residential properties. Landscaping is also proposed along the rear boundary with Barongarook Creek. Council's Health Protection Unit has considered this application and has not raised any objection. In view of this, no additional screening is considered to be required to control noise from this site.

*b) The heating/cooling and refrigeration units should be sound proofed.*

The applicant has confirmed that soundproofing of plant equipment would be undertaken in accordance with relevant Australian standards. An appropriate permit condition has been recommended at the end of this report. Council's Health Protection Unit has considered this application and has not raised any objection. In view of this, no additional screening is considered to be required to control noise from any plant on this site.

*c) All buildings should be screened and landscaped to reduce the visual impact.*

The applicant has sought to address the interface with the adjoining Barongarook Creek and reserve located to the north-east, east, and south-east of the site. This has resulted in the provision of setbacks from the creek and reserve, an articulated built form at this interface featuring a variety of materials and finishes, and creative landscaping treatments comprising a 'feature' fence, green wall, and other landscaping treatments both within the site and outside on the adjoining reserve. It is considered that this interface would represent an appropriate design response, considering the commercial context of the site and surrounding area.

*d) Lights from the car park should meet the Australian Standard and should not be directed onto neighbouring properties.*

Outdoor lighting would be provided in accordance with relevant Australian standards. An appropriate permit condition has been recommended at the end of this report to ensure that lighting would be designed, baffled and located so as to prevent any adverse effect on adjoining land, to the satisfaction of Council.

*e) The proposed development has the potential to cause significant increase in traffic and congestion to the immediate and surrounding area and would impact on access onto Queen Street from existing dwellings.*

The applicant has provided a report from Traffix Group dated 25 August 2015 to address this point. The submitted report advises that the analysis of the Bromfield Street/Queen Street intersection found that a roundabout treatment would give improved operating conditions. The report states that "*significantly, the 'degree of saturation', i.e. the proportion of capacity, is only at 45% for the southern approach at peak times*". Overall, it is considered that the proposed roundabout treatment would improve operating conditions and not result in traffic congestion.

The applicant adds that, while the original arrangement for the secondary access onto Queen Street was to be limited to left-in/left-out by VicRoads, the now agreed arrangement for this driveway is that there could be both left and right movements out of the site as well as left-in. Accordingly, it is considered that the proposal would not result in any significant likelihood of extensive traffic flows past the properties on Queen Street.

With regard to impacting on the access to the properties on Queen Street, the Traffix report confirms that as the proposal includes a 'no right turn' into the site at the 70 Queen Street driveway, it is considered that traffic would not bank back from this point. VicRoads and Council's Infrastructure Unit have not raised any objection to this proposal subject to conditions being included on any permit issued. These have been included in the recommendation at the end of this report.

- f) *Vehicles with boats and caravans would use parking along the frontage of properties within Queen Street.*

The applicant has advised that, while a specific parking bay for a car with a caravan would be provided on-site, the arrangement of the parking bays would generally allow for car/boat combinations to occupy a double space. In any event, it is anticipated that cars with boats or caravans would be unlikely to be going to the supermarket. On-street parking, if available, could be used for parking by any vehicle. It should also be noted that provision has been made for a caravan space on site, adjacent to the northern elevation of the building.

- g) *Fencing along the eastern side of the existing dwellings along Queen Street will not meet the noise restriction from vehicles idling and the general public using the car park.*

Potential noise and light spill impacts to adjoining residential properties fronting Queen Street has been considered during the design phase of the application. As a result, this interface has been treated by providing an acoustic fence and landscaping along the shared boundary with these properties. It is therefore considered that these potential impacts have been appropriately addressed. It is also noted that these properties are located in a commercial area where there is a reasonable expectation that the level of amenity would not be the same as that typically experienced in a residential area. It is

- h) *Why have Coles selected to develop this site and why have they not explored expanding the existing store on Murray Street.*

The applicant has previously advised that the current Coles supermarket site in Murray Street is considered to be far smaller than the competing Safeway supermarket in Bromfield/Corangamite Street and that for several years Coles has been seeking an alternative site in the town to develop with a much larger supermarket.

- i) *The existing shed at 70 Queen Street will be removed as part of this proposal leaving a large gap in the fence line for domestic pets and children to pass through.*

As part of this proposal, the applicant has proposed a solid acoustic fence along the entire boundary shared with No. 72 Queen Street. In view of this, the removal of the existing shed adjacent to No. 72 Queen Street is unlikely to result in any adverse safety issues for landowners.

- j) *The proposal has potential for disruption to the sewer line along the rear of the properties within Queen Street.*

The applicant has confirmed that there would be no impact on the sewer line as a result of the proposal.

- k) *The entry exit point would be immediately adjacent to 72 Queen Street which could cause confusion and accidents for the owners of 72 Queen Street and supermarket customers.*

Negotiations have taken place between the proponent's traffic engineer (Traffix Group) and VicRoads to ensure the designs of the proposed access points would be appropriate. Council's Infrastructure Unit has also commented on this application and no objection has been raised to the two access points.

- l) There is no allocated bus stop at the front of 72 Queen Street.*

This application was referred to Public Transport Victoria and no objection has been raised. The provision of a bus stop at the front of No. 72 Queen Street is not a material consideration for this application.

- m) A second driveway should be incorporated into the frontage of 72 Queen Street to ensure the safety of the owner of this property. This will involve relocating the water meter, new driveway and fence and should be at the expense of the developer.*

The provision of vehicular access to the application site has been considered by VicRoads, Council's Infrastructure Unit and the applicant's traffic engineer (Traffix Group). No objection has been raised to the access points off Queen Street. The provision of a secondary access to No. 72 Queen Street is not considered to be required and is not relevant to the determination of this planning application.

In addition, a letter was received from the company to the north of, and abutting the site, i.e. Crowe Horwath. That letter offered conditional support to the proposed shopping centre development as follows:

- a) The main traffic safety feature should be the installation of a roundabout at the intersection of Queen Street and Bromfield Street and angle parking in front of the Crowe Horwath office building.*

A roundabout has been included as part of the overall development proposal under this application. Parking is also shown in front of the Crowe Horwath Building.

- b) The three Canary Island Palm trees to the front of the Crowe Horwath building are not in keeping with the amenity of the modern style of the Crowe Horwath building and Pyrus Calleryana Chanticleer trees to match the existing trees at the front of Crowe Horwath should be planted.*

Council's Environment Unit has provided comments on this application and no objection has been raised subject to conditions being imposed on any permit issued. No objection is raised to the replacement of the Canary Palms with Chanticleer ornamental trees opposite the entrance to Crowe Horwath, as both species are introduced to the area. A condition has been included in the recommendation at the end of this report to require the submission and implementation of a landscaping plan. When received, the landscaping plan will be considered by Council's Environment Unit in consultation with Council's Parks and Gardens Unit.

- c) The plans do not detail the consequences or cost of changes to the overhead power lines and electricity supply to the Crowe Horwath building as this is likely to be converted to an underground supply. This should be at no cost to Crowe Horwath and undertaken outside of office hours.*

The applicant has advised that the existing power lines would remain in place. This is not likely to impact on the operation of the proposed car spaces located on site or in Bromfield Street.

- d) All works within the road reserve including the roundabout and car parking should be at no cost to Crowe Horwath.*

All costs associated with this proposal would be covered by the developer.

- e) The proposed entry point adjacent to 72 Queen Street should be left in and left out only, similar to the existing Safeway car park within Colac.*

The provision of vehicular access to the site has been considered by VicRoads, Council's Infrastructure Unit and the applicant's traffic engineer (Traffix Group). No objection has been raised to the access points off Queen Street.

- f) *The existing grassed area to the north of the site adjacent to Barongarook Creek should be beautified as part of the application. Two groups of Poplar trees should be removed and this area improved with tables and chairs or possibly shaded areas to become a community area.*

Council's Environment Unit has advised that the relocation of the Canary Palms adjacent to Barongarook Creek is not appropriate from an environmental point of view. Council's Environment Unit has advised that relocating them to the Queen Street frontage, or within the car park landscaping, would be more appropriate. Council's Environment Unit has also advised that the removal of the poplars adjacent to Barongarook Creek would be a welcome environmental outcome; however this area is within Crown land under DELWP control and is not for consideration under this application.

The beautification of the area adjacent to Barongarook Creek and the land north of the proposed development site would be welcomed, and has been discussed with the applicant and should form part of a future landscaping plan for this area, in consultation with the Department of Environment, Land, Water and Planning. It is considered that there is a reasonable nexus between the proposed development and its potential impacts on the Crown land to the east and north (including the creek) to require appropriate treatment of this area in response to the proposed development (e.g. landscaping, provision of access track, seating etc.).

### **Referrals**

In accordance with Section 55 of the Planning and Environment Act, the application was referred to the Department of Environment, Land, Water and Planning (DELWP), Public Transport Victoria (PTV) and VicRoads as Determining Referral Authorities, and to the Corangamite Catchment Management Authority (CCMA) as a Recommending Referral Authority. Aboriginal Affairs Victoria (AAV), the Environmental Protection Authority (EPA) and VicTrack were notified of the application under Section 52 of the Act. DELWP was also notified of the application under Section 52, as manager of the adjoining Crown land.

The CCMA and DELWP did not object to the proposal, subject to conditions being imposed in the event a permit is issued. These have been included in the recommendation at the end of this report.

Public Transport Victoria advised that there are no plans to divert existing bus services to the shopping centre site. However, at a future time there may be an opportunity to provide a bus service.

VicRoads has not objected to the proposal subject to conditions being imposed on any permit issued. These have been included in the recommendation at the end of this report.

Aboriginal Affairs Victoria reviewed the 'Due Diligence Study' provided by the applicant for the proposed development. AAV advised that, on the balance of probabilities, significant ground disturbance is likely to have occurred throughout the study area and a Cultural Heritage Management Plan (CHMP) should not be required for the activity.

The Environmental Protection Authority raised no objection to the proposal and recommended conditions in the event a permit is issued. These have been included in the recommendation at the end of this report.

VicTrack raised no objection to the application, subject to conditions. It advised that it is interested in the proposed interface arrangement with railway land and noted that the southern boundary is not shown to be fenced in its entirety which may lead to unauthorised access onto railway land.

VicTrack requested that amended plans be required showing a 1.8m high fence be extended from the building line to the rear boundary of 76 Queen Street to prevent pedestrian access to the railway line from Colac Forest Road. VicTrack also suggested a number of notes be included on any planning permit issued to manage any potential issues and impacts during construction and in order to protect railway land, infrastructure and railway operations and to ensure rail safety

The application was also referred internally to Council's Infrastructure, Health Protection, Assets, Building, and Recreation and Arts Units. No objections were raised subject to conditions which have been included in the recommendation at the end of this report.

It is noted that Barwon Water had objected to the proposed road discontinuance, a separate process to this planning application, stating:

*"Barwon Water has the following assets within the road reserve where planning application PP247/2013-1 is seeking to undertake development works.*

- *A 100mm AC water main is located at an offset of 2.1m from the southern property boundary*
- *A 150mm sewer main is located within the current road reserve."*

As noted earlier in the report, when considering the application for the road discontinuance at the Ordinary Council meeting on 28 October 2015, it was resolved to discontinue the specified section of the road subject to a number of conditions including:

*"That the proponent enters into an agreement with Barwon Water to relocate the underground services identified by them in their submission."*

In relation to this planning application, the standard conditions for boundary realignments have been included in the recommendation at the end of this report. These will require, inter alia, existing and proposed easements for existing or required utility services on the land to be set aside in the plan of subdivision in favour of the relevant authority.

In addition, it is recommended that a condition be imposed requiring the boundary realignment (which would require the road discontinuance and subsequent land purchase), be completed prior to the commencement of development.

Barwon Water has advised that the proposed development does not conform with its Asset Protection policy and that a water main realignment and a shortening of the sewer main will be required. A copy of the letter received from Barwon Water has been forwarded to the applicant.

### **Planning Controls**

The land is included in the Commercial 1 Zone (C1Z), and is subject to the Parking Overlay (PO1), Design and Development Overlay (DDO8), Environmental Significance Overlay (ESO2) and Land Subject to Inundation Overlay (LSIO). A planning permit is required under the following provisions:

- Clause 34.01-3 – Subdivision (Boundary Realignment) – Commercial 1 Zone
- Clause 34.01-4 – Buildings and Works - Commercial 1 Zone
- Clause 36.04-2 – Works – Road Zone
- Clause 43.02-2 – Buildings and Works – DDO8
- Clause 42.01-2 – Buildings and Works– ESO2
- Clause 42.01-2 – Vegetation Removal – ESO2
- Clause 42.01-2 – Subdivision – ESO2
- Clause 44.04-1 – Buildings and Works – LSIO

- Clause 44.04-2 – Subdivision (Boundary Realignment) - LSIO
- Clause 52.06 – Car Parking, as amended by Clause 45.09 (Parking Overlay - PO1)
- Clause 52.29 – Creation and Alteration of Access to Road in a Road Zone Category 1
- Clause 52.34 – Bicycle Facilities

a. State and Local Planning Policy

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

The proposal is considered to be consistent with the broader principles of the State and Local Planning Policy Frameworks. The proposal would assist in intensifying and consolidating the existing commercial use within the Colac CBD, enhancing its long term viability and contributing to the economic wellbeing of Colac. The proposal would assist with the consolidation of land around the town centre, redeveloping an existing underused vacant site in the CBD. The design of the proposal would provide for an active frontage to Bromfield Street, whilst maintaining a path to Barongarook Creek.

It is considered that the proposed built form would acceptably respond to its surrounds, creating an urban environment which it is considered would be safe, functional and with a sense of place and cultural identity. It is considered that the proposed development would represent a high quality urban design that would contribute positively to local urban character and sense of place, enhancing the liveability, diversity, amenity and safety of the public realm and the surrounding area.

Section 60 of the Planning and Environment Act requires the Responsible Authority to have regard to any significant social effects and economic effects a use or development may have. The proposal would support existing employment within the Colac CBD and would assist in meeting the communities' needs for retail and other commercial services, providing net community benefit in relation to accessibility, efficient infrastructure use and the aggregation and sustainability of commercial facilities.

The proposal would also promote the sustainable growth and development of regional Victoria within a location in which utility, transport, infrastructure and services are available. The proposal would contribute to the economic well-being of the CBD and the local community.

Overall, it is considered that the proposal would promote the attractiveness of this part of Colac within broader strategic contexts, whilst minimising detrimental impacts on surrounding neighbouring properties.

Colac Structure Plan (2007)

The proposal is considered to be consistent with the preferred direction as specified within the Colac Structure Plan, presenting Colac as a thriving town with a vibrant town centre offering a variety of opportunities for employment and economic development.

It is noted that work has commenced on the Colac 2050 project this year which will, inter alia, supersede the 2007 Structure Plan. The Colac 2050 project includes a *Colac Commercial and Industrial Land Use Strategy*, which recognises the importance of directing commercial growth to appropriate locations and notes the potential use of the subject site for a supermarket.

b. Zoning

i. The land is zoned Commercial 1 Zone (C1Z). The purpose to the zone is:

- *To create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses.*
- *To provide for residential uses at densities complementary to the role and scale of the commercial centre.*

Under the provisions of the Commercial 1 Zone (C1Z), a planning permit is not required for the use of the land for a shop (including supermarket) subject to the leasable floor area for all shops not exceeding any amount specified in the schedule to this zone. There is no amount specified in the schedule to the zone in the Colac Otway Planning Scheme.

A planning permit is required to subdivide the land (including the realignment of the boundary between the application site and the road reserve) under the provisions of Clause 34.01-3 and to construct a building or construct or carry out works under the provisions of Clause 31.01-4 of the Commercial 1 Zone (C1Z).

Under the provisions of Clause 34.01-7 of the Commercial 1 Zone, an application for buildings and works, and boundary realignment, is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act as the works are not “*within 30 metres of land (not a road) which is in a residential zone, land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre*”.

ii. The site is adjacent to a Road Zone (RDZ1). The purpose of this zone is:

- *To identify significant existing roads.*
- *To identify land which has been acquired for a significant proposed road.*

Under the provisions of the Road Zone a permit is required to construct a building or construct or carry out works for a use in Section 2 of Clause 36.04-1 and to subdivide land.

c. Overlays

i. Design And Development Overlay – Schedule 8 - COLAC CBD

The site is covered by the Design and Development Overlay (DDO8). The purpose of this overlay is:

- *To identify areas which are affected by specific requirements relating to the design and built form of new development.*

The application site is located within the Colac CBD, but is not included within the Finer Grain Area shown within the map accompanying the schedule. The ‘design objectives’ from the Schedule for the Colac CBD seek to:

- *create a distinct character and image for the CBD through the quality of new buildings.*
- *encourage the development of buildings that maximise use of available space within the CBD, and create a vibrant and people-focused centre.*
- *protect the heritage buildings of the CBD.*
- *support high quality residential development within the CBD.*
- *create an attractive, pedestrian-focused and well-connected public realm in the CBD.*

The Schedule to DDO8 specifies that new development should address the following land use and built form requirements.

*“New Development*

- *Protect important view lines and CBD entrance corridors from inappropriate development and its associated signage.*
- *Orientate building entrances and windows to streets and lanes, with zero setbacks from street boundaries and car parking located to the rear.*
- *Encourage new development to provide an active frontage to the streetscapes and car parks, including the provision of active frontages to Bromfield Street for buildings fronting Murray Street.*
- *Ensure that buildings adjoining or opposite open spaces provide active frontages to increase interaction with and passive surveillance of the space.*
- *Avoid the construction of blank walls facing streets, lanes or public spaces.*
- *Minimise the impact of overshadowing of public spaces or private open spaces.*
- *Encourage new development on vacant or underused sites along Bromfield Street to contribute to the street’s appearance, amenity and activity.*
- *Encourage the removal of excessive roof top, above verandah and free standing signs, and other visually dominant signs, particularly as uses change.*

*Access & Pedestrian Amenity*

- *Create and improve pedestrian thoroughfares between Murray and Bromfield Streets.*
- *Create and retain laneways that provide a pedestrian connection between main streets, and encourage their upgrade and redevelopment with active uses.*
- *Maintain appropriate vehicle access and car parking provision for local businesses at the western end of Murray Street.*

*Identity & Character*

- *Promote high quality contemporary architecture that complements the older buildings of the centre, and adds to the story of the town’s development and its distinct eclectic character.*
- *Show design innovation and careful composition of all the elements that comprise the design of built form – openings, colours, materials, textures etc.*
- *Consider how lighting could be used creatively to enhance the night time appearance of buildings and pedestrian safety in the retail and pedestrian areas.*

*Environmentally Sustainable Design (ESD)*

- *Encourage ESD measures that are integrated into new buildings or incorporated in the retrofitting of existing buildings e.g. energy efficiency and solar passive design, rooftop gardens, greater water efficiency, waste management practices, use of sustainable materials and adaptability of design. This should be particularly encouraged in larger commercial developments such as offices and supermarkets.”*

Under the provisions of Clause 43.02-2 to DDO8, a planning permit is required for buildings and works.

ii. Environmental Significance Overlay (ESO2)

Part of the site (easternmost lot adjacent to Barongarook Creek) is covered by the Environmental Significance Overlay (ESO2). The purpose of this overlay is:

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

Under the provisions of Clause 42.01-2, a planning permit is required to construct a building or construct or carry out works, for vegetation removal and for the subdivision of the land (this would include the realignment of the boundary).

iii. Land Subject to Inundation Overlay (LSIO)

Part of the site (easternmost lot adjacent to Barongarook Creek) is covered by the Land Subject to Inundation Overlay (LSIO). The purpose of this overlay is:

- *To identify land in a flood storage or flood fringe area affected by the 1 in 100 year flood or any other area determined by the floodplain management authority.*
- *To ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, is compatible with the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity.*
- *To reflect any declaration under Division 4 of Part 10 of the Water Act, 1989 where a declaration has been made.*
- *To protect water quality in accordance with the provisions of relevant State Environment Protection Policies, particularly in accordance with Clauses 33 and 35 of the State Environment Protection Policy (Waters of Victoria).*
- *To ensure that development maintains or improves river and wetland health, waterway protection and flood plain health.*

Under the provisions of Clause 44.04-1, a planning permit is required to construct a building or to construct or carry out works. Under the provisions of Clause 44.04-2, a planning permit is also required to subdivide the land (this would include the realignment of the boundary).

iv. Parking Overlay (PO1)

The site is covered by the Parking Overlay (PO1). The purpose of this overlay is:

- *To facilitate an appropriate provision of car parking spaces in an area.*
- *To identify areas and uses where local car parking rates apply.*
- *To identify areas where financial contributions are to be made for the provision of shared car parking.*

This overlay operates in conjunction with Clause 52.06 (Car Parking) and applies to the Colac Commercial Centre. The parking objectives to be achieved under this overlay seek:

- *To ensure that uses and development around the hospital precinct do not further contribute to on street parking pressures.*
- *To provide guidance on the reduction of car parking requirements.*
- *To ensure that retail developments, especially supermarkets, provide adequate and convenient car parking.*
- *To encourage infill city centre blocks with developments incorporating car parking within their development rather than expansive exterior car parking.*
- *To encourage parking areas that are set back within or behind the development to promote active and integrated street frontages.*
- *To promote shared or public parking in preference to single use or private parking to capitalise on shared parking opportunities and make better use of parking supply.*

This is discussed further under the section on Clause 52.06 below.

d. Particular Provisions

i. Clause 52.06 - Car Parking

The purpose of this clause seeks:

- *To ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated, the activities on the land and the nature of the locality.*
- *To support sustainable transport alternatives to the motor car.*
- *To promote the efficient use of car parking spaces through the consolidation of car parking facilities.*
- *To ensure that car parking does not adversely affect the amenity of the locality.*
- *To ensure that the design and location of car parking is of a high standard, creates a safe environment for users and enables easy and efficient use.*

Before a new use commences the number of car parking spaces required under Clause 52.06-5, or in a schedule to the Parking Overlay, must be provided to the satisfaction of the responsible authority in one or more of the following ways:

- *on the land; or*
- *in accordance with a permit issued under Clause 52.06-3; or*
- *in accordance with a financial contribution requirement specified in a schedule to the Parking Overlay.*

A permit is required under Clause 52.06 to reduce the number of car parking spaces required or provide some or all of the car parking spaces required under Clause 52.06-5 on another site.

Under the provisions of Clause 52.06 there is a requirement for two hundred and forty eight (248) car spaces to be provided in conjunction with the proposed development.

ii. Clause 52.07 - Loading and Unloading of Vehicles

The purpose of this clause is to set aside land for loading and unloading commercial vehicles, to prevent loss of amenity and adverse effect on traffic flow and road safety.

Under the provisions of this clause, no building or works may be constructed for the manufacture, servicing, storage or sale of goods or materials unless:

- *Space is provided on the land for loading and unloading vehicles as specified in the table.*
- *The driveway to the loading bay is at least 3.6 metres wide. If a driveway changes direction or intersects another driveway, the internal radius at the change of direction or intersection must be at least 6 metres.*
- *The road that provides access to the loading bay is at least 3.6 metres wide.*

iii. Clause 52.17 - Native Vegetation

The purpose of this clause is to ensure permitted clearing of native vegetation results in no net loss in the contribution made by native vegetation to Victoria's biodiversity. This is achieved through the following approach:

- *Avoid the removal of native vegetation that makes a significant contribution to Victoria's biodiversity.*
- *Minimise impacts on Victoria's biodiversity from the removal of native vegetation.*

- *Where native vegetation is permitted to be removed, ensure that an offset is provided in a manner that makes a contribution to Victoria's biodiversity that is equivalent to the contribution made by the native vegetation to be removed.*
- *To manage native vegetation to minimise land and water degradation.*
- *To manage native vegetation near buildings to reduce the threat to life and property from bushfire.*

Under this clause, a planning permit is required to remove, destroy or lop native vegetation, including dead native vegetation. Whilst trees are being removed, it has been established that there is no permit trigger under Clause 52.17 in this case.

iv. Clause 52.29 - Land Adjacent to a Road Zone, Category 1, or a Public Acquisition Overlay for a Category 1 Road

The purpose of this clause is, inter alia, to ensure appropriate access to identified roads.

Under this clause, a planning permit is required to create or alter access to a road in a Road Zone, Category 1. An application to create or alter access to, or to subdivide land adjacent to, a road declared as a freeway or arterial road under the Road Management Act 2004 must be referred to the Roads Corporation under Section 55 of the Act.

v. Clause 52.34 Bicycle Facilities

The purpose of this clause is to encourage cycling as a mode of transport and to provide secure, accessible and convenient bicycle parking spaces and associated shower and change facilities.

Under the provisions of Clause 52.34-1 a new use must not commence or the floor area of an existing use must not be increased until the required bicycle facilities and associated signage has been provided on the land.

Under the provisions of this clause, for a shop there is a requirement for one (1) bicycle space to each 600sqm of leasable floor area for employees (if the leasable floor area exceeds 1000sqm) and one (1) bicycle space to each 500sqm of leasable floor area for shoppers (if the leasable floor area exceeds 1000sqm). In this instance, there would be a requirement for nine (9) bicycle parking spaces for employees and twelve (12) bicycle spaces for shoppers. A total of 21 bicycle spaces are required to be provided on the site.

15 bicycle parking spaces are proposed within the site, with an additional 6 proposed within the road reserve. Whilst the overall provision would be in accordance with the amount required by Clause 52.34, a reduction in bicycle facilities is required due to the 6 parking spaces that would be provided outside the site in the road reserve.

### **Consideration of the Proposal**

The key considerations in the determination of this application relate to the integration of this development with the Barongarook Creek, the main CBD entrance and the interface with Bromfield Street and Queen Street. In addition, regard has to be had to traffic generation, parking provision, loading/unloading arrangements and the potential impact on neighbours. Also for consideration is whether the proposal can be accommodated on the land in an acceptable manner, and whether landscaping treatment would assist in softening and screening the development when viewed from the public realm.

As noted earlier in this report, the use of the land for the purposes proposed does not trigger the requirement for a planning permit.

Thus, whilst the proposed development would be located on the periphery of the Commercial 1 Zone and away from the main street in Colac, and could have the potential to draw people away from Murray Street, the principle of retail development on this land was accepted when the land was originally zoned for commercial purposes and does not form part of the assessment of the current application. In addition, it should be noted that, as a permit is not required for the proposed use of the land, conditions controlling the use (such as hours of operation, delivery times etc.) cannot be imposed.

It is considered that the scale and mass of the proposed building would complement the existing commercial development to the north and would not be detrimental to the prevailing character of this part of the Colac CBD.

The proposed scale and mass of the building would build on the distinct character and image of the CBD, defining the streetscape and identity of this part of Bromfield Street, whilst enhancing the pedestrian amenity of the retail area through a quality building design and integration with Barongarook Creek.

The site layout has been designed to maximise the rear setback (to the creek), minimising the potential impact on Barongarook Creek and reserve, whilst allowing for substantial landscaping to the rear. The public car park would be located towards the front of the site, accessed via Bromfield and Queen Street. The fall in the site gradient, the desire to keep services such as loading/unloading to the rear, and the location of customer parking to the front has dictated the rear setback of the building and has prevented any further increase to this setback. Overall, it is considered that the proposed site layout would maximise the use of available space within the site, creating a vibrant, attractive, pedestrian focused building which would be integrated with surrounding roads, the finer grain of the CBD and the adjoining Barongarook Creek.

The bulk and mass of the proposed development would not be untypical of a supermarket development. Consideration should be given to whether the scale and mass of the proposed building would be acceptable in the context of the site and Colac CBD, and also whether the scale and mass would be acceptable in the context of Barongarook Creek and any future increased use of the public footpath to the east. The applicant has advised that the building design of major supermarkets must meet minimum requirements for internal ceiling heights, including minimum clearances above cool rooms and store rooms etc. The proposed supermarket would adhere to these standards.

It is noted that any reduction in floor area, for example to increase the setback from the creek, would not reduce the minimum requirements for ceiling roof heights etc. and, as such, would not result in any significant reduction in scale or height of the development. The required service plant at mezzanine level would add to the height and scale of the building. Given the desire to reduce potential noise issues at ground level, and noting the slope of the land to the east, the proposed mezzanine level is considered to be acceptable in the context of the site.

The Bromfield Street interface (the northernmost specialty store) has been designed to provide an active frontage and pedestrian activity, through north-facing floor to ceiling glazing and an outdoor seating area within the application site adjacent to the road reserve. It is considered that the proposed feature timber green wall along the northern façade and footpath along Bromfield Street would further integrate the development both visually and functionally with the adjoining public reserve. The feature wall would present as a coloured wall, comprising vertical purlins at the western end which would merge into a wall of vertical timber sleepers. Consideration has been given to the provision of an additional specialty store fronting Bromfield Street; however the applicant has advised that this would compromise the internal layout and deem such a tenancy unviable.

The relationship of the proposed development with Barongarook Creek to the east is a significant consideration in the determination of this application.

Barongarook Creek has been identified as a critical area of linear open space, and its protection and rehabilitation is also critical for the long term improvement of water quality in Lake Colac. The extension and improvement of pathways adjacent to the creek and the provision of basic infrastructure that allows people to sit and enjoy the open space is critical to optimising the relationship of the site with the creek. The strategic justification for integration of the proposed building with the linear corridor is provided in the 'Public Open Space Strategy', 'Active Transport Strategy', 'Physical Activity Strategy' and 'Integrated Water Cycle Management Plan'.

It is considered that the applicant should be required to undertake some works outside the site, in the area near the creek, to ameliorate any potential impact the proposed development may have on this area. Some limited planting has been indicated on the submitted plan within the road reserve area and the land zoned PPRZ, but it is considered that further improvements should be sought in this area. It is considered that there is a reasonable nexus between the proposed development and its potential impacts on the Crown land to the east and north (including the creek) to require appropriate treatment of this area in response to the proposed development (e.g. landscaping, provision of access track etc.). Any works undertaken would also have to be agreed to by DELWP.

Consideration has been given to the provision of a footbridge over the creek but, following extensive discussions between Council departments and the applicant, it was determined that this would not be an appropriate or viable requirement. It was determined that a pedestrian bridge over Barongarook Creek should not be pursued due to the limited community benefit, and the lack of a nexus between the proposed development and a footbridge in this location. It is also noted that most visitors to the new development would be likely to come by car, to allow them to easily transport their purchases home. The main benefit of providing a footbridge would be limited to a relatively small number of properties to the east, as the railway line prevents access to the site from the south. The option of seeking a footbridge was discussed with the very small number of local residents who came to the public drop in session held in August 2015; those residents, who lived on the opposite side of the creek, were not in favour of a bridge being provided because of security issues for their properties.

Instead of a footbridge, it is considered that any works outside the site linked to this development should focus on improvements to the surrounding land to help ameliorate the impact of the proposed development. There should also be a clear nexus between the proposed works and the development. Such improvements, which would be required by a permit condition, could for example include:

- The provision of clear access through from Queen Street to the creek, which encourages people to use it and recognise that this pathway is not just an entry to the supermarket and Crowe Horwath.
- Creation of a 'pocket park' in the area to the north of the site. This could include the creation of a linear wetland which would not only help to beautify the area, but which would also, importantly, help the development to appropriately address its stormwater requirements. As such, the creation of a linear wetland could be done in a way that has dual benefits. It has been suggested to the applicant that some seating or similar street furniture could also be provided in this area, along with landscaping in this area and the land to the east of the proposed development. The landscaping would mitigate the potential visual impact of the proposed development and also act as a buffer between the supermarket and residential properties to the east.
- Provision of a 2.5m shared path linking from the footpath along the north of the Bromfield Street road reserve through, potentially, to Murray Street (linking to pathways extending along the Barongarook Creek north of the bridge).
- Increased safety of this area, e.g. through the provision of CCTV cameras within the site and/or lighting.

The Department of Environment, Land, Water and Planning (DELWP) provided comment on this application with regard to DELWP's responsibility for the adjoining Crown Land (Barongarook Creek Water Frontage) in accordance with Section 52 of the Planning and Environment Act 1987. DELWP has advised that consent for the use of the adjacent Crown Land has not been granted, and stockpiling or spillage or storage of materials or equipment is not permitted on Crown Land.

An appropriate permit condition has been recommended to ensure that the stockpiling or spillage or storage of materials or equipment is controlled through a Construction Management Plan.

Council has previously raised concern with the applicant that locating the loading bay on the eastern side of the site, backing onto the creek, would not be an ideal outcome and other locations on the site for the loading bay should be explored. The applicant has advised that, given the constraints of the site, there are no other suitable locations for the loading area.

As noted earlier in this report, the provision of suitable landscaping and the integration of the development with Barongarook Creek is a key consideration in the determination of the acceptability of this application. To assist in softening and screening the service area from the public footpaths, extensive landscaping treatment along the northern and eastern interfaces is proposed. A landscaping plan has been submitted which details substantial evergreen plantings (to a height of 15m) to the rear (eastern) site boundary. Landscaping is also proposed along the western and southern boundaries adjacent to the existing residential properties and the railway line, which would also assist in softening the built form and reducing any potential light spill from the shopping centre. The applicant has advised that the life expectancy of vegetation planted along the northern wall would be variable, depending on matters such as climate conditions and maintenance (the proposed Purple Coral Pea can last for 20 years). The applicant has confirmed that all landscaping would be maintained as part of an ongoing maintenance program; it is recommended that this condition be included on any permit issued.

On balance, it is considered that the proposed building has been suitably designed and detailed to integrate with Barongarook Creek. The proposed timber 'green wall' along the northern façade would imitate the creek and would integrate the shopping centre with the reserve, whilst also encouraging the use of the adjacent footpath. An active glazed frontage and feature main entrance at the front of the building would create visual interest to the western and eastern facades. The contemporary design treatment along the front façade, in conjunction with specialty retail shops, would add vitality and vibrancy to this part of the CBD.

The inclusion of Water Sensitive Urban Design techniques such as water tanks, openable windows and adjustable timber awnings would ensure that an environmentally sensitive design would be achieved. A '*Water Sensitive Urban Design Report*' dated 18 June 2015 has been submitted in conjunction with this application. The purpose of this report is to ensure the quality of stormwater being discharged from the site to the Barongarook Creek would meet best practice environmental management targets. To meet these targets, the applicant has proposed a 45sqm bio-retention basin within the public car park and recreation area in the north east corner of the site which would discharge into Barongarook Creek. Further detailed work is required to establish whether this is the most appropriate method of stormwater quality management. In addition, roof runoff would drain into rainwater tanks for daily use. This aspect of the application has been considered by Council's Environment and Infrastructure Units, which have recommended permit conditions in relation to Water Sensitive Urban Design should this application be allowed.

Overall, it is considered that the proposed built form would protect important view lines of the Barongarook Creek to the rear and would not impact on the main CBD entrance corridors. The building has been designed to avoid blank walls and overshadowing of public spaces where possible and, where necessary, to mitigate the impact of these facades with landscaping treatment.

It is considered that the proposed built form would be consistent with the overarching guidelines of the Design and Development Overlay (DDO8), which encourage new development on vacant land or underused sites along Bromfield Street to contribute to the street's appearance.

It is acknowledged that existing dwellings located within the Commercial Zone (C1Z) cannot expect the same level of residential amenity as those within the designated residential zones. There are a number of existing residential dwellings along this section of Queen Street which would not form part of the application site. Consideration must be given to mitigating any potential amenity impacts to these dwellings which may occur as a result of this proposal. To mitigate potential noise impacts from delivery vehicles, it is proposed that deliveries would be via the northern access point only (approximately 60m to the north of No. 72 Queen Street). An electricity substation (1.2m wide by 1.4m high) is proposed adjacent to No. 72 Queen Street. The applicant has advised that the location of the substation is dictated by the provider. To mitigate any potential adverse amenity issues, a timber screen is proposed to be erected around the perimeter of the kiosk. The proposal also includes an acoustic fence and landscaping adjacent to the rear and side boundaries of Nos. 72, 74 and 76 Queen Street, to assist in minimising potential noise impacts from customer's cars, customers, substation noise and light spill.

#### Car Parking

The site is covered by a Parking Overlay (PO1 - Colac Commercial Centre), which alters the parking requirements specified in Clause 52.06 (Car Parking). The overlay specifies different parking rates for 'shops' and a 'supermarket'. Based on the reduced car parking rate specified within the Parking Overlay (PO1), three (3) car parking spaces to each 100sqm of leasable floor area are required to be provided for the 'shop' use. The total leasable 'shop' floor area proposed under this application would be 1,100sqm and, as such, there is a car parking requirement of 33 car spaces. The Parking Overlay does not alter the car parking rate specified in Clause 52.06 for a supermarket, being five (5) spaces to each 100sqm of leasable floor area. The proposed total supermarket leasable floor area would be 4,300sqm, which generates a car parking requirement of two hundred and fifteen (215) car spaces.

There is therefore a total car parking requirement of two hundred and forty eight (248) car parking spaces for the proposed development, five (5) of which must be available for disabled car parking in accordance with Australian Standard 2890.6-2009 and the Building Code of Australia (the required disabled parking provision for a Class 6 building is one space for every 50 car parking spaces or part thereof). The proposal includes the provision of 179 car spaces on the private land within the application site, which is a total shortfall of 69 car spaces. It is proposed that these 69 spaces be located within the Bromfield Street road reserve. The proposed car parking layout and car parking spaces (5.4m long by 2.6m wide, with aisles 6.4m wide) are considered to meet the provisions of Clause 52.06. Lighting is proposed to be provided throughout the car parking area, which the proponent has indicated would operate until approximately one hour past the closing time of the shopping centre. However, as noted earlier, conditions cannot be imposed to control hours of operation if a permit is issued for the current proposal, as there is no permit trigger for use. Any conditions can therefore only relate to the development proposed.

The supporting information submitted with the application included a Traffic Engineering Assessment dated September 2014 by Traffix (amended April 2015 and June 2015), which suggested the proposed car parking arrangements. The report notes that a total of 248 car parking spaces are required to be provided for the proposed development.

As noted earlier in this report, the proposal also includes narrowing the Bromfield Street carriageway to provide car parking and extending the road eastwards to provide access to the rear loading area. Any alterations to Bromfield Street have been separately considered by Council under the Local Government Act - Council has resolved to allow the discontinuance of part of Bromfield Street. All works required to be undertaken would be at the expense of the developer.

The traffic impact on the Queen Street intersections with Rae Street, Bromfield Street and Murray Street have also been analysed in the Traffix Report. The report concludes that the surrounding road network could accommodate the additional traffic associated with the development and adds that, whilst not necessary from an operational standpoint, a central island may be adopted at the Bromfield Street/Queen Street intersection as a traffic calming device.

Any proposed alterations to the intersection of Queen Street and Bromfield Street trigger a requirement for a planning permit under the provisions of Clause 52.29, as Queen Street is a road managed by VicRoads. Discussions have taken place between the applicant, Council's Infrastructure Unit and VicRoads to determine the most appropriate traffic calming measure for the intersection of Bromfield Street and Queen Street and, as a result, a roundabout is proposed at the developer's expense. Council's Infrastructure Unit has raised no objection to the proposal subject to conditions being included on any permit issued. As part of the recommended permit conditions, an updated Traffic Management Report is required to be submitted to VicRoads and Council's Infrastructure Unit for endorsement. The revised report is required to address the proposed exit point immediately to the north of No. 72 Queen Street, to ensure egress and left turn only from this exit.

#### Loading and Unloading

The provisions of Clause 52.07 seek to ensure that, for a building of 2,600sqm or less in single occupation, a loading/unloading area of 27.4sqm is required to be provided, with an additional 18sqm for every additional 1,800sqm or part thereof. The proposed supermarket area would be 4300sqm and, as such, would require 45.4sqm for loading/unloading. The proposed supermarket loading bay would be significantly larger than the required standard and would exceed the dimension requirements. The height clearance of the mezzanine overhanging the loading bay would be a minimum of 4m.

The proposal includes an on-site shared loading zone, which would mainly service the supermarket, and a separate smaller loading zone at the front of the site to service the specialty shops. The submitted report by Traffix includes a swept path analysis for a 19m articulated vehicle accessing the supermarket loading bay and this has been shown to be satisfactory. The proposed loading zone to service the specialty shops is also considered to be adequate. The applicant has advised that delivery times and waste collection times are expected to be between 6am and 11pm, with delivery vehicles utilising the northern access, i.e. the furthest away from nearby residences. This is consistent with the requirements of Council's Infrastructure Unit and VicRoads.

#### Bicycle Provision

Under the provisions of Clause 52.34 there is a requirement for 21 bicycle spaces to be provided on the site. The applicant has shown a 30sqm internal store to allow for the storage of nine (9) employee bicycles. This is considered to be an adequate area. The proposal also includes six (6) bicycle spaces outside of the title boundary within Bromfield Street and six (6) outside the main building within the title boundary. Whilst, given the proximity of the six Bromfield Street spaces to the site, these can be considered towards the application site's bicycle parking requirements under the provisions of Clause 52.34, a reduction in parking is required as the spaces are outside the land in private ownership.

#### Boundary Realignment

Under the provisions of Clause 34.01-3 (C1Z), a planning permit is required to subdivide the land; this includes the realignment of the title boundary where the provisions of Clause 62.04 cannot be met. As noted earlier in this report, the realignment of the boundary over the road reserve and the discontinuance of part of the road in accordance with the requirements of the Local Government Act was considered by Council at its meeting on 28 October 2015. As noted earlier in this report, in the 'Background' section, it was resolved to discontinue the relevant section of Bromfield Street subject to a number of conditions.

It is considered that the realignment of the title boundary would not adversely impact on service delivery; more specifically access for vehicles for supplies, waste removal, emergency services and public transport. It is not considered that the proposed realignment of the boundary would have a significant impact on the existing office use to the north of the site, and would enhance the ability of the site to accommodate the proposed commercial use. As such, it is considered that the realignment of the boundary in conjunction with this proposal would maintain and enhance the competitive strengths of the subject site and the surrounding area.

It is noted that, as well as car parking, stormwater quality management infrastructure associated with the proposed supermarket would be within the retained road reserve. Council's Infrastructure Unit has raised no objection to this aspect of the proposal.

#### Native Vegetation

The proposal includes the removal of a native Yellow Gum and non-native Brush Box from the site. Under the provisions of Clause 52.17-2 a planning permit is required to remove, destroy or lop native vegetation, including dead native vegetation. This provision does not apply if the table to Clause 52.17-7 specifically states that a permit is not required. In support of the application the applicant has provided a written report from an Ecologist who advises that the native Yellow Gum on the land has been planted for amenity purposes; this conclusion was reached due to: a) absence of like species in close proximity; b) the solitary specimen stature; and c) the fact that the species is not a character species of the historic modelled EVC. The second tree on the site is a dead Brush Box which is not native to Victoria. It is considered that the removal of these trees would benefit from the exemptions allowed under the provisions to Clause 52.17-7 and, as such, a planning permit is not required for vegetation removal.

The applicant has also confirmed that the existing tree near the creek on the Crown Land to the north of the proposed building (CA6 SEC16) is not proposed to be pruned, lopped or removed under this application. A permit note has been recommended to advise the applicant that the pruning, lopping or removal of the existing tree on CA6 SEC16 has not been assessed under this application and does not form part of this permit. The pruning, lopping or removal of this tree would require separate consent from the landowner and may also require separate planning approval from the Responsible Authority.

#### Contaminated Land

The majority of the application site has previously been used as a fuel depot by BP and Mobil Oil Australia Ltd. The applicant has advised that Mobil Oil Australia Ltd has undertaken remedial works on the site and is currently preparing a status report about the program of works undertaken to date. Clean up works have commenced and are expected to be completed in late 2015. All underground tanks have been removed from the site. A site plan has been prepared which shows the extent of contamination being remediated on the site. The applicant has further advised that an Environmental Report (prepared by an independent expert) will be issued to Council once the remediation works have been completed.

It is anticipated that this report will confirm that the land has been remediated so as to be consistent with the use of the land for '*general non-sensitive commercial use (including a supermarket, shopping centre or car park)*'. An appropriate permit condition has been recommended to ensure that, prior to the commencement of the development, an Environmental Report prepared by an independent expert is submitted to the Council to confirm that the site has been remediated to Health Screening Level-D for Commercial/Industrial Land Use (HSL-D).

#### Aboriginal Affairs Victoria (AAV)

The applicant has submitted a Due Diligence Assessment (DDA) for the proposal, and a copy of the planning application and DDA has been forwarded to AAV for consideration. AAV has advised that, on balance, it is considered that significant ground disturbance is likely to have occurred throughout the study area and a Cultural Heritage Management Plan (CHMP) should not be required for the activity.

## **Council Plan / Other Strategies / Policy**

### **A Planned Future**

Creates an attractive shire with quality buildings and spaces, accessible travel and transport, and a community that has the services and facilities it needs now and in the future; supports a prosperous economy where trade, manufacturing and business activity flourishes.

#### *Our Goal:*

Facilitate the growth, liveability and development of the shire and encourage innovation and efficiency in the local economy.

Strategies include planning for future land use to respond to population growth and changing needs, developing an integrated response to meet future infrastructure needs, and promoting local business, services and fostering employment opportunities.

As noted in this report, the proposal would assist in achieving these outcomes for the community.

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

The proposal raises no financial or resourcing implications for Council.

In the event the road discontinuance is finalised, the subsequent sale of the land would be handled by DELWP, which is responsible for the management of public land, rather than Council. As this section of Bromfield Street is a Government Road, its discontinuance would result in the creation of a parcel of unalienated Crown Land. Given Council has no ownership of the road reserve in question, it would receive no financial benefit from the sale of this land. Neither would Council incur any direct costs related to the undertaking, apart from Council officer time, which is not expected to be significant.

The future maintenance costs of car parking etc. within the road reserve would have to be met by the owner(s) of the land on which the supermarket and shops would be located. This would form the subject of a condition in the event a permit is issued.

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

The proposal raises no risk management or compliance issues.

As noted in the report, appropriate remediation works are being undertaken on the site to ensure it is suitable for the use proposed.

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

Any relevant environmental considerations have been addressed within this report. Particular regard has been had to the potential impacts on Barongarook Creek to the immediate east of the application site, as detailed in the report above.

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

Public notice of the application was required in accordance with Section 52 of the *Planning and Environment Act*, as discussed earlier in the report. The application was advertised by means of letters to neighbouring properties, site notices and an advertisement in the Colac Herald. It is noted that the proposed discontinuance of part of Bromfield Street, which is a separate process, was advertised concurrently.

Details of responses received to the planning application are detailed in the report above.

### **Conclusion**

The proposed supermarket and shops, which would expand the retail facilities available to the community, would be located on the largest vacant piece of land available close to Colac's CBD, in an area zoned for commercial purposes.

In assessing the proposal, regard was had to the potential impact of the proposed development on the character and amenities of the area, including the visual impact of the development and its relationship to Barongarook Creek, the impact on neighbouring properties (residential, commercial and railway), the impact from traffic generation including the potential for congestion, and the implications of allowing a reduction in car parking. In addition, regard was had to the concurrent, and related, process taking place for the discontinuance of a portion of the Bromfield Street road reserve.

It is considered that the design of the building, including wall treatments, materials and building articulation would be acceptable. These factors, together with the siting of the proposed building and landscaping, should also help to ameliorate its impact on the adjacent creek and reserve area. It is considered that proposed traffic management measures, including a roundabout and access arrangements, would ensure that potential impacts from the increased traffic generation in the area would be acceptable.

Having weighed the economic and social benefits that should arise from the proposal, with potential impacts on the character, amenity and environment of the surrounding area (including neighbouring properties and the creek area), on balance it is considered that the proposal is generally consistent with the State and Local Planning Policy Frameworks, zoning and overlay requirements, and current local policies.

Having given due regard to the matters discussed above, it is considered that a Notice of Decision to Grant a Permit could reasonably be issued, subject to conditions.

#### **Attachments**

1. PP247 2013-1 Planning Permit Application
2. PP247 2013-1 Site Map
3. PP247 2013-1 Design Plans

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

***That Council's Planning Committee resolves to issue a Notice of Decision to Issue a Planning Permit for Buildings and Works Comprising Construction of Supermarket (4,300sqm) and Four Shops (1,100sqm), Creation and Alteration of Access to a Road in a Road Zone Category 1, Reduction in Car Parking (69 spaces) and Bicycle Facilities, and Realignment of a Title Boundary at 66, 68, 70 Queen Street, 140-144, 146-150, 152 & 158 Bromfield Street and Road Reserve, COLAC (Lot 1 TP514557, Lot 1 TP343261, Lot 1 TP399740, Lot B LP202154, PC: 161552, C/A: 3 SEC: 17 and Lot 1 TP681251 Parish of Colac) subject to the following conditions:***

#### ***Amended plans***

1. ***Prior to commencement of the use and/or development, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application, but modified to show:***

- (a) Stormwater measures in accordance with the Stormwater Management Plan endorsed under condition 25 of this permit.***
- (b) The trolley bay shown in the road reserve area moved to an alternate location within the privately owned land.***

- (c) ***A 1.8m high fence along the boundary with the railway line, extending from the building line to the rear boundary of No. 76 Queen Street, to prevent pedestrian access to the railway line.***
2. ***Prior to certification of the plan of subdivision under the Subdivision Act 1988, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application, but modified to show:***
- (a) ***A plan of subdivision accurately depicting the application site, i.e. Lot 1 TP514557, Lot 1 TP343261, Lot 1 TP399740, Lot B LP202154, PC: 161552, C/A: 3 SEC: 17 and Lot 1 TP681251, and including as part of the application site that section of the Bromfield Street road reserve proposed for discontinuance (on which part of the supermarket would be constructed). The site boundaries on all development plans must accord with the endorsed subdivision plan.***

#### ***Endorsed Plans***

3. ***The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.***
4. ***The layout and site dimensions of the subdivision hereby permitted, as shown on the endorsed plan/s, must not be altered or modified without the written consent of the Responsible Authority. There are no requirements to alter or modify the endorsed plan if a plan is certified under the provisions of the Subdivision Act 1988 that is generally in accordance with the endorsed plan/s.***

#### ***Road Discontinuance and Consolidation of land***

5. ***Prior to commencement of the development hereby permitted, that section of the application site within the Bromfield Street road reserve on which part of the proposed building would be constructed must be formally discontinued and consolidated with Lot 1 TP514557 (Volume/Folio: 03898/534), Lot 1 TP343261 (V/F: 04972/213), Lot 1 TP399740 (V/F: 04510/882), Lot B LP202154 (V/F: 09654/974), PC: 161552 (V/F: 09665/071), C/A: 3 SEC: 17 (V/F: 05710/813) and Lot 1 TP681251 (V/F: 05919/662) under the provisions of the Subdivision Act 1988, to the satisfaction of the Responsible Authority.***

#### ***Contaminated Land***

6. ***Prior to the commencement of the development hereby permitted, an Environmental Report prepared by an independent expert for the application site must be submitted to the Council. The report must confirm that the site has been suitably remediated to Health Screening Level-D for Commercial/Industrial Land Use (HSL-D) to the satisfaction of the Responsible Authority.***

#### ***Amenity***

7. ***Prior to the commencement of the development hereby permitted, a management plan to control the impact on the amenity of surrounding properties during and after construction must be submitted and approved by the Responsible Authority. The management plan must address:***
- ***Noise, particularly during construction (refer to EPA publication 1254)***
  - ***Dust during construction***
  - ***Ongoing litter management***

- **Community engagement and complaint resolution**

8. ***Prior to the commencement of development, or such other timeframe as is agreed in writing by the Responsible Authority, acoustic fencing along the boundaries shared with Nos. 72, 74 and 76 Queen Street must be erected in accordance with the endorsed plans. The acoustic fencing must thereafter be so maintained to the satisfaction of the Responsible Authority.***
9. ***Prior to the commencement of development, details of fencing around the electrical sub-station adjacent to Queen Street must be submitted to and approved by the Responsible Authority. Within one month of the installation of the sub-station, or such other time as is agreed in writing by the Responsible Authority, the fencing must be erected in accordance with the approved details. The fencing must thereafter be maintained in accordance with the approved details to the satisfaction of the Responsible Authority.***
10. ***All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.***
11. ***All security alarms or similar devices installed on the land must be of a silent type in accordance with any current standard published by Standards Australia International Limited and must be connected to a security service.***
12. ***The soundproofing of plant equipment must be undertaken in accordance with relevant Australian standards.***
13. ***External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land, to the satisfaction of the Responsible Authority.***

#### **Landscaping**

14. ***Prior to commencement of the development, a landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The landscaping plan must be generally in accordance with the landscape concept plan dated 18 June 2015 prepared by John Patrick Pty Ltd, except that the plan must show:***
  - (a) a survey (including botanical names) of all existing vegetation to be retained and/or removed;***
  - (b) details of surface finishes of pathways and driveways;***
  - (c) a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, sizes at maturity, and quantities of each plant;***
  - (d) landscaping and planting within all open areas of the site, including the proposed bio-retention basin;***
  - (e) details of the planting on the timber feature wall on the northern elevation of the building, including ongoing maintenance;***
  - (f) details of the links between WSUD features and the landscaping proposed.***

***An in-ground irrigation system is to be provided to all landscaped areas. All species selected must be to the satisfaction of the Responsible Authority.***

15. ***Prior to occupation of the development, or by such later date as is approved by the Responsible Authority in writing, the landscaping works shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority.***

***The landscaping must thereafter be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.***

16. ***Vegetation removal and disposal must not cause damage to vegetation to be retained, to the satisfaction of the Responsible Authority.***
17. ***Unless otherwise approved in writing by the Responsible Authority, no trenching, soil excavation, storage or dumping of equipment or waste is to occur within areas of existing native vegetation on or near the site.***
18. ***Prior to the commencement of development, a plan showing improvements to land within CA 6 SEC 16 (being the land to the north and east of the application site adjacent to Barongarook Creek) must be submitted to and approved by the Responsible Authority in consultation with the Department of Environment, Land, Water and Planning. The plan must include the following improvements, unless otherwise agreed in writing by the Responsible Authority in consultation with the Department of Environment, Land, Water and Planning:***
  - (a) ***Improvements to the footpath from Queen Street to the creek, which encourages people to use it and recognise that this pathway is not just an entry to the supermarket and Crowe Horwath. The improvements should include wayfinding signage to Council's specifications, hardwood bollards to distinguish the footpath from the car park, and lighting.***
  - (b) ***Creation of a 'pocket park' in the area to the north of the site, including a linear wetland (which would help address the stormwater requirements of the development), landscaping (including potential elm removal and new shade planting), seating or similar street furniture, a drinking fountain, interpretive signage and public art.***
  - (c) ***Landscaping and environmental improvements in the area to the east of the proposed development, to mitigate the potential visual impact of the proposed development and to act as a buffer between the supermarket and residential properties to the east.***
  - (d) ***Upgrade of existing public path along Barongarook Creek to provide a concrete 2.5m wide shared path linking the footpath along the north of the Bromfield Street road reserve through to Murray Street.***
  - (e) ***Increased surveillance of/safety measures for the reserve and public footpaths in this area, e.g. through the provision of CCTV cameras within the site and/or lighting.***

***The approved improvements must be carried out in a specified timeframe to the satisfaction of the Responsible Authority, at the developer's expense.***

#### **Traffic Management**

19. ***Prior to the commencement of any works associated with this permit, an updated Traffic Management Report by TraffixGroup, showing the mid-block exit point from Queen Street as 'left exit only', must be submitted to both VicRoads and Council for endorsement under this permit. Infrastructure and signage preventing right turn exit movements must be designed and placed to the satisfaction of both VicRoads and Council prior to the initial occupation of any of the shops hereby permitted.***
20. ***Prior to the initial occupation of any of the shops hereby permitted, the roundabout at the intersection of Bromfield Street and Queen Street must be designed and constructed to the satisfaction of both the Responsible Authority and VicRoads.***

21. ***Prior to the initial occupation of any of the shops hereby permitted, the onsite car parking area must be constructed in accordance with the endorsed Traffic Management Plan and approved Stormwater Management Plan.***
22. ***Prior to commencement of works, a Construction Management Plan which sets out controls and timelines to be implemented for the construction of the road improvement works proposed under the endorsed Traffic Management Plan for Queen Street and Bromfield Street must be submitted to and approved by the Responsible Authority.***
23. ***Prior to the initial occupation of any of the shops hereby permitted, Bromfield Street must be constructed in accordance with the Traffic Management Plan and Construction Management Plan at the developer's expense.***

#### **Section 173 Agreement**

24. ***Prior to the commencement of development, the owner of the land must enter into an agreement under Section 173 of the Planning and Environment Act 1987 with the Responsible Authority. The agreement must be in a form to the satisfaction of the Responsible Authority, and the applicant must be responsible for the expense of the preparation and registration of the agreement, including the Responsible Authority's reasonable costs and expenses (including legal expenses) incidental to the preparation, registration and enforcement of the agreement. The agreement must contain covenants to be registered on the Title of the property so as to run with the land, and must provide for the following:***
  - a) ***The owner(s) is responsible for all maintenance of, and liability for, infrastructure associated with the development within the Bromfield Street road reserve, including surfacing, line-marking and drainage***

***The agreement will be registered on Title in accordance with Section 181 of the Planning and Environment Act 1987.***

#### **Water Sensitive Urban Design**

25. ***Prior to the commencement of the development hereby permitted, a 'Stormwater Management Plan' for the management and operation of the development hereby permitted must be submitted to and approved by the Responsible Authority, and incorporated in engineering design plans and construction management plans. Once approved and endorsed the 'Stormwater Management Plan' will form part of the permit. The development must at all times be operated in accordance with the endorsed plan. The plan must be prepared in accordance with 'Water Sensitive Urban Design Principles' (WSUD) and 'Best Practice Environmental Management Guidelines for Stormwater Management' and should address, but not necessarily be limited to, the following:***
  - (a) ***A site plan clearly showing the site layout, including site boundaries, finished contours, existing vegetation and existing and proposed drainage pathways showing discharge points;***
  - (b) ***Measures addressing increased runoff and potential peak flows including integrated landscaping plan;***
  - (c) ***Details of effective control of chemicals, sediments or gross pollutants on the site and prevention of their discharge into drainage systems and waterways both during construction and use.***

***This must also include details on the specific locations of works (e.g. re-vegetation, cut and fill, run-off diversions, sediment control, stockpile management, hazardous material management, access protection, litter management, litter trap locations etc.). The timeframes for measures to be implemented must be stated;***

- (d) Procedures for maintenance of stormwater quality protection measures, including specific timeframes. All maintenance associated with the development's drainage infrastructure on and off site is the responsibility of the proprietor. All drainage infrastructure must be maintained in accordance with industry standards;***
- (e) Details of a 'Spills Contingency Plan' to prevent any spilled chemicals or waste entering the stormwater drainage system from the loading and storage area to the rear of the development. This plan must include methods and access to materials to contain the spill, to clean up the spill and to dispose of or reuse the recovered residues. Details must include key contacts at appropriate agencies to contact in case of chemical spillage.***
- (f) No polluted and/or sediment laden run-off is to be discharged directly or indirectly into Colac Otway Shire drains and/or watercourses at any time during construction or operation to the satisfaction of the Responsible Authority.***
- (g) Measures for ensuring that all stored wastes will be kept in designated areas or covered containers to prevent escape into the stormwater system during construction and operations.***

***All measures for stormwater quality protection relating to the protection of the creek during construction must be in place prior to the commencement of construction, and all other stormwater quality protection measures required must be in place prior to the initial occupation of any of the shops hereby permitted. Disturbed ground surfaces on site must be successfully re-established immediately after construction is completed. This includes the removal of accumulated sediment in sediment traps on and around the site and within adjoining stormwater drains. It also includes the reinstatement of topsoil and seeding of grasses or other appropriate vegetation suitable to reduce erosion from the site.***

***Department of Environment, Land, Water and Planning condition***

***26. Before the development commences, a Construction Management Plan must be submitted to and approved by the Responsible Authority. When approved the plan will be endorsed and will then form part of the permit. The Construction Management plan must provide details of:***

- a) Location of the construction zone.***
- b) Measures to control sediment and sediment laden water run-off including design detail of any structures.***
- c) Measures to control pollutants, including oils and pollutant laden water run-off including design detail of any structures.***
- d) Where equipment, machinery and earth is to be stored/stockpiled during construction.***
- e) Location of any temporary structures for construction purposes.***

***VicRoads conditions***

***27. Before the use approved by this permit commences, the following road works on Queen Street (Colac-Forrest Road) must be completed at no cost to and to the satisfaction of the Roads Corporation:***

- i. Roundabout at Bromfield Street intersection*
- ii. Right Turn Lane at secondary access point*

28. ***Before all works within the road reserve commences, the developer must enter into an agreement with VicRoads confirming the following:***

- i. Construction design plans approval processes*
- ii. Construction works specification and tender approval processes*
- iii. Fees and associated services obligations*
- iv. Field surveillance methods and cost recovery processes.*

#### ***CCMA conditions***

29. ***The applicant must demonstrate to the satisfaction of Corangamite CMA that the flood storage from the Barongarook Creek in the proposed staff car park area is maintained to current volume over the property. This will require the finished surface level of the car park to have a maximum level of 120.55 metres AHD.***
30. ***Detailed cut and fill works must be provided and be to the satisfaction of Corangamite CMA and demonstrate no net loss in floodplain storage.***
31. ***No fill shall be permitted in areas of the floodplain where depth of flooding exceeds half a metre.***
32. ***Cut and fill must be taken from the same hydraulic level within the floodplain to ensure no alterations to the flood regime.***

#### ***EPA condition***

33. ***Construction and post construction activities must be in accordance with EPA Publication 275 Construction Techniques for Sediment Pollution Control 1991 or as amended.***

#### ***Utility Providers***

34. ***The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity and gas services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.***
35. ***All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.***
36. ***The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.***

#### ***Expiry***

37. ***This permit will expire if one of the following circumstances applies:***
- a) The plan of subdivision is not certified within two years of the date of the permit.*
  - b) The development is not commenced within two years of the date of this permit.*
  - c) The development is not completed within four years of the date of this permit.*
  - d) A statement of compliance is not issued within five years of the date of certification of the Plan.*

*The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires or within six (6) months afterwards, or if the request for the extension of time is made within 12 months after the permit expires and the development started lawfully before the permit expired.*

**Notes**

- 1. All Aboriginal Cultural Heritage is protected under the Aboriginal Heritage Act 2006. If Aboriginal Cultural Heritage is encountered during development, works must cease in the area and the Office of Aboriginal Affairs Victoria (OAAV) must be contacted.**
- 2. The pruning, lopping or removal of the existing tree on CA6 SEC16 has not been assessed under this application and does not form part of this permit. The pruning, lopping or removal of this tree would require separate consent from the landowner and may require separate planning approval from the Responsible Authority.**
- 3. This permit does not authorise the commencement of any building works. Prior to commencement of the development, it will be necessary to apply for and obtain building approval for the proposed works specified under this permit.**
- 4. The Department of Environment, Land, Water and Planning (DELWP) has advised that consent for the use of the adjacent Crown Land (Barongarook Creek Water Frontage) has not been granted. In view of this, stockpiling or spillage or storage of materials or equipment is not permitted on Crown Land.**
- 5. Barwon Water has advised that the proposed development does not conform with its Asset Protection policy and that a water main realignment and a shortening of the sewer main will be required. Apply to Barwon Water for details relating to costs and conditions, quoting Barwon Water reference number L012634.**
- 6. VicTrack has advised that:**
  - No entry onto railway land is permitted without the written consent of the Rail Operator, and is subject to the Rail Operator's Site Access Procedures and Conditions.**
  - No drainage, effluent, waste, soil or other materials must enter or be directed to railway land or stored or deposited on railway land.**
  - No lighting is to be erected (permanent or temporary) that spills light onto the railway tracks or which interferes with the visibility of signals and rail lines by train drivers.**
  - Plant and tree species must be of the type that will not cause any future overhang onto VicTrack land or disturbance of railway operations.**

~~~~~



Planning Enquiries
 Phone: 03 5232 9400
 Web: <http://www.colacotway.vic.gov.au>

Office Use Only

Application No.:

Date Lodged: / /

Application for Planning Permit

If you need help to complete this form, read [How to complete the Application for Planning Permit form](#).

⚠ Any material submitted with this application, including plans and personal information, will be made available for public viewing, including electronically, and copies may be made for interested parties for the purpose of enabling consideration and review as part of a planning process under the *Planning and Environment Act 1987*. If you have any concerns, please contact Council's planning department.

⚠ Questions marked with an asterisk (*) are mandatory and must be completed.

⚠ If the space provided on the form is insufficient, attach a separate sheet.

Clear Form

The Land

① Address of the land. Complete the Street Address and one of the Formal Land Descriptions.

Street Address *

Unit No.:	St. No.: 66	St. Name: Queen Street
Suburb/Locality: Colac		Postcode: 3250

Formal Land Description *
 Complete either A or B.

⚠ This information can be found on the certificate of title.

A: Lot No.: Lodged Plan Title Plan Plan of Subdivision No.: 514557U

OR

B: Crown Allotment No.: Section No.:

Parish/Township Name:

Street Address *

Unit No.:	St. No.: 68	St. Name: Queen Street
Suburb/Locality: Colac		Postcode: 3205

Formal Land Description *
 Complete either A or B.

⚠ This information can be found on the certificate of title.

A: Lot No.: Lodged Plan Title Plan Plan of Subdivision No.: 343261T

OR

B: Crown Allotment No.: Section No.:

Parish/Township Name:

Street Address *

Unit No.:	St. No.: 70	St. Name: Queen Street
Suburb/Locality:		Postcode: 3205

Formal Land Description *
 Complete either A or B.

⚠ This information can be found on the certificate of title.

A: Lot No.: Lodged Plan Title Plan Plan of Subdivision No.: 399740Q

OR

B: Crown Allotment No.: Section No.:

Parish/Township Name:

Street Address *

Unit No.:	St. No.: 140-144	St. Name: Bromfield Street
Suburb/Locality: Colac		Postcode: 3250

Formal Land Description *
Complete either A or B.

⚠ This information can be found on the certificate of title.

A Lot No.: Lodged Plan Title Plan Plan of Subdivision No.: 201254M

OR

B Crown Allotment No.: Section No.:

Parish/Township Name:

Street Address *

Unit No.: St. No.: 146-150 St. Name: Bromfield Street

Suburb/Locality: Colac Postcode: 3250

Formal Land Description *
Complete either A or B.

⚠ This information can be found on the certificate of title.

A Lot No.: Lodged Plan Title Plan Plan of Subdivision No.: 337948P

OR

B Crown Allotment No.: Section No.:

Parish/Township Name:

Street Address *

Unit No.: St. No.: 152 St. Name: Bromfield Street

Suburb/Locality: Colac Postcode: 3250

Formal Land Description *
Complete either A or B.

⚠ This information can be found on the certificate of title.

A Lot No.: Lodged Plan Title Plan Plan of Subdivision No.:

OR

B Crown Allotment No.: 3 Section No.: 17

Parish/Township Name:

Street Address *

Unit No.: St. No.: 158 St. Name: Bromfield Street

Suburb/Locality: Colac Postcode: 3250

Formal Land Description *
Complete either A or B.

⚠ This information can be found on the certificate of title.

A Lot No.: Lodged Plan Title Plan Plan of Subdivision No.: 681251J

OR

B Crown Allotment No.: Section No.:

Parish/Township Name:

Street Address *

Unit No.: St. No.: St. Name: Part of Bromfield Street road reserve

Suburb/Locality: Colac Postcode: 3250

Formal Land Description *
Complete either A or B.

⚠ This information can be found on the certificate of title.

A Lot No.: Lodged Plan Title Plan Plan of Subdivision No.:

OR

B Crown Allotment No.: Section No.:

Parish/Township Name:

The Proposal

⚠ You must give full details of your proposal and attach the information required to assess the application. Insufficient or unclear information will delay your application.

2 For what use, development or other matter do you require a permit? *

If you need help about the proposal, read: [How to Complete the Application for Planning Permit Form](#)

Buildings and works associated with the use of the land for a shopping centre (comprising 4,300sqm supermarket and 1,100sqm speciality retail), alterations to a road in a Road Zone Category 1, waiver car parking (69 spaces) and realignment of the existing title boundary'

Provide additional information on the proposal, including: plans and elevations; any information required by the planning scheme, requested by Council or outlined in a Council planning permit checklist; and if required, a description of the likely effect of the proposal.

3 Estimated cost of development for which the permit is required *

Cost \$13,400,000.00

You may be required to verify this estimate.

Insert '0' if no development is proposed (eg. change of use, subdivision, removal of covenant, liquor licence)

Existing Conditions

4 Describe how the land is used and developed now *

eg. vacant, three dwellings, medical centre with two practitioners, licensed restaurant with 80 seats, grazing.

Single dwellings, vacant land

Provide a plan of the existing conditions. Photos are also helpful.

Title Information

5 Encumbrances on title *

If you need help about the title, read: [How to complete the Application for Planning Permit form](#)

Does the proposal breach, in any way, an encumbrance on title such as a restrictive covenant, section 173 agreement or other obligation such as an easement or building envelope?

Yes. (If 'yes' contact Council for advice on how to proceed before continuing with this application.)

No

Not applicable (no such encumbrance applies).

Provide a full, current copy of the title for each individual parcel of land forming the subject site. (The title includes: the covering 'register search statement', the title diagram and the associated title documents, known as 'instruments', eg. restrictive covenants.)

Applicant and Owner Details

6 Provide details of the applicant and the owner of the land.

Applicant *

The person who wants the permit.

Name: Title: First Name: Surname:

Organisation (if applicable): Lascorp Development Group Ltd, C/- ERM (Aust) Pty Ltd (see below)

Postal Address: Unit No.: St. No.: St. Name: If it is a P.O. Box, enter the details here:

Suburb/Locality: State: Postcode:

Where the preferred contact person for the application is different from the applicant, provide the details of that person.

Contact person's details * Same as applicant (if so, go to 'contact information')

Name: Title: First Name: Christine Surname: Hartley

Organisation (if applicable): ERM (Aust) Pty Ltd

Postal Address: Unit No.: St. No.: St. Name: PO Box 266 If it is a P.O. Box, enter the details here:

Suburb/Locality: South Melbourne State: VIC Postcode: 3205

Please provide at least one contact phone number *

Contact information	
Business Phone: 9696 8011	Email: christine.harley@erm.com
Mobile Phone: 0403 702 394	Fax:
Owner *	
Name: <input type="checkbox"/> Same as applicant	
Title:	First Name: Various (see titles) Surname:
Organisation (if applicable):	
Postal Address: <input type="checkbox"/> If it is a P.O. Box, enter the details here:	
Unit No.:	St. No.:
St. Name:	
Suburb/Locality:	State: Postcode:
Owner's Signature (Optional):	Date: day / month / year

Owner *
The person or organisation who owns the land

Where the owner is different from the applicant, provide the details of that person or organisation.

Declaration

7 This form must be signed by the applicant *

⚠ Remember it is against the law to provide false or misleading information, which could result in a heavy fine and cancellation of the permit.

I declare that I am the applicant, and that all the information in this application is true and correct; and the owner (if not myself) has been notified of the permit application.

Signature: *Christine Harley - CHRISTINE HARLEY*
ERM (AUST) PTY LTD
for directors Dev Gray

Date: 24/07/2015
day / month / year

Need help with the Application?

If you need help to complete this form, read [How to complete the Application for Planning Permit form](#)
 General information about the planning process is available at www.dpcd.vic.gov.au/planning

Contact Council's planning department to discuss the specific requirements for this application and obtain a planning permit checklist. Insufficient or unclear information may delay your application.

8 Has there been a pre-application meeting with a Council planning officer?

No Yes

If 'yes', with whom?: various Council officers

Date: 21 Aug 2014 day / month / year

Checklist

9 Have you:

- Filled in the form completely?
- Paid or Included the application fee?  Most applications require a fee to be paid. Contact Council to determine the appropriate fee.
- Provided all necessary supporting information and documents?
 - A full, current copy of title information for each individual parcel of land forming the subject site
 - A plan of existing conditions.
 - Plans showing the layout and details of the proposal
 - Any information required by the planning scheme, requested by council or outlined in a council planning permit checklist.
 - If required, a description of the likely effect of the proposal (eg traffic, noise, environmental impacts).
- Completed the relevant Council planning permit checklist?
- Signed the declaration (section 7)?

Lodgement

Lodge the completed and signed form, the fee payment and all documents with:

Colac Otway Shire
 PO Box 283 Colac VIC 3250
 2-6 Rae Street Colac VIC 3250

Contact information:
 Telephone: 61 03 5232 9400
 Email: inn@colacotway.vic.gov.au

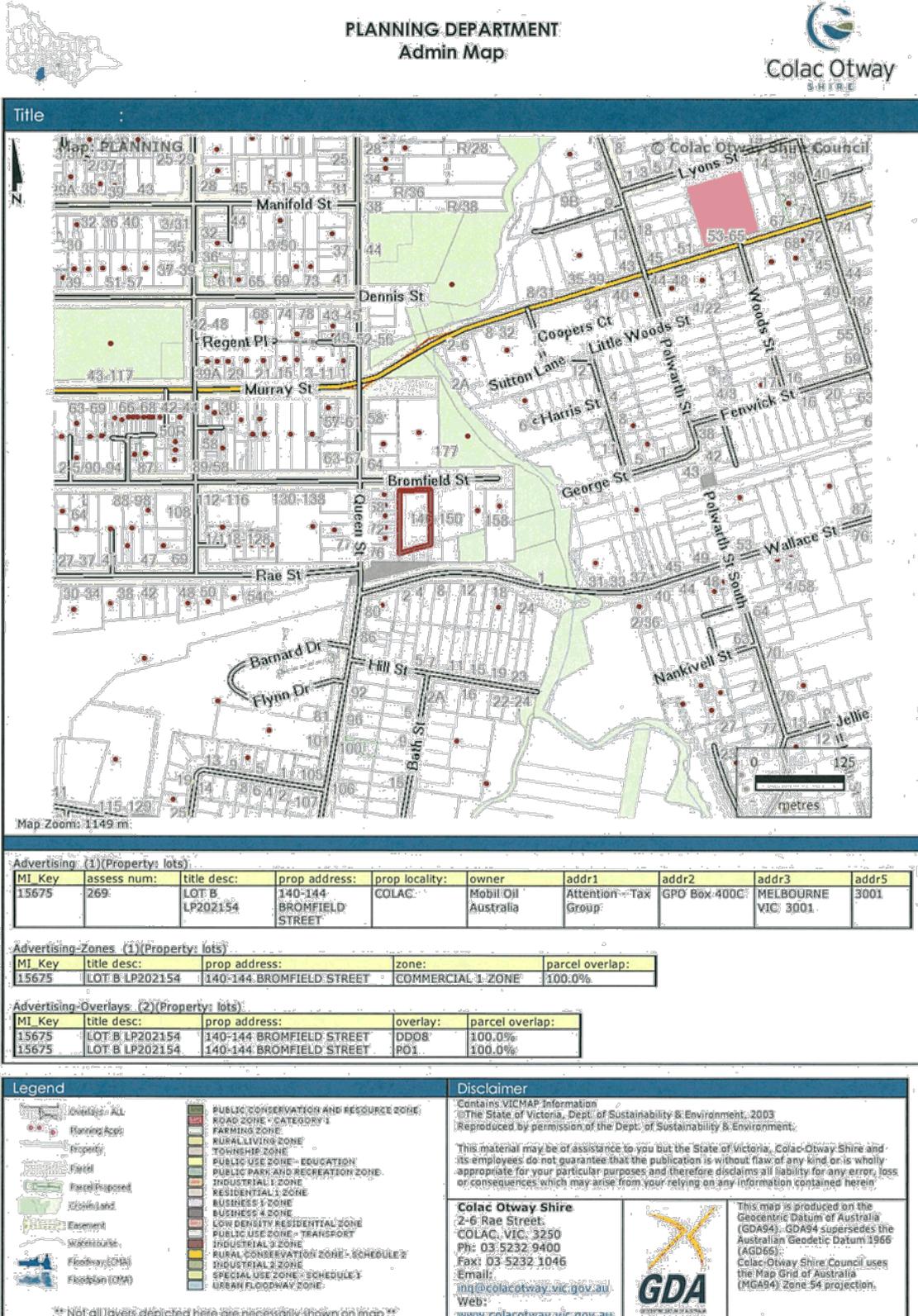
Deliver application in person, by fax, or by post:

Make sure you deliver any required supporting information and necessary payment when you deliver this form to the above mentioned address. This is usually your local council but can sometimes be the Minister for Planning or another body.

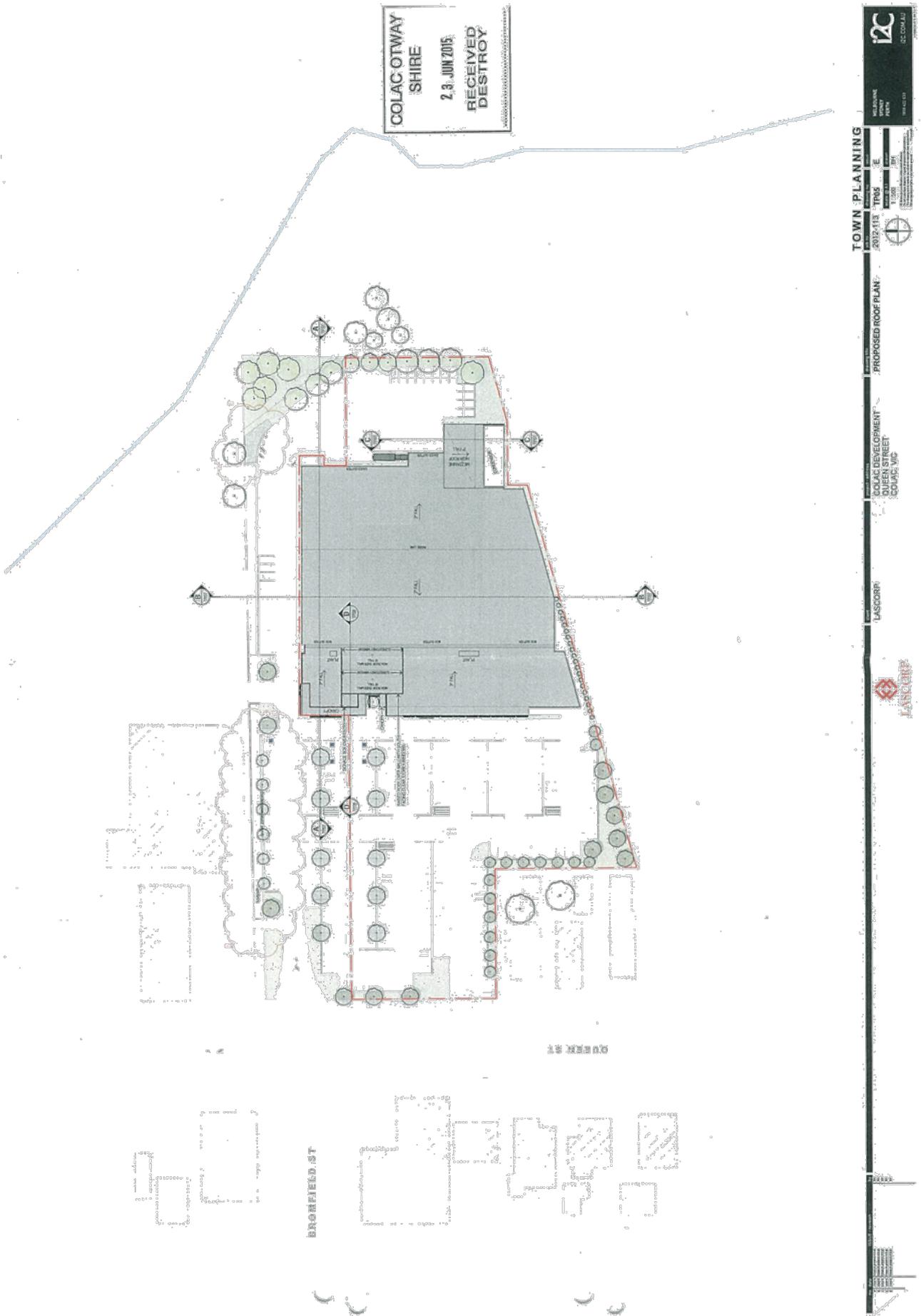
Save Form:

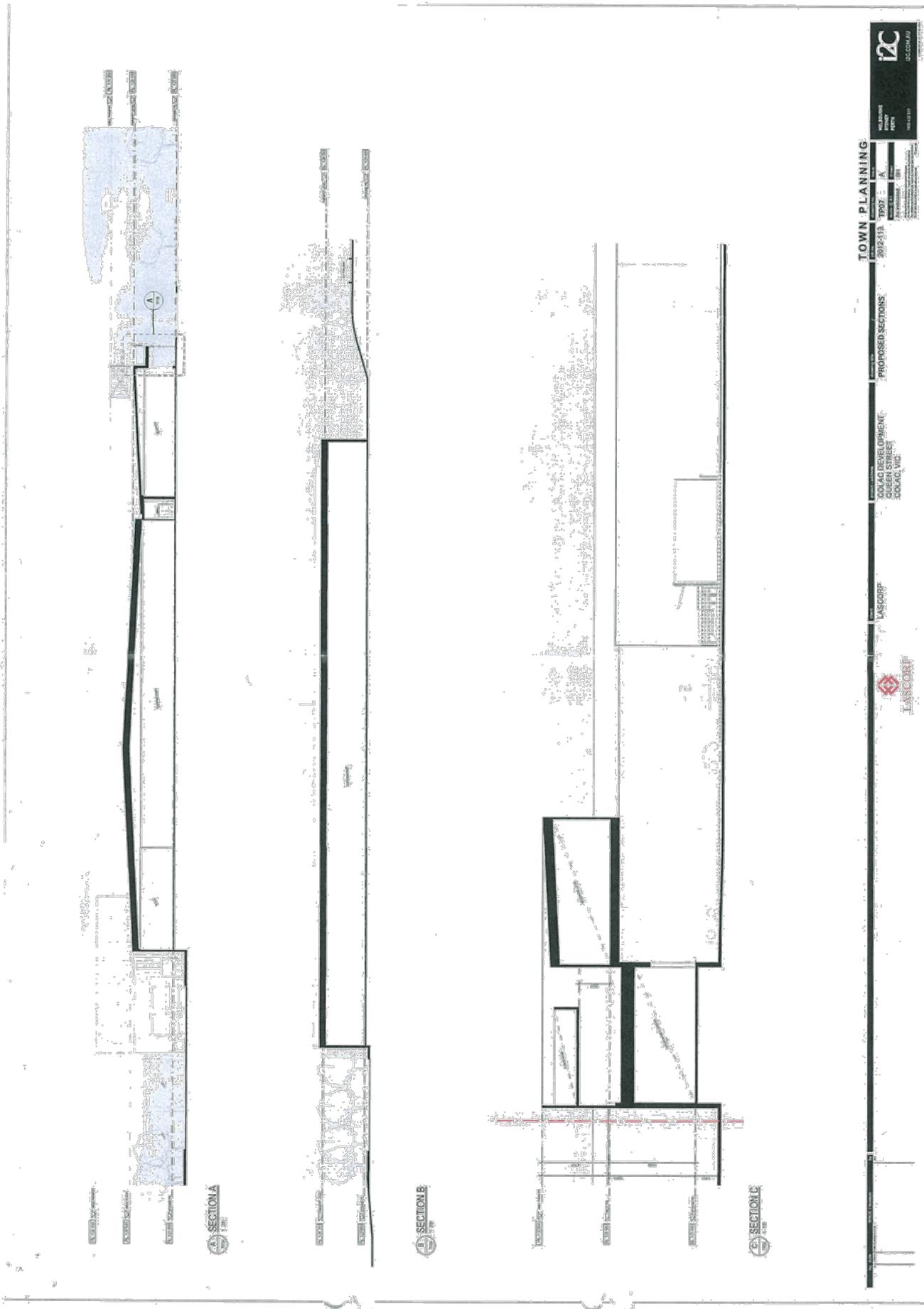
You can save this application form to your computer to complete or review later or email it to others to complete relevant sections.

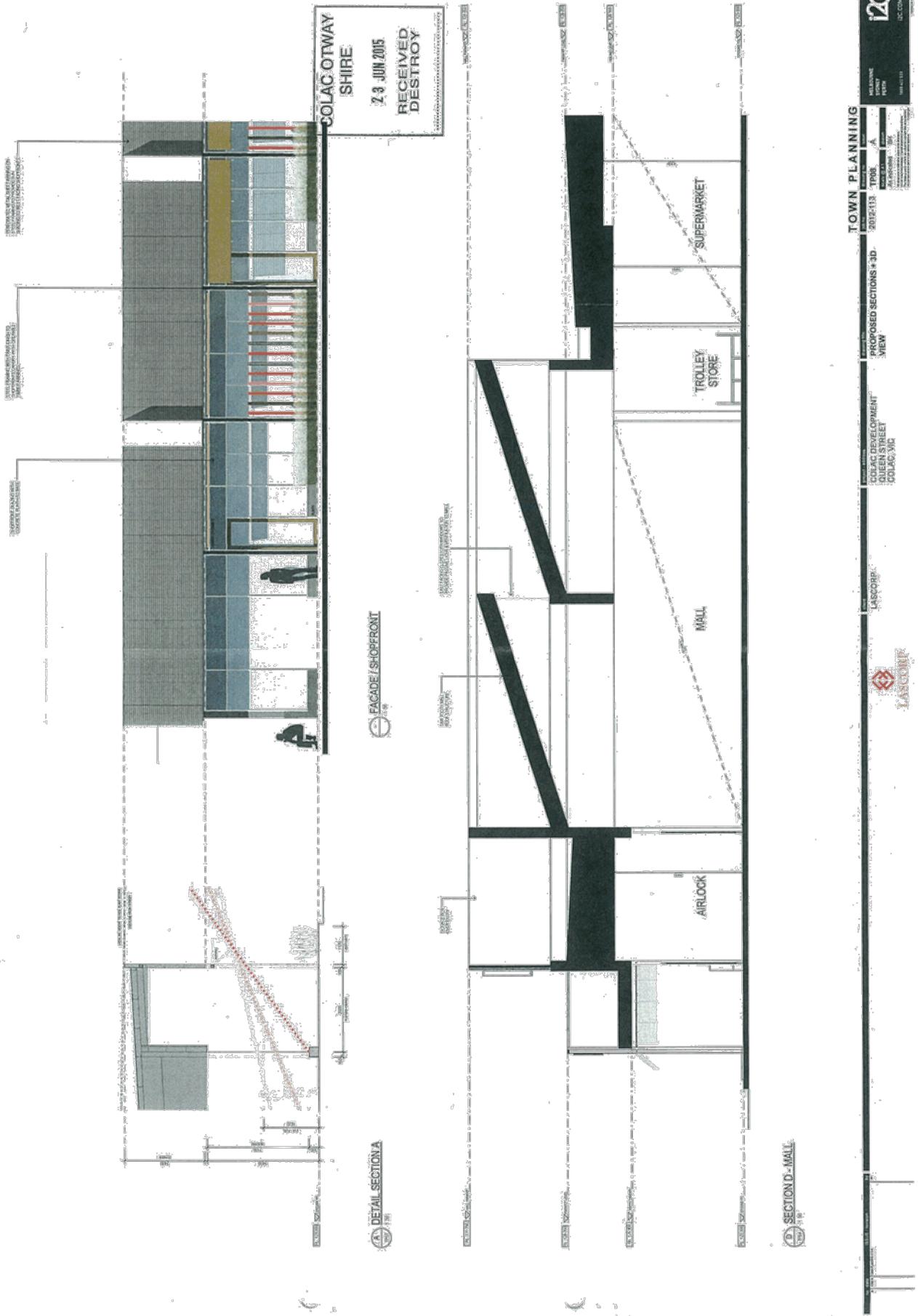
Created by planning on Friday, 2 October 2015





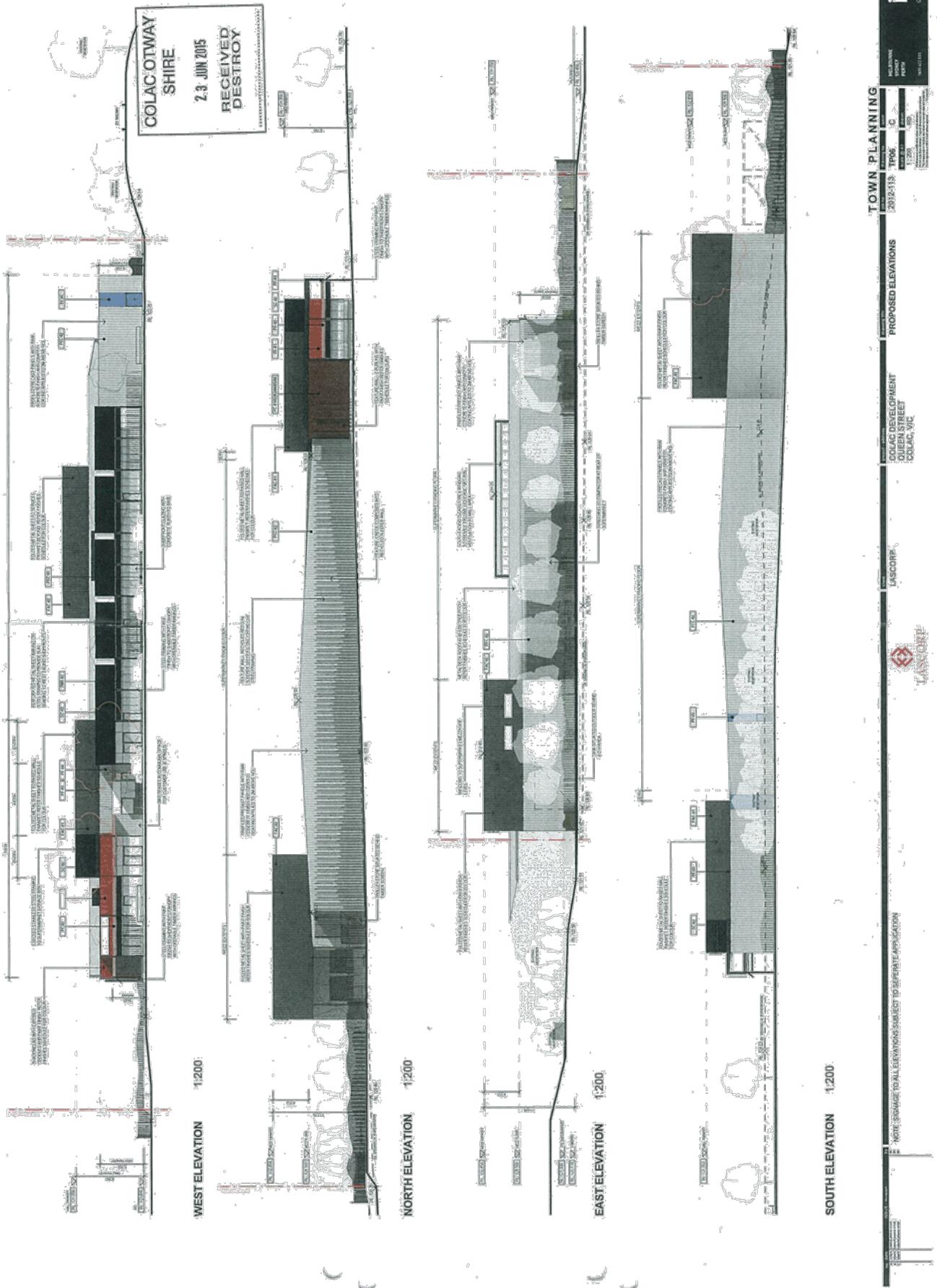






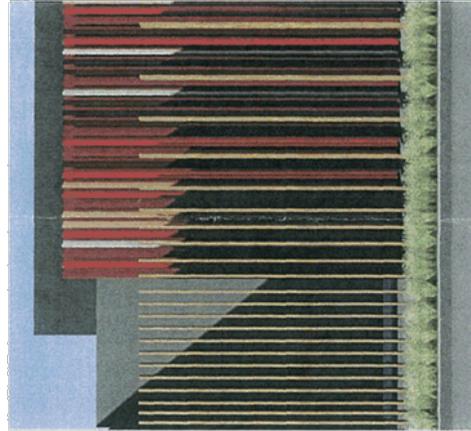


COLAC TOWNWAY
 COUNCIL
 - 6 MAY 2015
 RECEIVED
 DESTROY





DETAIL : TIMBER FEATURE WALL (NORTH)



DETAIL : TIMBER + COLOUR FEATURE WALL (NORTH)



PERSPECTIVE A : FRONT PERSPECTIVE



PERSPECTIVE B : KIOSK + ENTRY

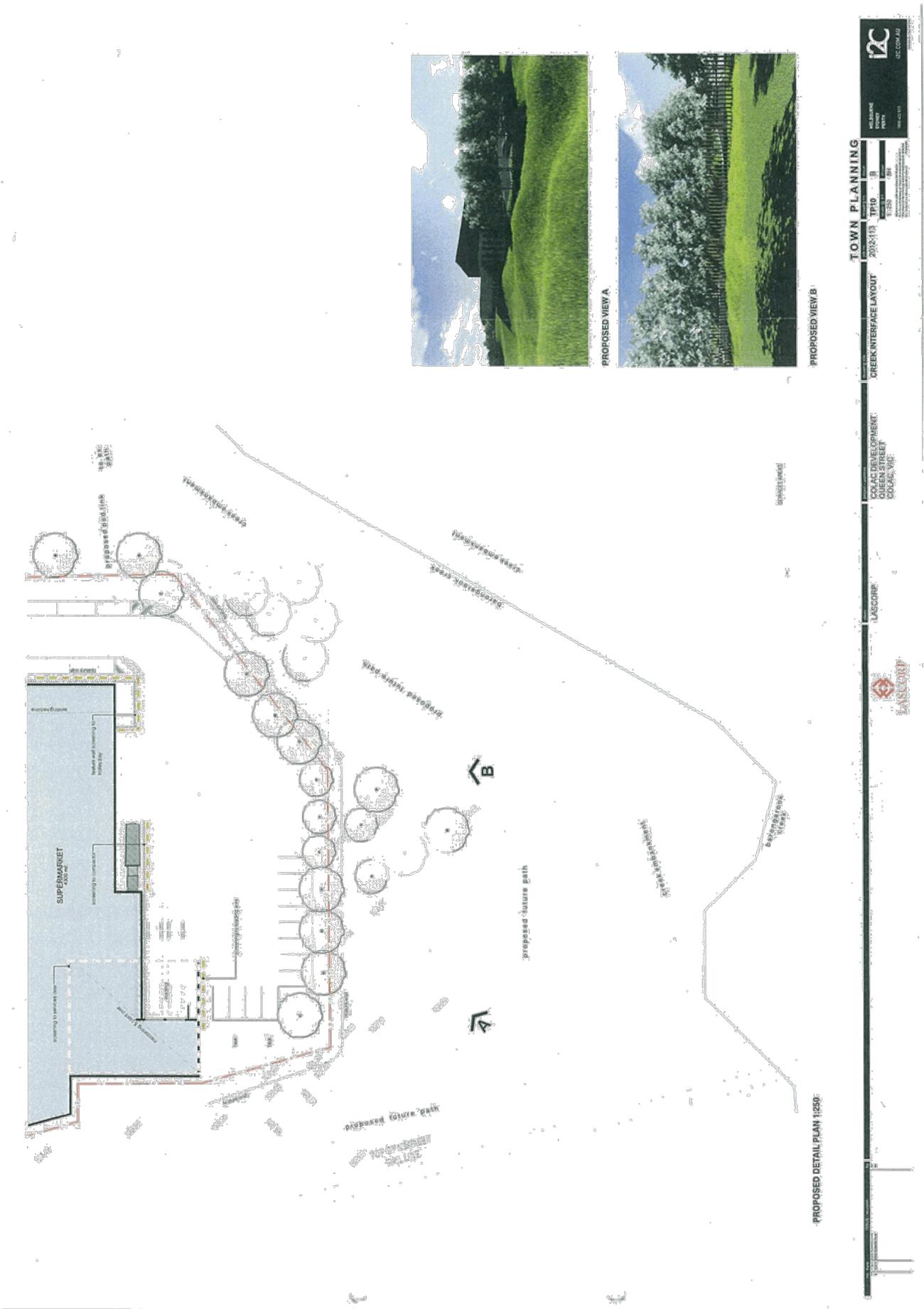
LASCORP

COLAC DEVELOPMENT
QUEEN STREET
COLAC, VIC

PERSPECTIVE VIEWS

D.A. ISSUE

PROJECT NO.	2012-113
TRIP	A
DATE	10/01/13
SCALE	1:100
DESIGNER	LASCORP
APPROVED BY	[Signature]
DATE	10/01/13

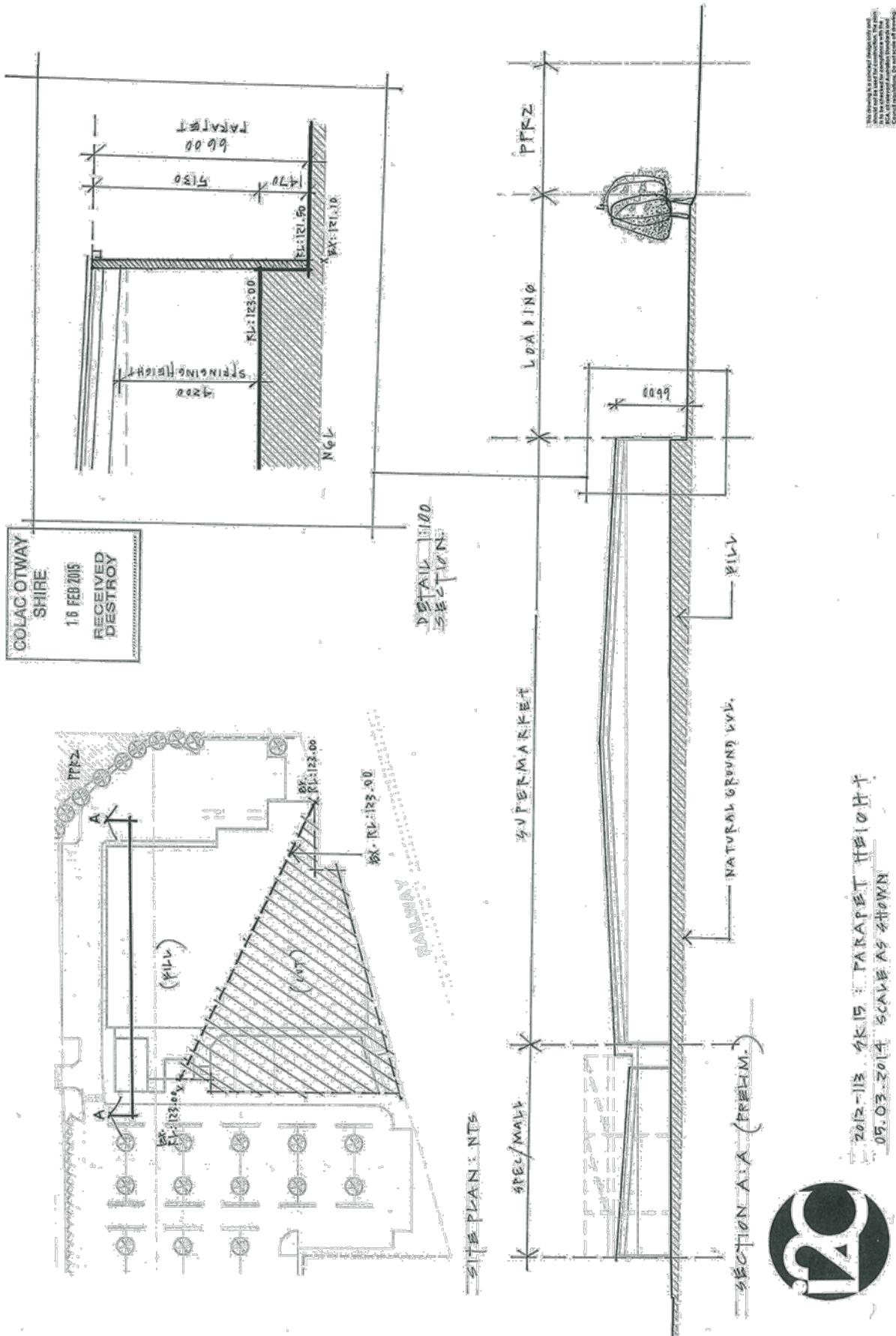


TOWN PLANNING
 2015/1811-2
 CREEK INTERFACELAYOUT
 2015/1811-2
 TPI0
 1:250
 2015
 2015

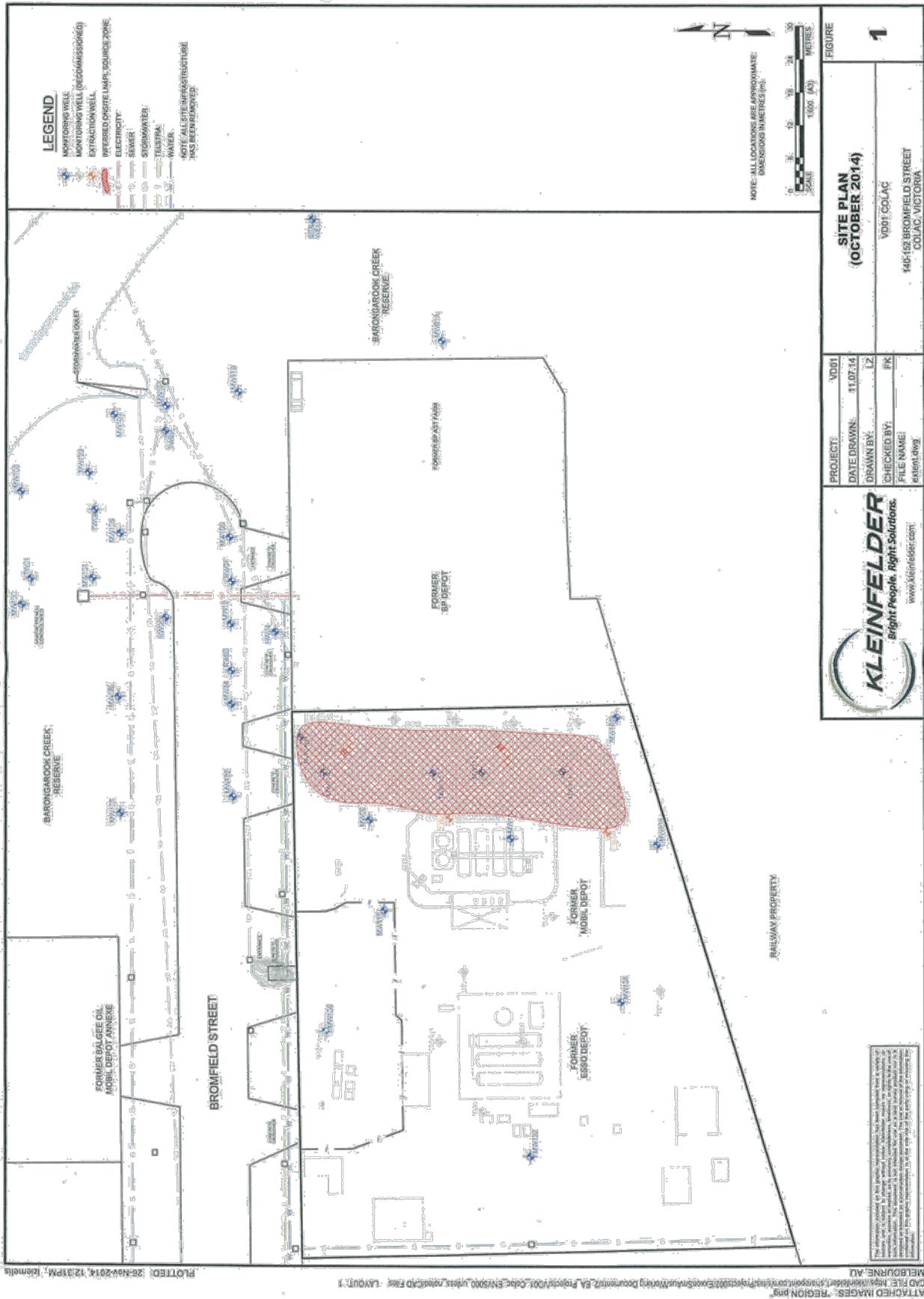
COLAC DEVELOPMENT:
 QUEEN STREET
 COLAC, VIC

LASCORP


PROPOSED DETAIL PLAN 1:250



This drawing is a conceptual design only and should not be used for construction without the approval of the relevant authorities.



**PC151811-3 RESTAURANT WITH ANCILLARY CHOCOLATE PRODUCTION AND SALES,
CAR PARK, SIGNAGE, LIQUOR LICENCE, AND REDUCTION OF CAR
PARKING AT 73 GRANT STREET AND ADJACENT ROAD RESERVE,
FORREST (PP164/2015-1)**

AUTHOR:	Francis Wong	ENDORSED:	Brydon King
DEPARTMENT:	Development & Community Services	FILE REF:	F15/7493

Location: 73 Grant Street, Forrest

Zoning: Rural Living Zone (RLZ)

Adjacent to Road Zone Category 1 (RDZ1)

Overlay controls: Erosion Management Overlay – Schedule 1 (EMO1)

Bushfire Management Overlay (BMO)

Proposed Amendments: Nil

Purpose:

This application seeks a planning permit to use and develop the subject land for a restaurant with ancillary chocolate production and takeaway sales, to display associated business identification signage, for a restaurant and café liquor licence, and for a reduction in parking of 28 car spaces and a waiver of loading/unloading requirements. In addition, permission is sought to use and develop the adjacent road reserve as a car park.

This application is before the Planning Committee as a reduction of more than 3 parking spaces is proposed.

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 to use and develop the land with an 80 seat café, with associated liquor licence and business identification signage. The application also proposes the ancillary manufacture of chocolate products and takeaway sales. A permit is also sought for a reduction in parking of 28 spaces, and a waiver of loading/unloading requirements. The application site is located in the Rural Living Zone, on the eastern side of Grant Street, and is subject to a Bushfire Management Overlay (BMO) and Erosion Management Overlay – Schedule 1 (EMO1).
- 50 seats would be provided inside the proposed restaurant building, with 30 seats on the southeast-facing terrace. Trading hours would be from 10am to 6pm daily.
- The chocolate products would consist of handmade solid, encased and enrobed chocolates, desserts, specialised drinks and savoury items. A range of these items would be available to take home, including chocolates and hot chocolate mixes.
- The proposal includes 4 staff car parking spaces onsite, with a further 14 car parking spaces for customers (including two disabled spaces) proposed within the 27.5-metre wide VicRoads road reserve.

Consequently, planning permission is also sought to use and develop the road reserve adjacent to the application site as a car park. Loading/unloading would also take place within the car park in the road reserve. The proposal also includes 8 bicycle spaces, located at the entrance.

- Planning permission is also sought for a 'Restaurant and Café' liquor licence. The proposed licensed hours would align with the proposed trading hours, i.e. 10am to 6pm daily.
- In addition, planning permission is sought to display business identification signage on the western boundary of the site, facing Grant Street.
- Letters of objections were received from one person who owns three nearby parcels of land. The main grounds relate to the proposed use of the land, amenity impacts, car parking, and effluent and waste disposal. A Consultation Meeting facilitated by Council was held on Monday 14 September 2015 and was attended by the applicants, the objector and Council planning officers. The objection was not withdrawn
- The proposal is considered to be generally acceptable in terms of State and local planning policies and overlay requirements, and would be a positive benefit to the local economy. It is considered that potential impacts on the amenity of surrounding residents and the area could generally be managed through permit conditions on any permit issued.
- It is considered that a Notice of Decision to Grant a Permit could reasonably be issued in this case.

Background

The site is currently used for residential purposes by the applicants, who have a background in business management, including in tourism and hospitality. The applicant has described the proposal as follows:

"The main activity of the business will be the production and sales of chocolate and chocolate products. The prime objective of the business is to offer a truly decadent experience in beautiful surroundings. The product mix will include quality hand made solid, encased and enrobed chocolates, desserts, specialised drinks and savoury items. Lunch fare will be simple, healthy and wholesome. The view of the bush, which is literally on the doorstep of the restaurant, will be optimised and celebrated, making a visit to 'Platypi' a multi-sensory experience.

To complement the in-house experience, a range of produce will be available to take home, including chocolates and hot chocolate mixes. This extends the marketing reach of the business and promotion of Forrest.

The focus is on quality product and service and the enjoyment of the bush setting, rather than mass production and customer churn. The café comfortably seats 50 persons inside with terrace seating for an additional 30. The café will open from 10.00am to 6.00pm. It is expected that 2,000 customers per month will visit for in-house dining and/or to purchase take home product."

The applicant described the chocolate production as follows:

"The process of making hand made chocolates is simple and largely unchanged for centuries. We buy our chocolate in callets (buttons) which come in plastic bags. These are tempered by raising the temperature in a chocolate bath (approximately 40cm x 20cm x 15cm - a bain marie pan in a warmer) then lowering it to a specific point by 'tabling' it on a marble bench. This involves moving it on the benchtop until the temperature drops to an exact level. It then goes back into the bath and is stirred by hand until it dries shiny and streak free on a test spoon. This sounds easy, but it's important to get it just right and it needs to be rechecked regularly. It is then ready to be used in moulds for solids or ganache fillings or for dipping pralines or toffees into.

The equipment is small and simple and you need just one bath for each of dark, milk and white chocolate. Fillings use nothing more than a saucepan and a bowl or two."

Issues / Options

Council has the options of:

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

The key issues for consideration in this case are whether the proposed use and development would be acceptable on this residential lot within the Rural Living Zone having regard to the character and amenity of the area, and whether the proposed car parking and loading/unloading arrangements (including the location of parking in the road reserve and the reduction in parking) would be acceptable. Other issues for consideration include potential impacts on the amenity of the area from noise, traffic and general disturbance, bushfire management issues, waste management, and the management of wastewater. On balance, it is considered that these matters could be acceptably addressed through permit conditions and it is recommended that Option a) is supported for the reasons outlined in this report.

Proposal

This application seeks a permit to use and develop the subject land for a restaurant with the ancillary manufacture of chocolate products and takeaway sales. In addition planning permission is sought to display associated business identification signage, for a 'Restaurant and Café' liquor licence, for a reduction in car parking of 28 spaces and for a waiver of loading/unloading requirements. The proposed building would be constructed in the southwest corner of the site, near the Grant Street frontage, and would have a total capacity of 80 seats. Trading hours would be 10am to 6pm daily.

Use and Development for Restaurant

The proposed use and development of the land includes the provision of an 80 seat licensed café, with a total floor area of approximately 365m² (240m² at ground level and 125m² at basement level). The proposed building would contain a north-facing kitchen, servery and storage area; customer seating in the centre of the building; customer seating on the southeast-facing terrace; and toilet facilities in the southern section of the building. Due to the lay of the land, there would be a basement level on the eastern side of the building, which would contain staff facilities, and a preparation and storage area. The proposed building would be wedge-shaped, with the café entrance at the narrow end facing Grant Street to the west, and the terrace at the wide end facing the bush to the southeast. The southwest façade of the building would have a 15mm-thick steel pile feature wall.

The proposal includes the manufacture of chocolate products and takeaway sales. It should be noted that any manufacture coming under the definition of 'industry' would be prohibited in this zone, as would most shop uses. In this case it is considered that these aspects of the proposal would be ancillary to the restaurant use, with the proposed manufacture of chocolate products more akin to a cooking process than an industrial one, and the sales element being small scale. It is recommended that a note be added to any permit issued drawing attention to that fact that these elements of the proposal must be carried out on an ancillary basis.

Licensed Premises

The application also seeks a permit for a Restaurant and Café liquor licence, with the redline area proposed to cover the whole building (the redline area must also include liquor storage areas). The proposed licensed hours would be between 10am and 6pm daily.

Use and Development of Road Reserve for a Car Park, and Reduction of Car Parking and Loading/Unloading Requirements

The proposal includes 4 staff car parking spaces onsite and 14 customer car parking spaces (including two disabled spaces) within the 27.5-metre wide VicRoads road reserve. The requirement for an 80 seat restaurant is 32 car spaces. There would therefore be an overall shortfall of 14 parking spaces, but a permit is required for a parking reduction of 28 spaces as 14 of the spaces proposed for the restaurant would be outside the site.

A road reserve licence is required from VicRoads for the car park in the road reserve. VicRoads has made the following offer to the applicant:

"...VicRoads is prepared to offer a 20 year road reserve licence for the site with a six (6) month Notice to Vacate clause. This means VicRoads may issue a six month Notice to Vacate at any time during the Licence period requiring you to vacate the property..."

The car parking and access way would be constructed of gravel and to VicRoads standards (in terms of the crossover, road signage and sightlines).

Loading/unloading would take place in the car park within the road reserve. As this would also be off-site, a waiver of the loading/unloading requirements must also be sought.

Provision of Bicycle Facilities

The proposal includes 8 bicycle spaces, which would be located at the entrance to the restaurant. Clause 52.34 (Bicycle Facilities) requires 2 bicycle racks and a shower/change room for employees, as well as 2 bicycle racks for customers. These requirements would be met.

Advertising Signage

Planning permission is also sought to display business identification signage on the west boundary of the site facing Grant Street. The proposed sign would display the business name on a galvanised steel beam support, and would have dimensions of 1 metre wide by 2.4 metres high, which gives an area of 2.4m².

Site & Surrounds

The site has a frontage of 60 metres and a site depth of approximately 165 metres, with a total site area of approximately 9,917.9m². It currently contains a single-storey dwelling and an outbuilding (which consists of a single garage, with a studio extension that was approved in August 2013). The dwelling has an approximate area of 114 square metres and is set back from the west boundary by 3 metres, whilst the outbuilding has an approximate area of 70 square metres and is set back from the west boundary by 4 metres. There is an existing septic system immediately to the east of the existing dwelling. The existing buildings, which are occupied by the applicants, would be retained as part of the proposal.

The majority of the site to the east (approximately two-thirds) is covered with dense vegetation. The land slopes downward from west to east, with the highest point at 200m AHD along the west boundary and the lowest point at 177.5m AHD along the east boundary. Grant Street is located along the west boundary of the site and sits more than 1 metre higher than the subject site. Grant Street is a Road Zone Category 1.

The Forrest Township centre is located approximately 100 metres to the north of the subject site and is used for a mix of residential and commercial purposes. There are two intersecting mountain bike trails on the opposite side of Grant Street to the subject site, which are the 'Forrest Loop' and "'Roller Coaster' trails.

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 posting a sign on the Grant Street frontage of the site. At the conclusion of the notification period, three letters of objections were received; these were all from one objector who owns three nearby parcels of land to the south of the subject site, with the nearest parcel being located approximately 160 metres from the subject site.

A Consultation Meeting facilitated by Council was held on 14 September 2015, which was attended by the applicants, the objector and Council planning officers. Although the meeting allowed for a better understanding of the applicants' and objector's viewpoints, and clarified aspects of the proposal for the objector, it did not result in any changes to the proposal or withdrawal of the objections.

The objections are summarised as follows:

- a. *The Rural Living Zone is intended for residential purposes and the proposal is inconsistent with the Forrest Structure Plan.*

Comment

The Forrest Structure Plan states the following about the intent behind the rezoning of the subject site (and other nearby lots) from Farming Zone to Rural Living Zone (p.8):

"There are several dwellings on separate lots currently in the Farming Zone which are located just outside the Township Zone. It is recommended that these be included in the Township Zone and form part of the township proper.

This area contains a cluster of small lots on the southern approach to Forrest and several larger lots closer to Frizon Street. Of the eighteen lots proposed for rezoning to Rural Living Zone, three of these are vacant lots. The current FZ does not reflect the occupation of dwellings and the obvious connection to the township. The Rural Living Zone will allow single dwellings to be developed on the remaining vacant lots as an 'as of use right' while a schedule is proposed to restrict further subdivision of these lots recognising the high bushfire risk and proximity to forested crown land. The Rural Living Zone is also recommended for this area to allow for broader uses to be considered through planning applications such as tourist accommodation which the current Farming Zone does not."

The acceptability of the proposed restaurant use within the Rural Living Zone is discussed in greater detail in the 'Zoning' section of this report.

- b. *Issues with the proposed car parking arrangements, including lack of customer parking onsite and the proposed use of public land for the customer parking, and lack of detail in the proposal regarding staff parking provisions. These arrangements will cause pedestrian safety issues and damage to the road reserve, as people will end up parking along adjoining road reserve areas.*

Comment

At the time the letters of objection were received, the plans did not show staff parking. The plans were subsequently amended to show 4 staff car parking spaces onsite.

The applicant has also been in discussions with VicRoads, which has arranged for a licence agreement to be put in place for the customer car parking within the road reserve, if planning permission is given by Council. This would ensure that the car parking is formalised, constructed and maintained to VicRoads standards.

In terms of pedestrian safety, the stretch of road adjacent to the subject site is straight, approximately 6 metres wide, relatively flat, has open visibility in both directions (more than 50m clear line-of-sight) and is within the 60km/h speed zone.

It is noted that the road reserve does not contain any existing community infrastructure, such as buildings, footpaths, signage or landscaping.

The proponent also submitted a Traffic and Parking Report (based on traffic volume data from VicRoads) in support of the application. This is discussed in greater detail in the 'Particular Provisions – Car Parking' section of this report.

- c. *Septic treatment requirements have yet to be determined and there is a lack of detail in the Land Capability Assessment regarding what specific information was provided by the client to the author.*

Comment

At the time the objections were received, there were ongoing discussions between Council's Health Protection Unit and the author of the Land Capability Assessment. These discussions have since produced an outcome, with the Health Protection Unit having no objection to the application subject to conditions being included on any planning permit issued.

- d. *Unclear what the proposed business will be, as the application is for a restaurant but appears to include wholesale chocolate production, which may cause further detriment in terms of septic requirements.*

Comment

After the objections were received, Council arranged a Consultation Meeting. This meeting allowed the applicant to describe the proposed business to the objector, including a detailed explanation of how the chocolates would be produced.

As noted earlier in this report, it is not considered that the proposed manufacture of chocolate in this case would constitute an 'industry' use, being more akin to a cooking process as described earlier in this report. Provided the chocolate production remains ancillary to the restaurant, it is not considered that it would require planning permission in its own right (as it would, for example, if the applicant was proposing wholesale production of the chocolate). Furthermore, it is noted that 'industry' use is prohibited in the Rural Living Zone and any proposal falling within that definition would have to be refused by Council.

- e. *Lack of detail in the proposal regarding rubbish disposal.*

Comment

This matter was also discussed at the Consultation Meeting, during which it was clarified that the concerns were about rubbish ending up on neighbouring properties due to winds, or patrons incorrectly disposing of packaging. The proposal is for a café, with some associated sale of handmade chocolates and drinks, which it is not considered would create much rubbish. However, it is recommended that, in the event a permit is granted, a waste and litter management plan be required – this would be required to address matters such as the provision of bins on site for customers, as well as rubbish storage and collection arrangements.

- f. *Council officers do not appear to be independent and objective in considering the application, as it had been expressed that Council would consider an extension to the trading hours in the future.*

Comment

The assessment of this application has been objective and based on the merits of the proposal. Any future application to extend the trading hours would require a formal amendment to the planning permit, which would include notifying adjoining properties as due process. Any such application would also be assessed on its merits, having regard to any potential impacts.

Referrals

In accordance with Section 55 of the Planning and Environment Act, the application was referred to:

- The Country Fire Authority (CFA), under the provisions of the BMO (Determining Referral Authority); and
- VicRoads, under the provisions of Clause 52.29 (Determining Referral Authority).

The CFA and VicRoads had no objection, subject to conditions being included on any planning permit issued.

Comments were also sought from VicPolice in relation to the proposed liquor licence. No response was received.

The application was referred internally to Council's Infrastructure, Building, Health Protection and Waste Units. No objections were raised. Conditions were recommended for inclusion on any permit issued, should Council choose to allow this application.

Planning Controls

A permit is required under the following clauses of the Colac Otway Planning Scheme:

- Pursuant to Clause 35.03-1 (RLZ), a permit is required for a Section 2 use.
- Pursuant to Clause 35.03-4, a permit is required to construct or carry out a building or works associated with a use in Section 2 of Clause 35.03-1.
- Pursuant to Clause 35.03-4, a permit is required to construct a building which is within 30 metres of a Road Zone, Category 1.
- Pursuant to Clause 35.03-4, a permit is required to construct a building which is within 10 metres of a boundary.
- Pursuant to Clause 36.04-1 (RDZ), a permit is required for a Section 2 use.
- Pursuant to Clause 36.04-2, a permit is required to construct or carry out works for a section 2 use in a Road Zone.
- Pursuant to Clause 44.01-1 (EMO), a permit is required to construct a building.
- Pursuant to Clause 44.06-1 (BMO), a permit is required to construct a building associated with a 'retail premises' use (within which a 'restaurant' is nested).
- Pursuant to Clause 52.05-9 (Advertising Signs), a permit is required for Business Identification signage.
- Pursuant to Clause 52.06-3 (Car Parking), a permit is required to reduce the number of car parking spaces required under Clause 52.06-5.
- Pursuant to Clause 52.07 (Loading and Unloading of Vehicles), a permit is required to reduce or waive loading and unloading requirements.
- Pursuant to Clause 52.27 (Licensed Premises), a permit is required to use land to sell or consume liquor.
- Pursuant to Clause 52.29 (Land Adjacent to a Road Zone Category 1), a permit is required to create an access to a road in a Road Zone, Category 1.

a. State and Local Planning Policy Frameworks

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

- Clause 11.05-4 Regional Planning Strategies and Principles
- Clause 12.02-6 The Great Ocean Road Region
- Clause 13.03-2 Erosion and Landslip
- Clause 13.04-1 Noise Abatement
- Clause 13.05-1 Bushfire Planning Strategies and Principles
- Clause 15.01-1 Urban Design
- Clause 15.01-2 Urban Design Principles
- Clause 15.01-4 Design for Safety
- Clause 15.01-5 Cultural Identity and Neighbourhood Character
- Clause 17.01-1 Business
- Clause 17.03-1 Facilitating Tourism
- Clause 18.02-5 Car Parking
- Clause 21.02-2 Land Use Vision
- Clause 21.03-1 General
- Clause 21.03-7 Forrest
- Clause 21.03-9 Rural Living
- Clause 21.04-5 Erosion
- Clause 21.05-4 Tourism

In general terms, the planning policies named above:

- Support high quality tourist developments that provide a network of tourism opportunities and travel choices throughout the region, with linkages to other regional features such as the coast, the natural environment and specific local experiences.
- Seek to ensure tourist developments are compatible with the settlement area in terms of architectural quality, interface with the public realm and the community, natural landscape character, supply of car parking, environmental risks and amenity impacts.
- Seeks to ensure development contributes to community and cultural life by improving safety, diversity and choice, the quality of living and working environments, accessibility and inclusiveness.
- Support proposals that contribute to tourism and economic development of Forrest whilst also having regard to the environmental constraints, and protection of the broader landscape within which Forrest is located.

All applications must be considered on their merits and the Forrest Structure Plan adopted by Council in August 2011 articulates the preferred development future for Forrest. Key issues to emerge from the Structure Plan were that (Clause 21.03-7):

- *The role of Forrest as an outdoor recreation and tourism destination has been well established over recent years along with an emerging trend for rural lifestyle residential development.*
- *Forrest's tourism functions will continue to play a primary role in the town's growth and development into the future.*

- *There are significant environmental constraints within Forrest including bushfire, flooding and landslip risks that impact on future potential for expansion of the town.*

Relevant objectives listed in Clause 21.03-7 seek:

- *To support Forrest's role within the Otways as a key destination for tourism and recreational pursuits and as a small town with limited potential for residential growth.*
- *To promote Grant Street as the primary location for future commercial activities within Forrest.*
- *To encourage development and activities which add commercial and recreational diversity to the Forrest Township.*
- *To ensure that the various cultural and environmental heritage assets of the township are protected, maintained and continue to be articulated within Forrest's private and public realm.*
- *To ensure new residential and commercial development is responsive to the environmental, biodiversity, conservation and landscape values of the local region.*
- *To ensure that development within Forrest responds to and mitigates any identified bushfire risks.*
- *To improve pedestrian access and movement along Grant Street.*

Relevant strategies listed in Clause 21.03-7 seek to:

- *Ensure that future growth of the township maximises infill development.*
- *Concentrate small scale businesses and commercial uses (such as retail premises, shop, restaurant, industry and accommodation) along Grant Street between the Community Hall and Turner Drive/Blundy Street.*
- *Encourage and consolidate street based retailing in the form of cafes and outdoor seating on the eastern side of Grant Street.*
- *Upgrade existing pedestrian infrastructure including new footpaths along the eastern side of Grant Street to accommodate pedestrian access, seating and bicycle parking and ensure any new development is designed to activate the streetscape.*
- *Ensure land use and development does not detrimentally impact upon identified significant flora and fauna habitats, including areas of roadside vegetation.*
- *Support tourism related use and development within the town boundary taking into account the need to respond to bushfire risks and environmental values and to protect the amenity of nearby residential uses.*

b. Zoning

Rural Living Zone

The purpose of the Rural Living Zone is:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To provide for residential use in a rural environment.*
- *To provide for agricultural land uses which do not adversely affect the amenity of surrounding land uses.*
- *To protect and enhance the natural resources, biodiversity and landscape and heritage values of the area.*
- *To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.*

This application seeks permission for a 'restaurant' use on the subject site (as well as maintaining the existing residential use of the land by the applicant). It is noted that, although the application describes the proposed use as more of a café than restaurant in terms of service, the planning scheme does not define a 'café' use.

The nearest defined use in the planning scheme is 'restaurant', which is defined as follows:

Restaurant is defined as:

"Land used to prepare and sell food and drink, for consumption on the premises. It may include:

- a) entertainment and dancing; and*
- b) the supply of liquor other than in association with the serving of meals, provided that tables and chairs are set out for at least 75% of patrons present on the premises at any one time.*

It does not include the sale of packaged liquor".

The proposed restaurant use requires planning permission under the provisions of the zone (Clause 35.03-1). Any buildings and works associated with a section 2 use (permit required) also require planning permission in accordance with Clause 35.03-4. Planning permission is also required under the provisions of the zone because of some of the setbacks of the building, i.e. it would be within 30 metres of a Road Zone Category 1 (Grant Street) and within 10 metres of a boundary.

Clause 35.03-6 sets the advertising signage requirements in the Rural Living Zone as being Category 3 (High Amenity Areas – Medium Limitation) of Clause 52.05 (Advertising Signs).

Road Zone

The purpose of the Road 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 identify significant existing roads.*
- *To identify land which has been acquired for a significant proposed road.*

A permit is required in this case to use and develop that section of the road reserve adjacent to the subject site as a car park. This also requires a licence from VicRoads.

c. Overlays

Erosion Management Overlay Schedule 1

The site is covered by the Erosion Management Overlay (Schedule 1). The purpose of this overlay is:

- *To protect areas prone to erosion, landslip or other land degradation processes, by minimising land disturbance and inappropriate development.*

A permit is required to construct a building or construct or carry out works under the provisions of Clause 44.01-1.

Bushfire Management Overlay

The site is covered by the Bushfire Management Overlay. The purpose of this overlay is:

- *To ensure that the development of land prioritises the protection of human life and strengthens community resilience to bushfire.*

-
- *To identify areas where the bushfire hazard warrants bushfire protection measures to be implemented.*
 - *To ensure development is only permitted where the risk to life and property from bushfire can be reduced to an acceptable level.*

The provisions of Clause 44.06-1 state that a permit is required to construct a building or to construct or carry out works associated with the following uses:

- Retail premises (which includes restaurant)

As required by the overlay, an application must be referred under Section 55 of the Planning and Environment Act 1987 to the Country Fire Authority (CFA).

d. Particular Provisions

i. Clause 52.05 Advertising signs

The Rural Living Zone specifies that advertising must satisfy Category 3 of clause 52.05 (High amenity areas – Medium Limitation), which seeks to ensure that signs in high-amenity areas are orderly, of good design and do not detract from the appearance of the building on which they are displayed or the surrounding area.

ii. Clause 52.06 Car parking

Clause 52.06-2 includes the following requirements:

“Before:

- *a new use commences; or*
- *the floor area or site area of an existing use is increased; or*
- *an existing use is increased by the measure specified in Column C of Table 1 in Clause 52.06-5 for that use,*

the number of car parking spaces required under Clause 52.06-5 or in a schedule to the Parking Overlay must be provided to the satisfaction of the responsible authority in one or more of the following ways:

- *on the land; or*
- *in accordance with a permit issued under Clause 52.06-3; or*
- *in accordance with a financial contribution requirement specified in a schedule to the Parking Overlay”.*

Clause 52.06-3 states:

“A permit is required to:

- *Reduce (including reduce to zero) the number of car parking spaces required under Clause 52.06-5 or in a schedule to the Parking Overlay.*
- *Provide some or all of the car parking spaces required under Clause 52.06-5 or in a schedule to the Parking Overlay on another site.*
- *Provide more than the maximum parking provision specified in a schedule to the Parking Overlay”.*

This application seeks a reduction in the car parking requirement specified in Clause 52.06. The car park rate for a ‘restaurant’ use is 0.4 car space to each patron permitted. The proposal is for 80 patrons, which equates to a car park requirement of 32 car spaces.

The application proposes 4 car spaces onsite, and a further 14 spaces offsite within the adjoining road reserve. However, as these 14 spaces would be located offsite, they do not meet the Planning Scheme requirement for on site parking. Therefore, only the 4 spaces onsite are counted, which means that the application seeks a reduction of 28 spaces.

iii. Clause 52.07 - Loading and Unloading of Vehicles

Clause 52.07 seeks to “set aside land for loading and unloading commercial vehicles to prevent loss of amenity and adverse effect on traffic flow and road safety”.

This clause specifies that no building or works may be constructed for the manufacture, servicing, storage or sale of goods or materials unless space is provided on the land for loading and unloading vehicles as specified in the accompanying table (area 27.4sqm, length 7.6m, width 3.6m, height clearance 4.0 m).

The applicant has stated that all deliveries would be received prior to opening hours, Monday to Friday. Deliveries would be made via the proposed car park, which has adequate area to meet the requirements. Therefore, whilst loading/unloading would be provided in an off road location close to the site, it would not accord with the Planning Scheme requirement for an on site facility. As such, a reduction/waiver in loading/unloading requirements must be sought.

iv. Clause 52.17 Native Vegetation

The applicant has advised that no native vegetation would be removed, stating:

“It is proposed that one non-native remnant Radiata pine be cut down, retaining the stump and roots in the soil to mitigate any potential erosion. The site was previously a pine plantation for logging, the trees all having been planted for the express purpose of removal. Whilst this tree is not in the way of the development (it is beyond the north east corner of the building, it is aesthetically inconsistent with the native bush. The tree drops needles which kill all growth at ground level and it adds to fire risk as it has a substantial canopy which is highly flammable.”

v. Clause 52.27 Licensed Premises

Clause 52.27 seeks:

- 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.

A permit is required to use land to sell or consume liquor if any of the following apply:

- A licence is required under the Liquor Control Reform Act 1998.

Before deciding on an application, in addition to the decision guidelines in Clause 65, the Responsible authority must consider, as appropriate:

- The impact of the sale or consumption of liquor permitted by the liquor licence on the amenity of the surrounding area.
- The impact of the hours of operation on the amenity of the surrounding area.
- The impact of the number of patrons on the amenity of the surrounding area.
- The cumulative impact of any existing licensed premises and the proposed licensed premises on the amenity of the surrounding area.

Permission is sought for a Restaurant and Café liquor licence covering the whole building. The licensed hours sought are the same as the trading hours of the café, which is 10am to 6pm daily.

The application was referred to VicPolice, which did not provide a response.

vi. Clause 52.29 – Land Adjacent to a Road Zone Category 1

Clause 52.29 seeks:

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

A permit is required to:

- *Create or alter access to:*
 - *A road in a Road Zone, Category 1.*

The application was referred to VicRoads under Section 55 of the Act. VicRoads did not have any objections to the proposal subject to conditions being included on any planning permit to be issued, including the requirement for a licence agreement for the proposed car park within the road reserve.

vii. Clause 52.34 - Bicycle Facilities

Clause 52.34 seeks:

- *To encourage cycling as a mode of transport.*
- *To provide secure, accessible and convenient bicycle parking spaces and associated shower and change facilities.*

Clause 52.34-1 includes the following requirements:

“A new use must not commence or the floor area of an existing use must not be increased until the required bicycle facilities and associated signage has been provided on the land.

Where the floor area occupied by an existing use is increased, the requirement for bicycle facilities only applies to the increased floor area of the use.”

Clause 52.34-2 states:

“A permit may be granted to vary, reduce or waive any requirement of Clause 52.34-3 and Clause 52.34-4.”

Clause 52.34-3 provides detail for the required bicycle facilities:

“Tables 1, 2 and 3 to this clause set out the number and type of bicycle facilities required. Bicycle facilities are required if the use is listed in column 1 of the table. The number of bicycle facilities required for a use is the sum of columns 2 and 3 of the tables.

A bicycle space for an employee or resident must be provided either in a bicycle locker or at a bicycle rail in a lockable compound.

A bicycle space for a visitor, shopper or student must be provided at a bicycle rail.”

A ‘restaurant’ use has the following requirements:

- For employees – 1 bicycle space to each 100sqm of floor area available to the public.
- For customers – 2 plus 1 to each 200sqm of floor area available to the public if the floor area available to the public exceeds 400sqm.

The proposal has approximately 170sqm of floor area available to the public. Therefore, a total of 4 bicycle spaces are required. The proposal includes 8 bicycle spaces located at the front of the restaurant, which would meet the requirements of this clause. Associated facilities would be provided within the building for staff.

Consideration of the Proposal

The key considerations in this case are whether the proposed use and development of a restaurant on an existing residential site in the Rural Living Zone is acceptable, and whether the proposed car parking arrangements and reduction in parking could reasonably be allowed. In addition, consideration must be given to the potential impacts of the proposed use and development on the character and amenity of the area, as well as to the social and economic benefits that may be associated with the proposal.

Rural Living Zone

A permit is required to use land for a restaurant in the Rural Living Zone. In addition, a permit is required for any buildings and works associated with a section 2 use (permit required), and also for the proposed building because it would be within 30 metres of a Road Zone Category 1 (Grant Street) and within 10 metres of a boundary.

It is considered that, although the Rural Living Zone is primarily intended for residential purposes, there is scope within the zone provisions to consider other non-residential uses, including the restaurant use proposed in this application. The 'restaurant' use is a discretionary use which may be granted a permit if it is considered acceptable, having regard to the potential impacts (positive and negative) of the proposal. It is noted that, as quoted earlier in this report, the Forrest Structure Plan indicates that the intent in rezoning the subject land (and surrounding land) from Farming Zone to Rural Living Zone included allowing "...for broader uses to be considered through planning applications such as tourist accommodation which the current Farming Zone does not".

Whilst it would generally be more appropriate to locate a café within the Township Zone, the provisions of the Rural Living Zone do not preclude consideration of the current proposal on its merits.

In terms of amenity impacts on adjoining residential uses, it is considered that the setbacks from the road and south boundary would be adequate, and would match the existing setbacks of the dwelling and outbuilding on the subject site. The nearest dwelling not in the same ownership is located approximately 70 metres to the north, and the existing dwelling and outbuilding on the subject site would obscure the proposed building from that dwelling. The nearest dwelling to the south is located approximately 130 metres away, whilst the nearest dwelling to the east is located approximately 230 metres away, with dense forest in between both these dwellings and the subject site. The adjoining land to the west does not contain any dwellings as it is Crown Land (the nearest dwelling to the west is located approximately 450 metres away). Therefore, it is considered that there would be an ample buffer between the proposed restaurant use and the adjoining residential uses to protect those properties from adverse impacts such as noise, general activity, visual impact etc.

As with all planning applications, this application must be considered on its merits. In this particular case, arguably the subject site is in a suitable tourist location for the proposed use (i.e. a café specialising in chocolate products). The subject site is at the doorstep of the Forrest Mountain Bike Trailhead, including two mountain bike routes, i.e. the 'Forrest Loop' and 'Roller Coaster', which are two of only three routes in Forrest with a difficulty rating of 'easy' and therefore likely to be used primarily by families. Therefore, the proposal would be in an ideal location to offer refreshments for these families and/or a rest stop between the two 'easy' routes.

Furthermore, Grant Street is the main arterial road through Forrest and is maintained by VicRoads. The proposed access and car park for the restaurant, which also require a planning permit, would be within the 60km/h speed zone of the township and would be diagonally opposite the car park entrance to the Forrest Mountain Bike Trailhead gathering point. Additionally, the business area of Forrest is within walking and cycling distance of the subject site.

On balance, therefore, and whilst noting that a location in the Township Zone would be more appropriate if a suitable site were available, it is considered that the proposed use and development could reasonably be allowed under the provisions of the Rural Living Zone, having regard to the specific site characteristics in this case. It is also noted that VicRoads has raised no objection to the proposed car park and is prepared to issue a 20 year road reserve licence (with a six month Notice to Vacate clause).

Erosion Management Overlay

The site is also covered by the Erosion Management Overlay. In response to the provisions of this overlay, a Geotechnical Assessment was submitted, which provided the following recommendations (p.3):

- a) *The proposal be allowed as the calculated risk is within the acceptable range.*
- b) *A Landslide Risk Assessment is not required.*

The 'Form A' was also provided, as required by the Schedule. The Form A referred to the submitted plans and concluded that the proposal presented an acceptable risk. It is therefore considered that the proposal would be acceptable in terms of the Erosion Management Overlay.

Bushfire Management Overlay

The site is also within the Bushfire Management Overlay. The CFA reviewed the Bushfire Management Statement (amended 22 September 2015) and advised that it has no objection to the proposal, subject to conditions. These conditions have been included in the recommendation at the end of this report.

Signage

The Rural Living Zone specifies that advertising must satisfy Category 3 of clause 52.05 (High amenity areas – Medium Limitation), which seeks to ensure that signs in high-amenity areas are orderly, of good design and do not detract from the appearance of the building on which they are displayed or the surrounding area.

A total of one sign is proposed, which would have an area of 2.4m² as detailed in the 'Proposal' section earlier in this report. The sign would be constructed of non-reflective material with a muted colour tone, and would contain plain and simple text. The sign would be located on the west boundary of the subject site facing Grant Street and, due to the lay of the land and the deep road reserve, would not be fully visible from the street (approximately a quarter of the bottom of the sign would not be visible from the street, depending on which direction one is heading). Therefore, it is considered that the proposed sign is reasonable to identify the site and provide adequate opportunity for the vehicles to slow down and enter the parking area in a safe manner.

Parking and Loading/Unloading

This application seeks a reduction in the car parking requirement specified in Clause 52.06 and the loading/unloading requirement specified in Clause 52.07.

The car parking rate for a 'restaurant' use is 0.4 car space to each patron permitted. The proposal is for 80 patrons, which equates to a car parking requirement of 32 car spaces. The application proposes 4 car parking spaces onsite, and a further 14 spaces offsite within the adjoining road reserve. However, as these 14 spaces would be located offsite, they cannot be included as part of the car park provision for the proposal. Therefore, only the 4 spaces onsite are counted, which means that the application seeks a reduction of 28 spaces.

As noted earlier in this report, planning permission is required to use and develop the car park in the road reserve.

The applicant submitted a 'Traffic and Parking Report & VicRoads Response' in support of the application. The report was based on traffic volume data provided by VicRoads.

To summarise, the applicant has advised based on VicRoads traffic volume data that:

"...peak road volumes past the site during opening hours are estimated at 640 per day (300 northbound plus 280 southbound with a 30% loading multiplied by 85% during operating hours). This equates to approximately 80 vehicles per hour during peak travel times."

It is considered that most vehicles are primarily passing through to travel between the Great Ocean Road and Princes Highway, or stopping over as tourists (e.g. to use the mountain bike trails). It is anticipated that the proposed restaurant would attract 10-20% of this hourly traffic, which equates to 8-16 vehicles. Due to the nature of the proposal as a café, customers would be unlikely to stay for the full hour duration.

Therefore, the proposed car park within the road reserve with 14 car spaces for customers, as well as 4 staff car spaces onsite, is considered adequate. Even though the proposed car park would not be within the subject site boundaries, its location is considered acceptable given that VicRoads has no objection subject to conditions, including a licence agreement that would stipulate access, liability, signage, management, maintenance and insurance requirements (this list of requirements was included in an e-mail sent by VicRoads to the applicant). This means that there would not be any maintenance, insurance or liability issues (and associated costs) with regards to the offsite car parking with which Council would have to contend.

As noted earlier in this report, the letter of offer to the applicants from VicRoads relating to the Road Reserve Licence Agreement stated:

"...VicRoads is prepared to offer a 20 year road reserve licence for the site with a six (6) month Notice to Vacate clause. This means VicRoads may issue a six month Notice to Vacate at any time during the Licence period requiring you to vacate the property..."

There is therefore some potential that the parking within the road reserve could no longer be available to the proposed restaurant in the future. It is necessary to consider the implications of this as part of the assessment of the application.

In the event the parking within the road reserve remains available, it is considered that the provision of 4 car spaces onsite and 14 car spaces offsite within the adjoining road reserve would be adequate, and that the proposed reduction of 28 car spaces could reasonably be allowed.

Permission is also sought for a waiver of loading/unloading requirements, as this would take place off-site in the car park in the road reserve. This is considered acceptable, subject to the car park remaining available to serve the restaurant.

Liquor Licence

Permission is sought for a Restaurant and Café liquor licence covering the whole building. The licensed hours sought are the same as the proposed trading hours of the café, i.e. 10am to 6pm daily. The application was referred to VicPolice, which did not provide a response.

On balance, it is considered that there would be minimal impacts on the amenity of the surrounding area as a result of the premises being licensed, given that the liquor would only be served as an accompaniment to food sold on premises.

The proposed serving hours would be between 10am and 6pm, which would ensure that any disturbances from noise should not cause material detriment to the amenity of adjoining or nearby properties. The nearest licensed venue is located approximately 400 metres to the north, which would ensure that any risk of cumulative impacts would be minimised.

Summary

It is considered that the proposal would provide an acceptable outcome in relation to the zone and overlays. It is also considered that the development would be acceptably designed and located on the site, as it would be below street level due to the topography of the land, and would be nestled within existing vegetation so as not to visually dominate the existing character of the area or the streetscape. It is considered that the materials, bulk and orientation of the proposed building would be acceptable. The proposed access, parking and loading arrangements are also considered acceptable. Permit conditions would ensure that potential amenity impacts (lighting, emissions, drainage etc.) would be appropriately managed.

Development that has occurred in Forrest over the last five to seven years has boosted Forrest as a key tourist destination, coupled with the increase in interest for mountain biking in Forrest. It is considered that the proposal can reasonably be allowed in light of relevant State and local planning policies, as it would help consolidate Forrest's commercial and tourism base, assist long term viability for the businesses remaining in Forrest and support existing associated tourist-related businesses. The proposal would also promote the development and sustainability of a small regional Victorian town with limited growth potential.

Council Plan / Other Strategies / Policy A Planned Future

Creates an attractive shire with quality buildings and spaces, accessible travel and transport, and a community that has the services and facilities it needs now and in the future; supports a prosperous economy where trade, manufacturing and business activity flourishes.

Our Goal:

Facilitate the growth, liveability and development of the shire and encourage innovation and efficiency in the local economy.

Strategies include planning for future land use to respond to population growth and changing needs, developing an integrated response to meet future infrastructure needs, and promoting local business, services and fostering employment opportunities.

As noted in this report, it is considered that the proposal would assist in achieving these outcomes for the community.

The 'Forrest Mountain Bike Trails Strategic Plan' is another key document which seeks to ensure the township of Forrest continues to be economically sustainable into the future. The plan includes the following action, which supports the current proposal:

2.2.10 Future Economic Growth and Township development

Continue to provide support for commercial activities that support this emerging trend, including MTB industry, bed and breakfast accommodation, food and beverage outlets, the microbrewery and other comparable industries for employment opportunities in the town.

Financial & Other Resource Implications

The proposal raises no financial or resourcing implications for Council. A licence agreement would be entered into between VicRoads and the applicant regarding the maintenance of the parking area in the road reserve.

Risk Management & Compliance Issues

The proposal raises no Risk Management or Compliance implications for Council. As noted, a licence agreement would be entered into between VicRoads and the applicant regarding the maintenance of the parking area in the road reserve.

Environmental Consideration / Climate Change

Any relevant environmental considerations have been addressed within this report.

Communication Strategy / Consultation Period

Community consultation in the form of public notification has been undertaken as part of this assessment process. A Consultation Meeting was also arranged, which was attended by the applicants, objector and Council officers.

Conclusion

The proposal is considered acceptable having regard to net community benefit to Forrest. The proposal would add to employment opportunities available in Forrest, complement the strong bicycle tourism base, and offer business activity in Forrest. It is considered that, subject to the conditions in the recommendation below, the concerns raised by the objector could be addressed and that the proposal would not cause any significant detriment to the character of the area or the amenity of the surrounding properties. It is therefore recommended that a Notice of Decision to Grant a Permit be issued.

Attachments

1. PP164 2015-1 Planning Permit Application
2. PP164-2015-1 Design Plans

Recommendation

That Council's Planning Committee resolves to issue a Notice of Decision to Grant a Planning Permit for the Use and Development of the Land for a Restaurant with Ancillary Chocolate Production and Takeaway Sales, Use and Development of Adjoining Land within the Road Reserve Land for a Car Park, Display of Business Identification Signage, Restaurant and Café Liquor Licence, Reduction of 28 Car Parking Spaces and Waiver of Loading/Unloading Requirements at 73 Grant Street and adjacent road reserve, Forrest subject to the following conditions:

Endorsed plans

1. ***The use and development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.***
2. ***The area in which liquor is allowed to be consumed or supplied under a licence hereby permitted must not be altered without the written consent of the Responsible Authority.***
3. ***The location and details of the signage and any supporting structures, as shown on the endorsed plans, must not be altered without the written consent of the Responsible Authority.***

Hours of operation

4. ***The use hereby permitted must operate only between the hours of 10am and 6pm daily.***
5. ***Liquor may only be served, sold and consumed on the premises between 10am and 6pm daily.***

Delivery times

6. ***Unless otherwise approved in writing by the Responsible Authority, deliveries to and from the site (including waste collection) must only take place between the hours of 7am and 10am Monday to Friday inclusive.***

Maximum seating

7. ***No more than eighty (80) seats may be made available at any one time to patrons on the premises, and no more than 30 may be seated outdoors, unless otherwise approved in writing by the Responsible Authority. All seating must be within the areas shown on the endorsed plans.***

Signage

8. ***The signage must not be illuminated by external or internal light except with the written consent of the Responsible Authority.***
9. ***The signage must be constructed and maintained to the satisfaction of the Responsible Authority.***

Car and Bicycle Parking

10. ***Prior to commencement of development, a Car Parking Plan must be submitted to and approved by the Responsible Authority and VicRoads. The Car Parking Plan must provide detail of access and egress to the site, loading/unloading areas, specify dimensions and meet the requirements of AS2890 in terms of disability parking. When approved, this plan will be endorsed and will then form part of the permit.***
11. ***Prior to the commencement of the use hereby permitted, the areas set aside for the parking of vehicles, access lanes and bicycle racks must be constructed in accordance with the endorsed plans.***

Loading and unloading

12. ***The loading and unloading of goods from service vehicles must only be carried out in the designated car park and must not disrupt the circulation and parking of vehicles in the car park to the satisfaction of the Responsible Authority.***

Stormwater runoff

13. ***All runoff from stormwater, including overflow from water storage, must be taken to a legal point of discharge to the satisfaction of the Responsible Authority.***

Compliance with Geotechnical Assessment

14. ***The approved development must be carried out on the site in accordance with the recommendations of the Geotechnical Assessment by 2020 Engineering Solutions (Report No. ES14197 dated 10/11/14) or any Geotechnical Practitioner engaged to review the assessment submitted with the application.***

Waste Disposal

15. ***An all waste septic tank disposal system must be constructed concurrently with the new building, so that all liquid waste is at all times contained within the curtilage of the title. The design and installation of any wastewater disposal system for any building on the land must comply with the Septic Tanks Code of Practice, (On-site Domestic Wastewater Management), February, 2013, (Publication No 891.3) published by the Environment Protection Authority, to the satisfaction of the Responsible Authority.***

Amenity

16. ***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; and*
 - d) *presence of vermin.*
17. ***The owner/operator must take all responsible measures to ensure that patrons consuming alcohol remain within the licensed area, so as not to breach conditions of the liquor licence, and that patrons' behaviour is acceptable, so as not to create a nuisance to pedestrians or road users.***
18. ***Prior to the commencement of development, a litter and waste management plan must be submitted to and approved by the Responsible Authority. The plan must include details of the location and method of storage of waste and recyclable materials from the restaurant use; rubbish collection arrangements; and the provision of a litter bin within the site near the entrance for use by customers. The litter and waste management plan must be implemented on an ongoing basis in accordance with the approved details to the satisfaction of the Responsible Authority.***
19. ***Noise levels emanating from the premises must not exceed those required to be met under State Environment Protection Policy (Control of Music Noise from Public Premises), No. N-2.***
20. ***No external sound amplification equipment or loudspeakers are to be used for the purpose of announcement, broadcast, playing of music or similar purpose.***
21. ***Any external lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land, to the satisfaction of the Responsible Authority.***

Country Fire Authority (CFA) conditions

22. ***The bushfire mitigation measures forming part of this permit or shown on the endorsed plans, including those relating to construction standards, defensible space, water supply and access, must be maintained to the satisfaction of the responsible authority and the relevant fire authority on a continuing basis. This condition continues to have force and effect after the development authorised by this permit has been completed.***
23. ***The Bushfire Management Plan (Figure 8 on page 19, including Table 3 on pages 19-21 & Appendix 5 Bushfire Emergency Management Plan, in report by South Coast Bushfire Consultants, dated 22nd September 2015) must be endorsed to form part of the permit and must not be altered unless otherwise agreed in writing by the CFA and the Responsible Authority.***

VicRoads conditions

24. ***The developer shall enter into a Licence agreement with VicRoads to allow the occupation of the road reserve for the purposes of a car park. Contact Peter Gstrein (ph 5561 9214) to commence this process.***
25. ***The crossover to the proposed car park shall be designed and constructed to VicRoads' satisfaction.***

26. All advertising and business identification signage shall be wholly located within the property boundary and comply with the VicRoads 10 Point Safety Checklist.

Expiry

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

- a) **The development has not commenced within two years of the date of this permit.**
- b) **The signage is not completed within four years of the date of this permit.**
- c) **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 six (6) months afterwards, or if the request for the extension of time is made within 12 months after the permit expires and the development started lawfully before the permit expired.

Notes

- 1. **This permit does not authorise the commencement of any building works. Prior to commencement of development, it will be necessary to apply for and obtain building approval.**
- 2. **Monitoring of water use must be carried out. If water usage is more than 1200 litres per day averaged over a seven day period, then an additional effluent disposal area may be required. For further information, liaise with Council's Health Protection Unit.**
- 3. **The consumption of liquor within the development hereby permitted must not commence until such time as a Liquor Licence has been issued by the Victorian Commission for Gambling and Liquor Regulation (VCGLR), pursuant to the Liquor Control Reform Act 1988, as amended.**
- 4. **Attention is drawn to the fact that the manufacture and takeaway sales of chocolate products may only be carried out on an ancillary basis to the restaurant use. These activities cannot become the predominant uses on the land, as they would then be prohibited in the Rural Living Zone.**

~~~~~

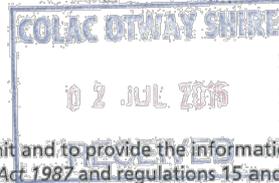


Planning Enquiries  
 Phone: (03) 5232 9412  
 Web: www.colacotway.vic.gov.au

SCANNED

|                  |              |              |                  |
|------------------|--------------|--------------|------------------|
| Office Use Only  |              | Receipt No.: | 03 JUL 2015      |
| Application No.: | PP164/2015-1 | Ward:        |                  |
| Date Lodged:     | 27/15        | Zone(s):     | RECEIVED DESTROY |
| Date Allocated:  | / /          | Overlay(s):  |                  |

## Application for Planning Permit



Use this form to make an application for a planning permit and to provide the information required by section 47 of the *Planning and Environment Act 1987* and regulations 15 and 38 of the *Planning and Environment Regulations 2005*.

Supplementary information requested in this form should be provided as an attachment to your application.  Please print clearly or complete the form electronically (refer to How to complete the Application for Planning Permit form).

### Privacy notice

Information collected with this application will only be used to consider and determine the application. It will be made available for public inspection in accordance with section 51 of the *Planning and Environment Act 1987*.

### Need help with the application?

If you need help to complete this form, read *How to complete the Application for Planning Permit form*. For more information about the planning process, refer to *Planning: a Short Guide*. These documents are available from your local council, the Planning Information Centre (Ph: 03 9637 8610, 8 Nicholson Street, Melbourne), or [www.dse.vic.gov.au/planning](http://www.dse.vic.gov.au/planning).

Contact council to discuss the specific requirements for this application and obtain a planning permit checklist. Insufficient or unclear information may delay your application.

- 1 Has there been a pre-application meeting with a council officer?

Yes  No

Various over 18 months, most recently

If yes, with whom?: Bev Merrett, Francis Wong, M Swanson

Date: 07/05/2015

### The land

- 2 Address of the land. Complete the Street Address and one of the Formal Land Descriptions.

#### Street Address

Street No.: 73 Street Name: Grant Street

Suburb/Locality: Forrest Postcode: 3236

#### Formal Land Description

This information can be found on the certificate of title.

Lot No.: on Lodged Plan, Title Plan or Subdivision Plan No.:

OR  
 Crown Allotment No.: 4 Section No.: E Parish Name: Yaughter

- 3 Title information.

Attach a full, current copy of title information for each individual parcel of land, forming the subject site.

- 4 Describe how the land is used and developed now.

eg. single dwelling, three dwellings; shop, factory, medical centre with two practitioners, licensed restaurant with 80 seats.

3 acre allotment with single dwelling and detached workshop/studio (to be retained). Cleared land and native bush on property.

Conditions shown on Features Survey, architectural drawings and attached Geotechnical Survey and BAL assessment.

- 5 Plan of the land.

Attach a plan of the existing conditions. Photos are also helpful.

**The proposal**

**▲ You must give full details of your proposal and attach the information required to assess the application.**

If you do not give enough detail or an adequate description of the proposal you will be asked for more information. This will delay your application.

- 6 For what use, development or other matter do you require a permit?

Read *How to complete the Application for Planning Permit form* if you need help in describing your proposal.

Construction of a licenced restaurant with 80 seats (50 inside and 30 on attached terrace). The restaurant is a chocolaterie, producing chocolates, desserts and light lunches on premises. Opening times will be 10am to 6pm daily.

- 7 Additional information about the proposal.

Contact council or refer to council planning permit checklists for more information about council's requirements.

Attach additional information providing details of the proposal, including:

- Any information required by the planning scheme, requested by council or outlined in a council planning permit checklist.
- Plans showing the layout and details of the proposal.
- If required, a description of the likely effect of the proposal (eg. traffic, noise, environmental impacts).

- 8 Encumbrances on title.

Encumbrances are identified on the certificate of title.

Is the land affected by an encumbrance such as a restrictive covenant, section 173 agreement or other obligation on title such as an easement or building envelope?

- No, go to 9.
- Yes,  Attach a copy of the document (instrument) specifying the details of the encumbrance.
  - Does the proposal breach, in any way, the encumbrance on title?
    - No, go to 9.
    - Yes, contact council for advice on how to proceed before continuing with this application.

**▲ Note**  
Council must not grant a permit that authorises anything that would result in a breach of a registered restrictive covenant (sections 61(4) and 62 of the *Planning and Environment Act 1987*). Contact council and/or an appropriately qualified person for advice.

**Costs of buildings and works/permit fee**

Most applications require a fee to be paid. Where development is proposed, the value of the development affects the fee. Contact council to determine the appropriate fee.

- 9 Estimated cost of development for which the permit is required.

Cost \$ 650,000.00 **▲ You may be required to verify this estimate.**  
Write 'NIL' if no development is proposed (eg. change of use, subdivision, removal of covenant, liquor licence)

- 10 Do you require a receipt for the permit fee?

Yes  No

### Contact, applicant and owner details

11 Provide details of the contact, applicant and owner of the land.

**Contact**

The person you want Council to communicate with about the application.

|                                                |                                     |
|------------------------------------------------|-------------------------------------|
| Name: Mandy Bishop                             |                                     |
| Organisation (if applicable): Platyp Chocolate |                                     |
| Postal address: PO Box 2185                    |                                     |
| Geelong                                        | Postcode: 3 2 2 0                   |
| Contact phone: 0433362639                      | <input checked="" type="checkbox"/> |
| Mobile phone: 0433362639                       | <input checked="" type="checkbox"/> |
| Email: mandybishop63@gmail.com                 | <input checked="" type="checkbox"/> |
| Fax:                                           | <input type="checkbox"/>            |

Indicate preferred contact method

**Applicant**

The person or organisation who wants the permit.

Same as contact. If not, complete details below.

|                               |           |
|-------------------------------|-----------|
| Name:                         |           |
| Organisation (if applicable): |           |
| Postal address:               |           |
|                               | Postcode: |

**Owner**

The person or organisation who owns the land.

Same as contact     Same as applicant

Where the owner is different from the applicant or contact, provide the name of the person or organisation who owns the land.

|                               |           |
|-------------------------------|-----------|
| Name (if applicable):         |           |
| Organisation (if applicable): |           |
| Postal address:               |           |
|                               | Postcode: |

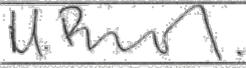
### Checklist

12 Have you?

|                                     |                                                                                                  |
|-------------------------------------|--------------------------------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> | Filled in the form completely?                                                                   |
| <input checked="" type="checkbox"/> | Paid or included the application fee?                                                            |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> Attached all necessary supporting information and documents? |
| <input checked="" type="checkbox"/> | Completed the relevant council planning permit checklist?                                        |
| <input checked="" type="checkbox"/> | Signed the declaration on the next page?                                                         |

**Declaration**

13 This form must be signed. Complete one of A, B or C.  
 ▲ Remember it is against the law to provide false or misleading information, which could result in a heavy fine and cancellation of the permit.

|                                                                                                                                                                                                                                                                         |                                                                                                                                   |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------|
| <p><b>A Owner/Applicant</b><br/>                 I declare that I am the applicant and owner of the land and all the information in this application is true and correct.</p>                                                                                           | <p>Signature: </p> <p>Date: 29 / 06 / 2015</p> |
| <p><b>B Owner</b><br/>                 I declare that I am the owner of the land and I have seen this application.</p>                                                                                                                                                  | <p>Signature:</p> <p>Date: / / / / /</p>                                                                                          |
| <p><b>Applicant</b><br/>                 I declare that I am the applicant and all of the information in this application is true and correct.</p>                                                                                                                      | <p>Signature:</p> <p>Date: / / / / /</p>                                                                                          |
| <p><b>C Applicant</b><br/>                 I declare that I am the applicant and:</p> <ul style="list-style-type: none"> <li>• I have notified the owner about this application;</li> <li>• and all the information in this application is true and correct.</li> </ul> | <p>Signature:</p> <p>Date: / / / / /</p>                                                                                          |

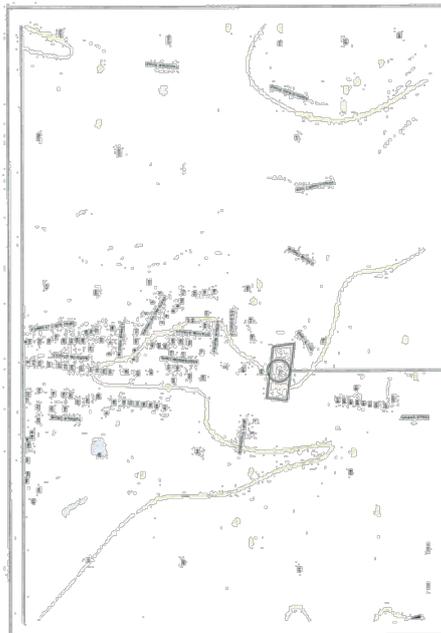
**Lodgement**

Lodge the completed and signed form and all documents with:

For help or more information:

Colac-Olway Shire ☐☐  
 PO Box 283, ☐ COLAC VIC 3250 ☐  
 2-6 Rae Street, COLAC VIC 3250 ☐☐  
 Telephone: (03) 5232 9412 ☐☐  
 Fax: (03) 5232 1046 ☐☐  
 Email: inq@colacotway.vic.gov.au ☐☐  
 TTY: (03) 5231 6787 ☐☐





LOCALITY PLAN

73 GRANT STREET FORREST

**ARCHITECTURAL DRAWINGS:**

| DWG    | TITLE                 | SCALE |
|--------|-----------------------|-------|
| TP-000 | DRAWING REGISTER      | N/A   |
| TP-100 | SITE ANALYSIS PLAN    | 1:500 |
| TP-101 | REGIONAL CONTEXT PLAN | 1:500 |
| TP-102 | FLOOR PLANS           | 1:200 |
| TP-200 | ELEVATIONS            | 1:200 |
| TP-300 | SECTIONS              | 1:200 |
| TP-400 | 3D VIEWS              | N/A   |
| TP-500 | PHOTOS                | N/A   |
| TP-700 | FEATURE SURVEY        | N/A   |

ISSUE 1: TOWN PLANNING DOCUMENTATION: JUNE 2015

**COVER SHEET**

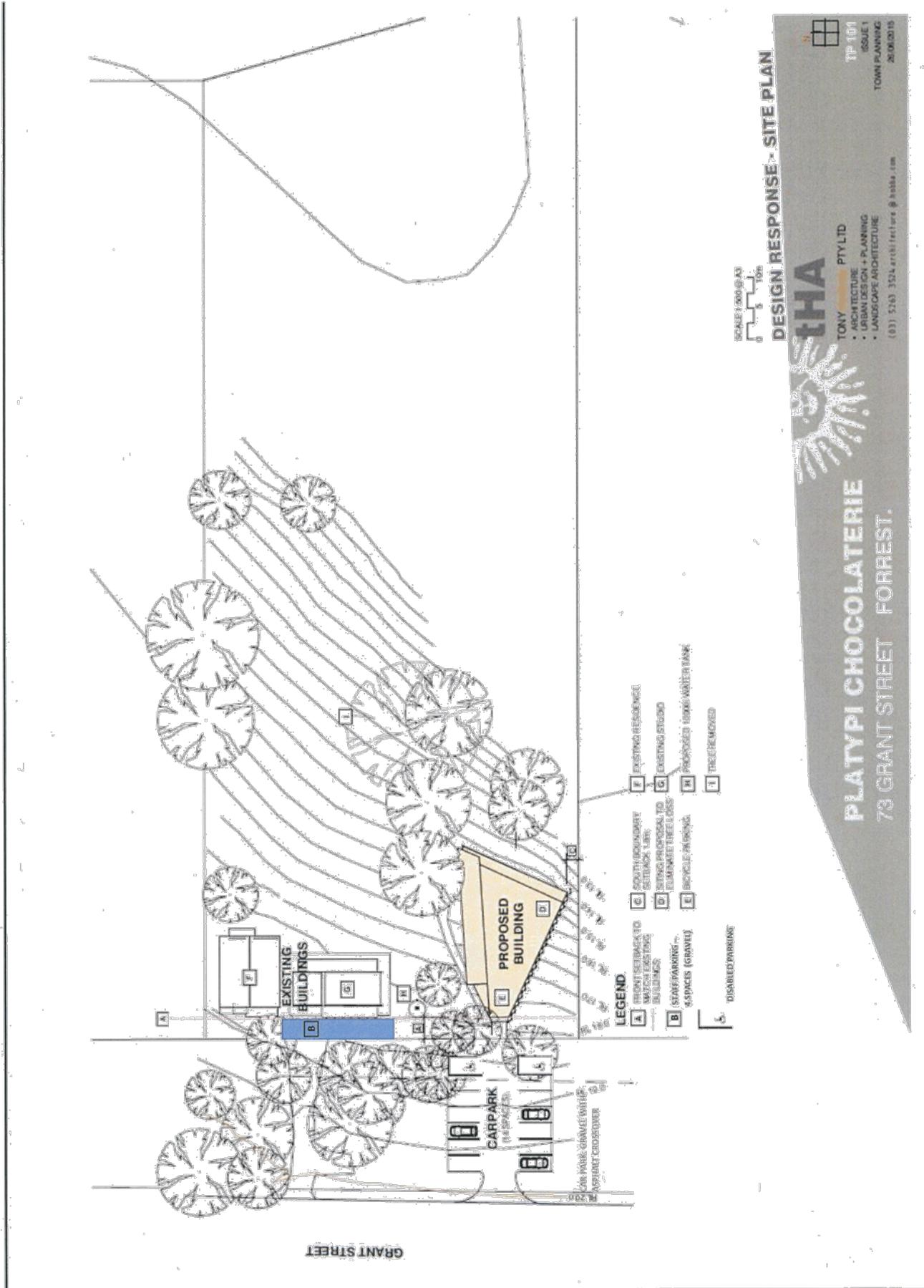


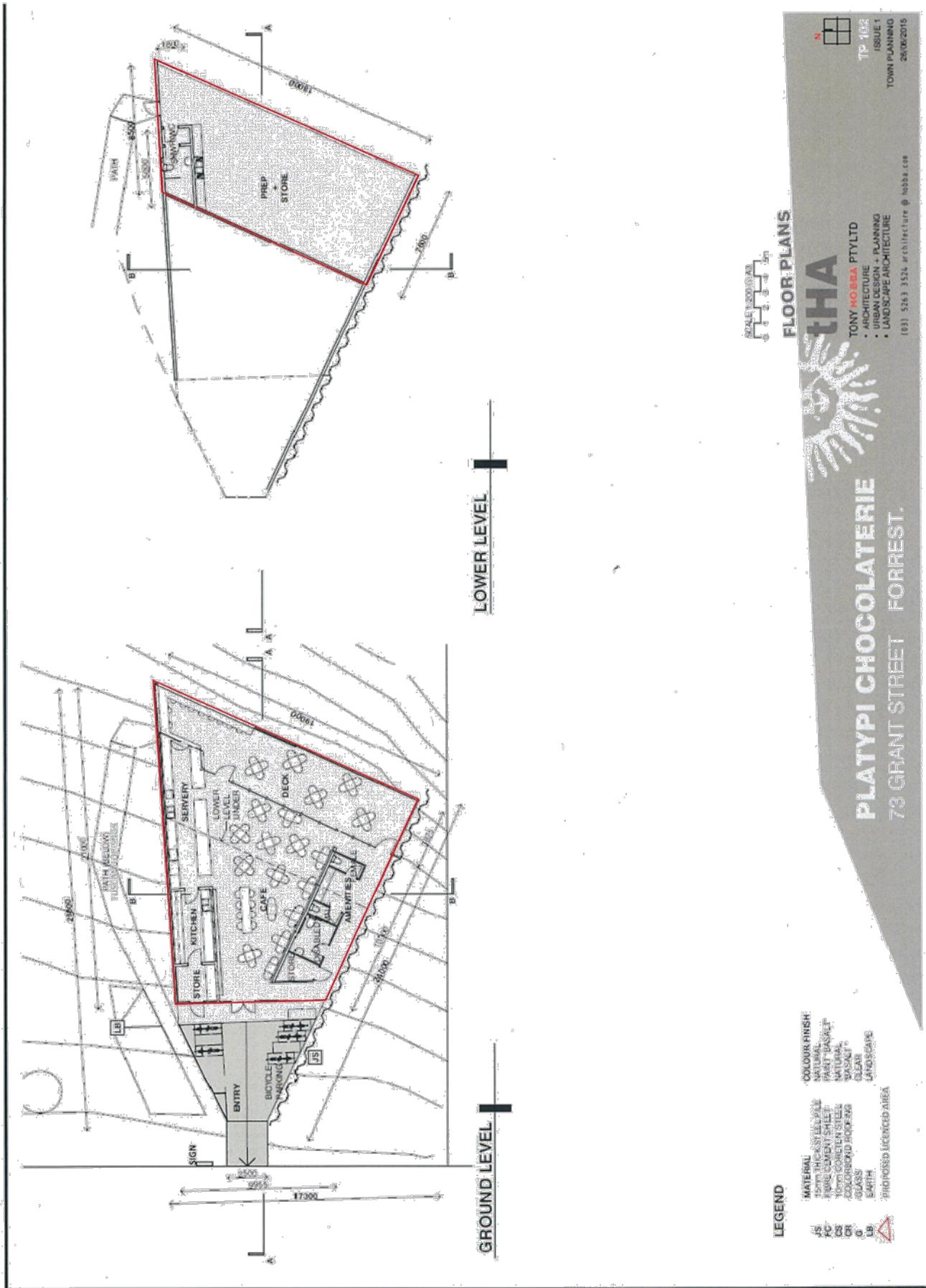
**TONY HABBA PTY LTD**  
 • ARCHITECTURE  
 • URBAN DESIGN + PLANNING  
 • LANDSCAPE ARCHITECTURE  
 (03) 5263 3524 architecture@habba.com

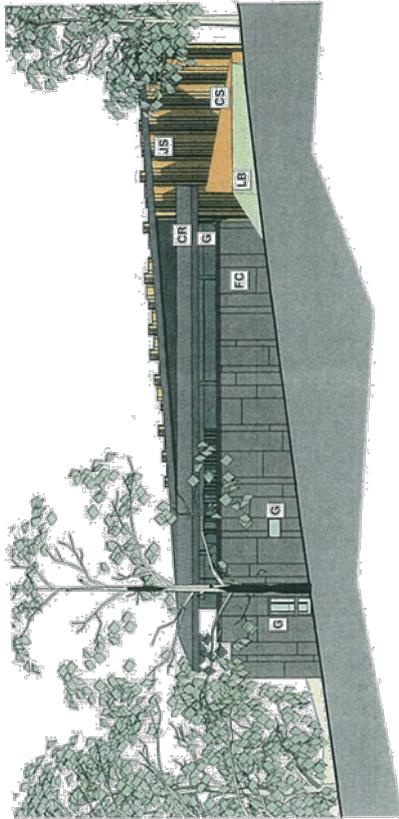
**PLATYPI CHOCOLATERIE**  
73 GRANT STREET FORREST.

TP-000  
ISSUE 1  
TOWN PLANNING  
28/06/2015

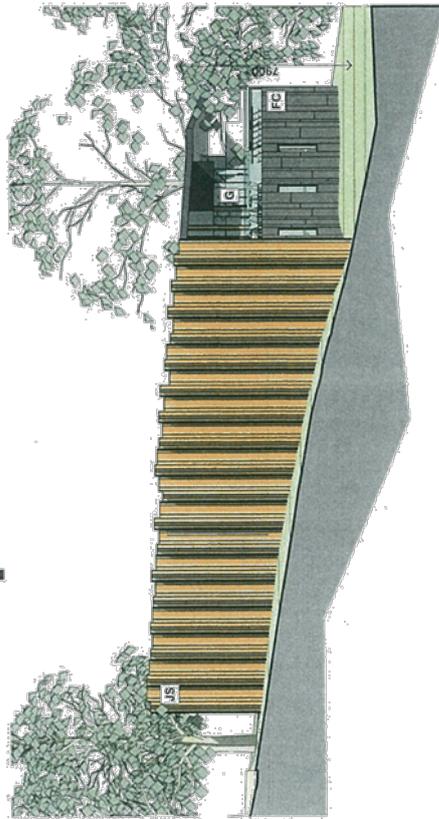




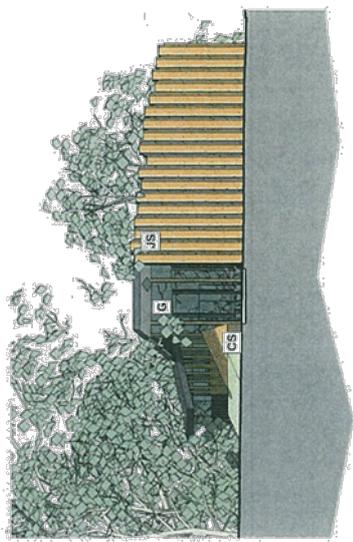




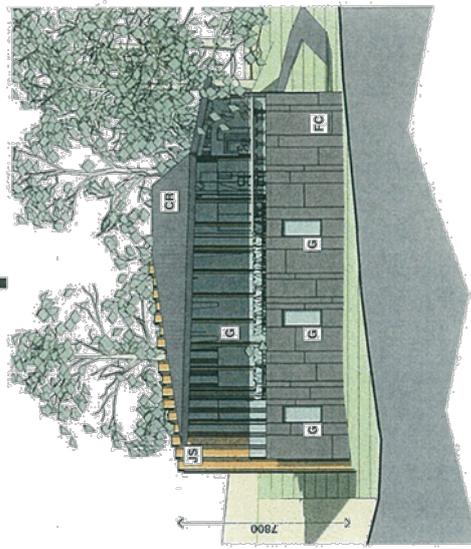
NORTH ELEVATION



SOUTH ELEVATION



WEST ELEVATION



EAST ELEVATION

LEGEND

|    |          |                        |               |                |
|----|----------|------------------------|---------------|----------------|
| JS | MATERIAL | 75mm THICK STEEL PILE  | COLOUR/FINISH | NATURAL        |
| FC |          | FIBRE CEMENT SHEET     |               | PAINT "BASALT" |
| CS |          | 100mm CORRUGATED STEEL |               | NATURAL        |
| CR |          | CLAY ROOFING           |               | "BASALT"       |
| G  |          | GLASS                  |               | CLEAR          |
| LB |          | EARTH                  |               | LANDSCAPE      |

SCALE 1:200 @ A4  
0 1 2 3 4 5m

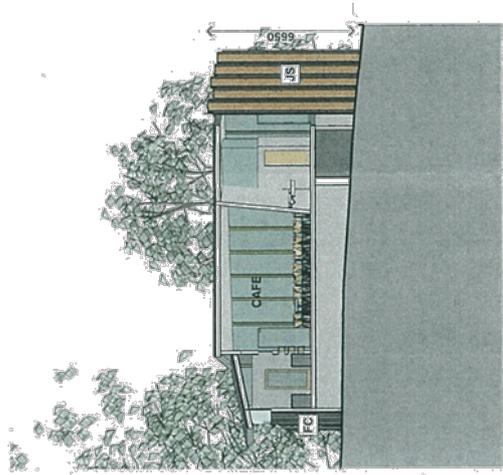
ELEVATIONS



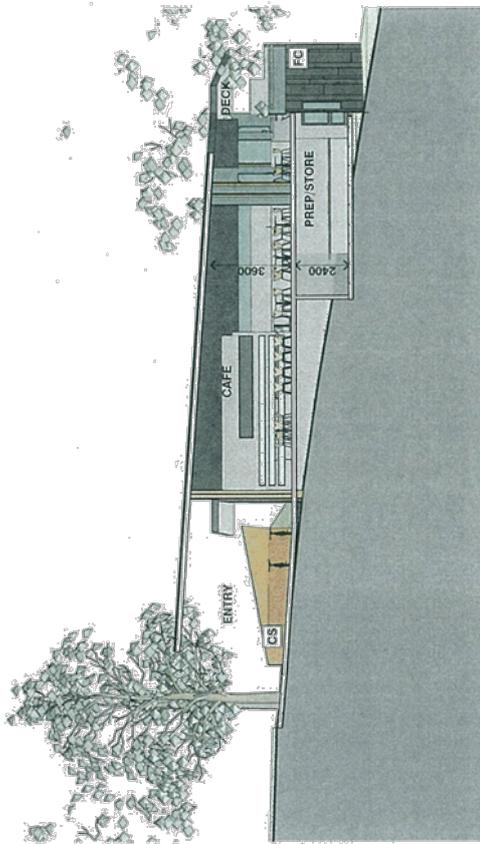
**THA**  
TONY HOBBS PTY LTD  
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• URBAN DESIGN + PLANNING  
• LANDSCAPE ARCHITECTURE  
(03) 5263 3574 architecture@hobbs.com

TP 200  
ISSUE 1  
TOWN PLANNING  
28.06.2015

PLATYPI CHOCOLATERIE  
78 GRANT STREET FORREST.



SECTION B



SECTION A

LEGEND

- |    |              |
|----|--------------|
| US | COLOURFINISH |
| FC | NATURAL      |
| CS | PAINT/BASALT |
| CR | NATURAL      |
| IG | BASALT       |
| LB | GLASS        |
|    | LANDSCAPE    |

- MATERIAL:
- 15mm THICK STEEL PILE
  - FIBRE CEMENT SHEET
  - 15mm CORETEN STEEL
  - COLORBOND ROOFING
  - GLASS
  - EARTH

SCALE: 1:100 @ A3  
0 1 2 3 4 5m

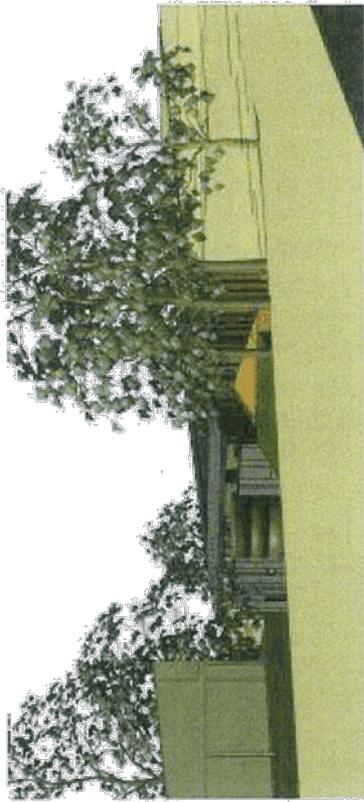
SECTIONS



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• URBAN DESIGN + PLANNING  
• LANDSCAPE ARCHITECTURE  
(03) 5763 3524 architecture@hobbs.com

PLATYPI CHOCOLATERIE  
73 GRANT STREET FORREST.

TP 300  
ISSUE 1  
TOWN PLANNING  
26/06/2015



STREET VIEW - FROM NORTH



STREET VIEW - FROM SOUTH



ENTRY VIEW



CAFE INTERIOR

3D VIEWS



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• LANDSCAPE ARCHITECTURE  
(03) 5263 3524 architecture@habba.com

TP-400  
ISSUE 1  
TOWN PLANNING  
20/06/2015

PLATYPI CHOCOLATERIE  
73 GRANT STREET FORREST.



**A** FORREST MOUNTAIN BIKE TRAIL HEAD



**B** VIEW OF SITE FROM GRANT ST



**C** VIEW FROM SITE LOOKING EAST



**INSPIRATION**

**TEXTURE**

**COLOUR**

**INVENTIVENESS**

**MECHANICAL**

**INGENUITY**



**DESIGN RESPONSE**



**FOUND MATERIALS COMMON TO THE AREA**



**PHOTOS**



**THA**  
TONY HOBBS PTY LTD  
• ARCHITECTURE  
• URBAN DESIGN + PLANNING  
• LANDSCAPE ARCHITECTURE  
(03) 5263 3574 arch@structure @ hobbs .com

**PLAYTPI CHOCOLATE**  
73 GRANT STREET FORREST.

TP 500  
ISSUE 1  
TOWN PLANNING  
20/09/2015



**Platypi Chocolate sign details**

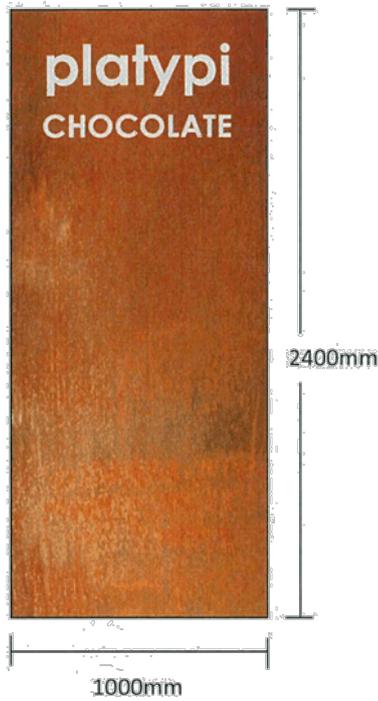
*Classification:* Business identification sign

*Materials:* Corten steel sheet with stainless steel lettering, galvanised steel I beam support (as determined by engineer)

*Size:* 1000mm wide x 2400mm high

*Location:* On the property boundary on the left of the entry

*Sample image:*



front profile



side profile

|             |                                  |           |             |
|-------------|----------------------------------|-----------|-------------|
| AUTHOR:     | Melanie Duve                     | ENDORSED: | Brydon King |
| DEPARTMENT: | Development & Community Services | FILE REF: | F11/2683    |

**Summary**

Planning Statistics

19 Planning Permit Applications were received for the period 1 August to 31 August 2015.

19 Planning Permit Applications were considered for the period 1 August to 31 August 2015.

40 Planning Permit Applications were received for the period of 1 September to 30 September 2015.

24 Planning Permit Applications were considered for the period of 1 September to 30 September 2015.

32 Planning Permit Applications were received for the period of 1 October to 31 October 2015.

22 Planning Permit Applications were considered for the period of 1 October to 31 October 2015.

Building Statistics

The building statistics shown in the attachments to this report are updated to October 2015.

**Conclusion**

**Attachments**

1. Planning and Building Statistical Report August 2015 (Determinations) - AGENDA Copy
2. Planning and Building Statistical Report September (Determinations) - AGENDA Copy
3. Planning and Building Statistical Report October (Determinations) - AGENDA Copy

**Recommendation(s)**

***That Council notes the Planning and Building statistical reports for the months of August, September and October 2015.***

~~~~~

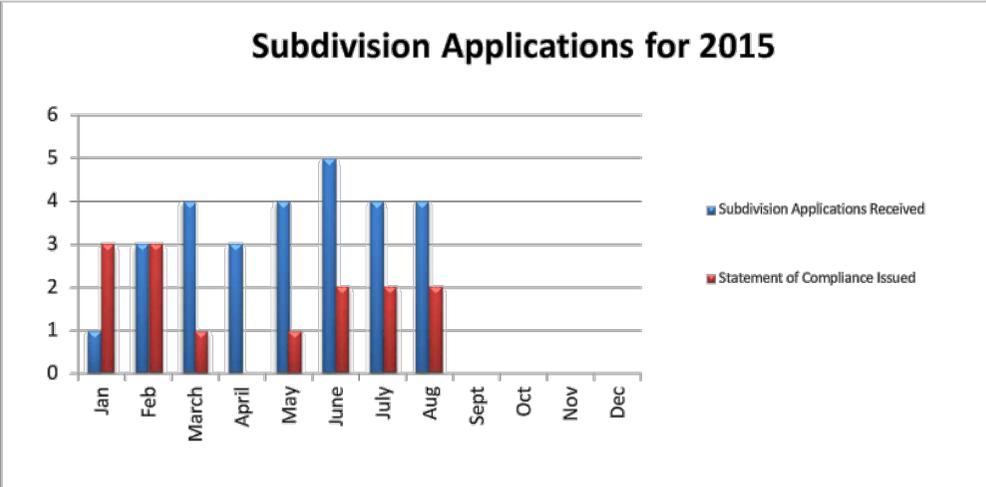
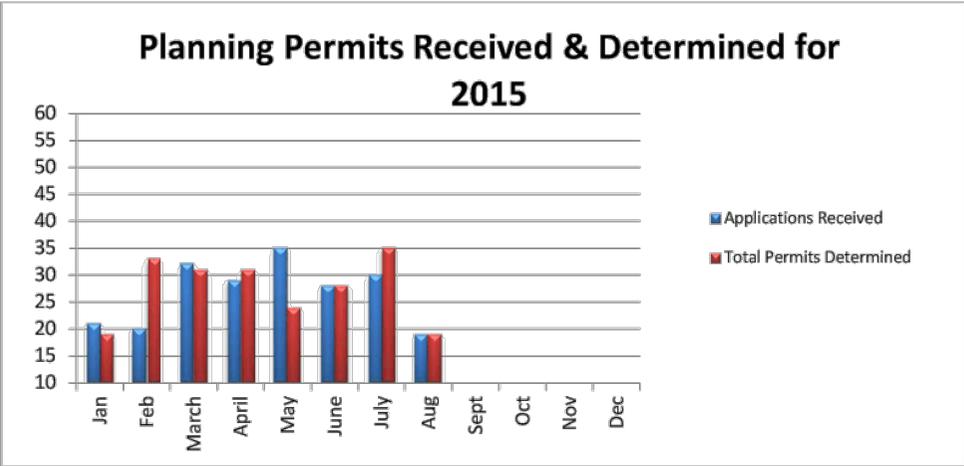
PLANNING STATISTICAL REPORT – AUGUST 2015 – (DETERMINATIONS)

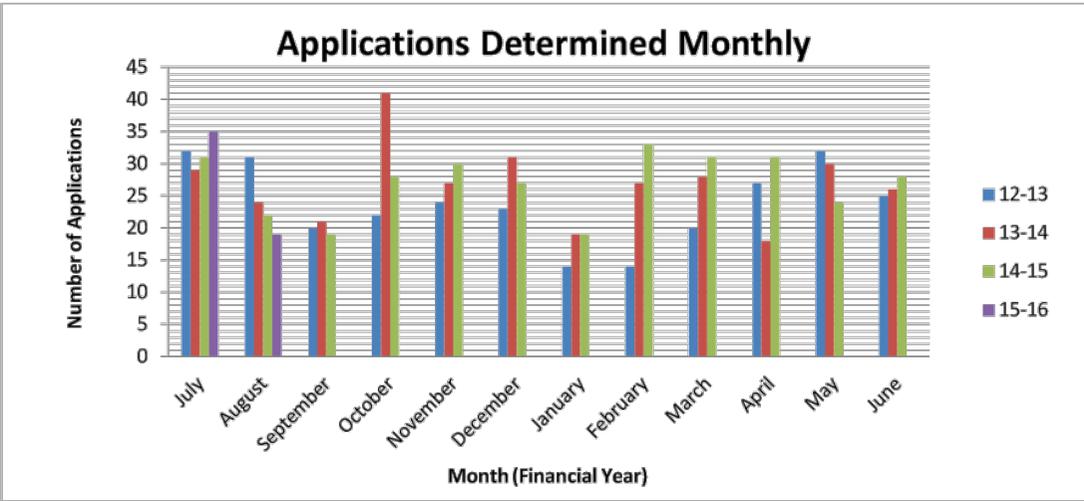
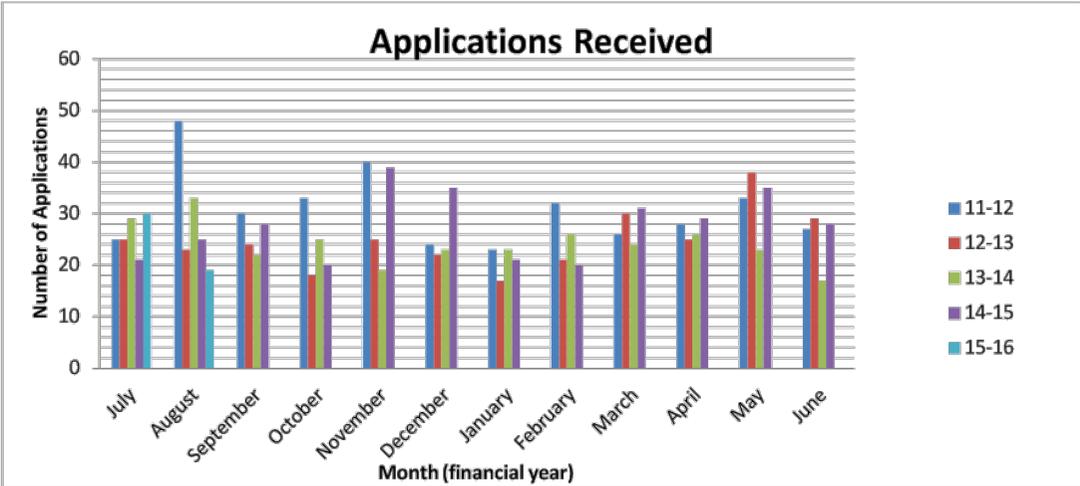
APPLICATION NUMBER	DATE RECEIVED	LOCATION	PROPOSAL	STATUTORY DAYS	DATE DETERMINED	DETERMINATION AND AUTHORITY
396/2003-2	10-APR-15	5965 GREAT OCEAN ROAD YUULONG	USE AND DEVELOPMENT OF THE LAND FOR A DWELLING AND SHED INCLUDING REMOVAL OF NATIVE VEGETATION - AMENDMENT	51	27-AUG-15	PERMIT ISSUED BY DELEGATE - AMENDMENT
184/2013-2	9-JUL-15	175 QUEEN STREET COLAC	BUILDINGS AND WORKS COMPRISING EXTENSIONS AND ALTERATIONS TO EXISTING MINOR SPORTS AND RECREATION FACILITY - AMENDMENT	24	3-AUG-15	PERMIT ISSUED BY DELEGATE - AMENDMENT
62/2015-1	20-MAR-15	30 CONNS LANE APOLLO BAY	BUILDINGS AND WORKS COMPRISING THE CONSTRUCTION OF A DEPENDENT PERSON'S UNIT	26	14-AUG-15	PERMIT ISSUED BY DELEGATE
64/2015-1	19-MAR-15	290 KENNETT ROAD KENNET RIVER	USE AND DEVELOPMENT OF THE LAND FOR A DWELLING AND ASSOCIATED WORKS	6	14-AUG-15	PERMIT ISSUED BY DELEGATE
67/2015-1	23-MAR-15	6395 HAMILTON HIGHWAY CRESSY	USE AND DEVELOPMENT FOR A TELECOMMUNICATION FACILITY (35 METRE HIGH MONOPOLE) AND ASSOCIATED ANTENNAS, EQUIPMENT CABINETS AND WORKS	70	12-AUG-15	PERMIT ISSUED BY COUNCIL
75/2015-1	2-APR-15	215 COLAC LAVERS HILL ROAD ELLIMINYT	RESUBDIVISION OF LAND INTO TWO (2) LOTS, REALIGNMENT OF BOUNDARY	102	18-AUG-15	PERMIT ISSUED BY DELEGATE
84/2015-1	2-APR-15	12 BANKSIA DRIVE, 215 COLAC LAVERS HILL ROAD, 50 HARRIS ROAD ELLIMINYT	RESUBDIVISION OF LAND INTO THREE (3) LOTS	102	18-AUG-15	PERMIT ISSUED BY DELEGATE
92/2015-1	20-APR-15	150 RED JOHANNA ROAD JOHANNA	USE AND DEVELOPMENT OF DWELLING	46	5-AUG-15	PERMIT ISSUED BY DELEGATE
102/2015-1	6-MAY-15	95-101 GREAT OCEAN ROAD APOLLO BAY	BUILDINGS AND WORKS COMPRISING PARTIAL DEMOLITION OF EXISTING TERRACE AND ALTERATIONS TO ROOF AND TERRACE, NEW WINDOWS, RELOCATION OF BOTTLE SHOP AND CONVERSION OF EXISTING BOTTLE SHOP TO LOUNGE, EXTERNAL PAINTING AND SIGNAGE	21	14-AUG-15	PERMIT ISSUED BY DELEGATE
111/2015-1	6-MAY-15	392 PRINCES HIGHWAY COLAC	BUILDINGS AND WORKS COMPRISING THE ERECTION OF FIVE (5) DISPLAY	7	20-AUG-15	PERMIT ISSUED BY DELEGATE

APPLICATION NUMBER	DATE RECEIVED	LOCATION	PROPOSAL	STATUTORY DAYS	DATE DETERMINED	DETERMINATION AND AUTHORITY
		WEST	SHEDS AND BUSINESS IDENTIFICATION SIGNAGE, AND ASSOCIATED WORKS			
118/2015-1	18-MAY-15	340-342 MURRAY STREET COLAC	DISPLAY OF BUSINESS IDENTIFICATION SIGNAGE	17	24-AUG-15	PERMIT ISSUED BY DELEGATE
121/2015-1	20-MAY-15	59 DENNIS STREET COLAC	BUILDINGS AND WORKS COMPRISING CONSTRUCTION OF A REPLACEMENT DWELLING	90	31-AUG-15	PERMIT ISSUED BY DELEGATE
143/2015-1	15-JUN-15	6150 GREAT OCEAN ROAD APOLLO BAY	CREATION OF ACCESS TO ROAD IN A ROAD ZONE, CATEGORY 1	1	6-AUG-15	PERMIT ISSUED BY DELEGATE
146/2015-1	16-JUN-15	370 PRINCES HIGHWAY COLAC WEST	SUBDIVISION OF LAND INTO TWO (2) LOTS	25	19-AUG-15	PERMIT ISSUED BY DELEGATE
170/2015-1	10-JUL-15	462 BIRREGURRA ROAD BIRREGURRA	USE OF THE LAND FOR DWELLING AND CREATION OF ACCESS TO A ROAD IN A ROAD ZONE CATEGORY 1	51	31-AUG-15	PERMIT ISSUED BY DELEGATE
175/2015-1	15-JUL-15	72 HART STREET COLAC	RESUBDIVISION OF LAND INTO TWO (2) LOTS	1	5-AUG-15	PERMIT ISSUED BY DELEGATE
182/2015-1	23-JUL-15	6 COLAC FORREST ROAD COLAC EAST	BUILDINGS AND WORKS COMPRISING CONSTRUCTION OF CARPORT	19	19-AUG-15	PERMIT ISSUED BY DELEGATE
184/2015-1	24-JUL-15	92 AIREYS STREET ELLIMINYT	CONSTRUCTION OF A DWELLING AND OUTBUILDING	35	28-AUG-15	PERMIT ISSUED BY DELEGATE
188/2015-1	3-AUG-15	51 MAIN STREET BEEAC	USE OF EXISTING BUILDING AS A SHOP, REDUCTION OF TWO (2) PARKING SPACES AND DISPLAY OF BUSINESS IDENTIFICATION SIGNAGE	22	25-AUG-15	PERMIT ISSUED BY DELEGATE
AVERAGE STATUTORY DAYS TO DETERMINE PLANNING APPLICATIONS				38		

PLANNING STATISTICAL REPORT – AUGUST 2015 (PERMITS NOT REQUIRED, WITHDRAWN AND LAPSED APPLICATIONS)

APPLICATION NUMBER	DATE RECEIVED	LOCATION	PROPOSAL	STATUTORY DAYS	DATE DETERMINED	DETERMINATION AND AUTHORITY
315/1998-2	5-JUN-15	5650 GREAT OCEAN ROAD WONGARRA	REALIGNMENT OF BOUNDARY - AMENDMENT	74	18-AUG-15	AMENDMENT WITHDRAWN
81/2012-1	23-APR-12	389 BLUE JOHANNA ROAD JOHANNA	USE AND CONSTRUCTION OF A DWELLING AND SHED ON THE LAND AND REMOVAL OF THE BUILDING ENVELOPE RESTRICTION	611	20-AUG-15	WITHDRAWN
117/2015-1	19-MAY-15	10 SCHOOL ROAD KAWARREN	BUILDINGS AND WORKS COMPRISING CONSTRUCTION OF A BUILDING (DEPENDENT PERSONS UNIT)	1	5-AUG-15	APPLICATION LAPSED
183/2015-1	24-JUL-15	5 SELWOOD STREET COLAC	USE AND DEVELOPMENT OF THE LAND FOR A DEPENDENT PERSON'S UNIT	12	11-AUG-15	PERMIT NOT REQUIRED
TOTAL AVERAGE STATUTORY DAYS (ALL APPLICATIONS)				61		





BUILDING DEPARTMENT REPORT – TOTAL BUILDING PERMITS 2015 (YEAR TO DATE)

	New Dwelling		Domestic (Other)		New Commercial		Commercial (Other)		New Public/Health		Public/Health (Other)		Municipal Totals	
	No.	Value (\$)	No.	Value (\$)	No.	Value (\$)	No.	Value (\$)	No.	Value (\$)	No.	Value (\$)	No.	Value (\$)
Jan	3	\$ 603,312	24	\$ 301,464	0	\$ -	2	\$ 226,231	0	\$ -	1	\$ 83,160	30	\$ 1,214,167
Feb	9	\$ 2,064,347	34	\$ 1,330,763	0	\$ -	3	\$ 641,100	0	\$ -	0	\$ -	46	\$ 4,036,210
Mar	10	\$ 2,359,250	29	\$ 1,125,268	0	\$ -	1	\$ 10,000	1	\$ 9,984	3	\$ 283,428	44	\$ 3,787,930
Apr	5	\$ 1,329,665	25	\$ 821,915	2	\$ 218,000	2	\$ 34,900	0	\$ -	1	\$ 67,922	35	\$ 2,472,402
May	7	\$ 1,904,700	22	\$ 1,693,746	1	\$ 1,937,500	2	\$ 265,000	0	\$ -	0	\$ -	32	\$ 5,800,946
Jun	8	\$ 1,331,603	24	\$ 1,226,888	0	\$ -	1	\$ 56,000	0	\$ -	1	\$ 101,637	34	\$ 2,716,128
Jul	6	\$ 1,380,503	28	\$ 821,403	1	\$ 98,000	1	\$ 8,678	0	\$ -	0	\$ -	36	\$ 2,308,584
Aug	6	\$ 2,262,464	7	\$ 284,080	1	\$ 106,863	2	\$ 47,800	2	\$ 210,650	2	\$ 245,000	20	\$ 3,156,857
Sep														
Oct														
Nov														
Dec														
Total	54	\$13,235,844	193	\$ 7,605,527	5	\$2,360,363	14	\$1,289,709	3	\$ 220,634	8	\$ 781,147	277	\$25,493,224

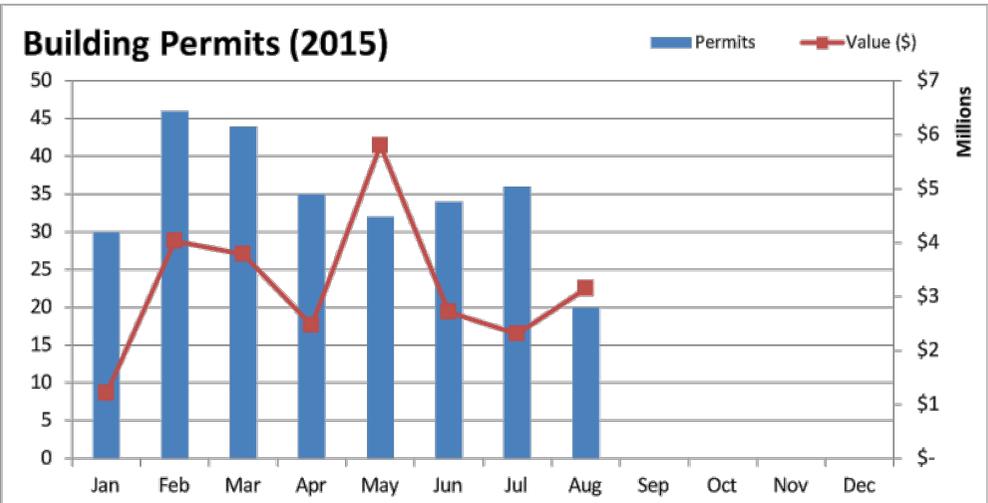
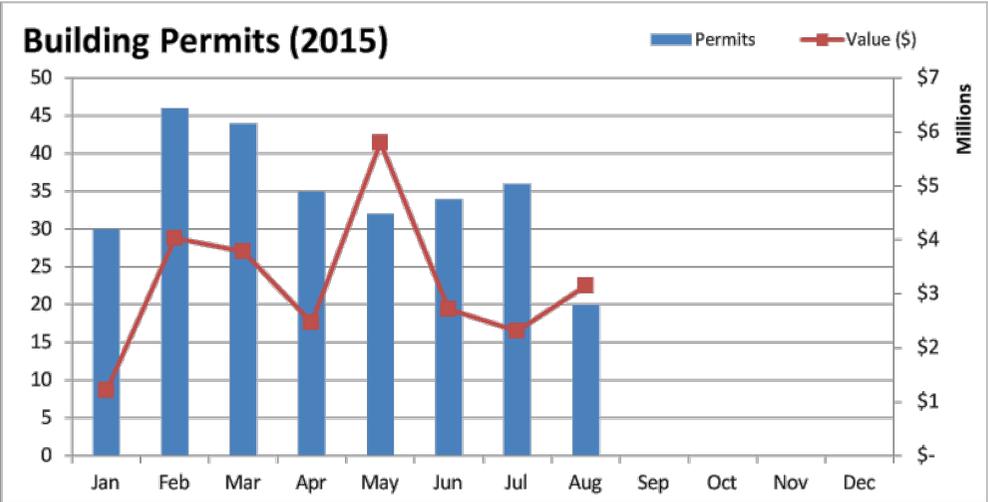
Note: Current month figures are to date only.

BUILDING DEPARTMENT REPORT – YEARLY COMPARISON (CURRENT YEAR TO DATE)

	New Dwelling		Domestic (Other)		New Commercial		Commercial (Other)		New Public/Health		Public/Health (Other)		Municipal Totals	
	No.	Value (\$)	No.	Value (\$)	No.	Value (\$)	No.	Value (\$)	No.	Value (\$)	No.	Value (\$)	No.	Value (\$)
2011	130	\$34,883,520	259	\$11,427,948	11	\$4,897,695	21	\$1,768,619	1	\$ 550,000	15	\$ 2,041,271	437	\$55,569,053
2012	112	\$37,509,600	259	\$ 9,248,333	12	\$9,024,422	22	\$2,272,199	2	\$2,913,411	15	\$ 4,057,333	422	\$65,025,298
2013	113	\$30,065,304	252	\$11,629,479	8	\$ 620,000	24	\$1,526,120	7	\$3,849,610	10	\$ 6,707,886	414	\$54,398,399
2014	103	\$33,310,220	248	\$ 9,141,465	6	\$6,185,846	15	\$1,032,065	7	\$ 641,868	13	\$12,890,553	392	\$63,202,017
2015	54	\$13,235,844	193	\$ 7,605,527	5	\$2,360,363	14	\$1,289,709	3	\$ 220,634	8	\$ 781,147	277	\$25,493,224

Note: Current year figures are to date only.

	New Dwelling	Domestic (Other)	New Commercial	Commercial (Other)	New Public/Health		Public/Health (Other)
Definition (Examples)	Dwellings Multi Development Re-Erection	Extension/Alteration Verandah/Deck Shed/Garage Swimming Pool	Office Shop Restaurant Factory /Warehouse	Extension/Alteration Fit Out Demolition	Hospital Medical Clinic School	Hall Church Utilities	Extension/Alteration Demolition



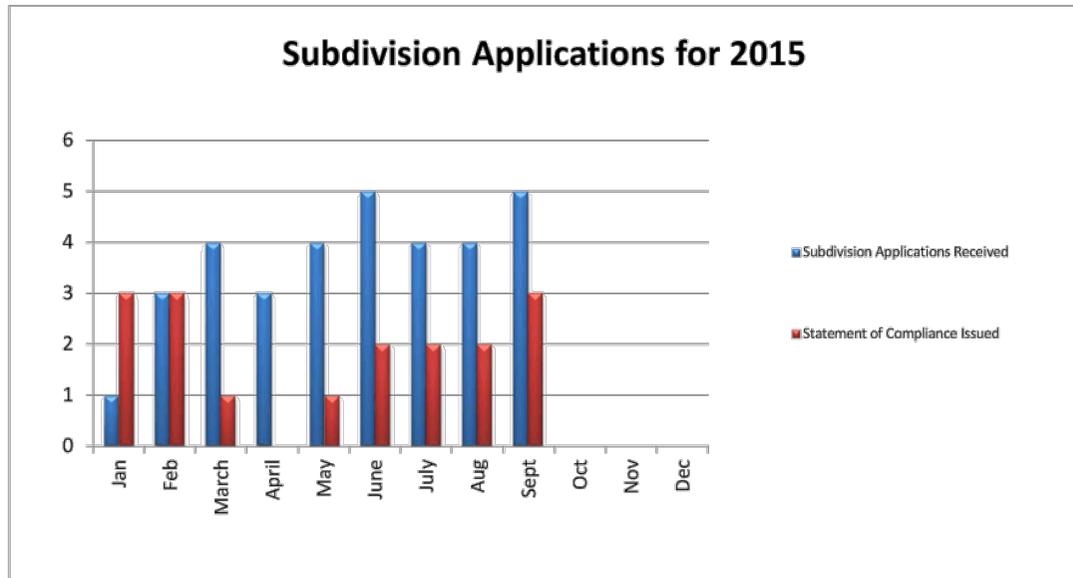
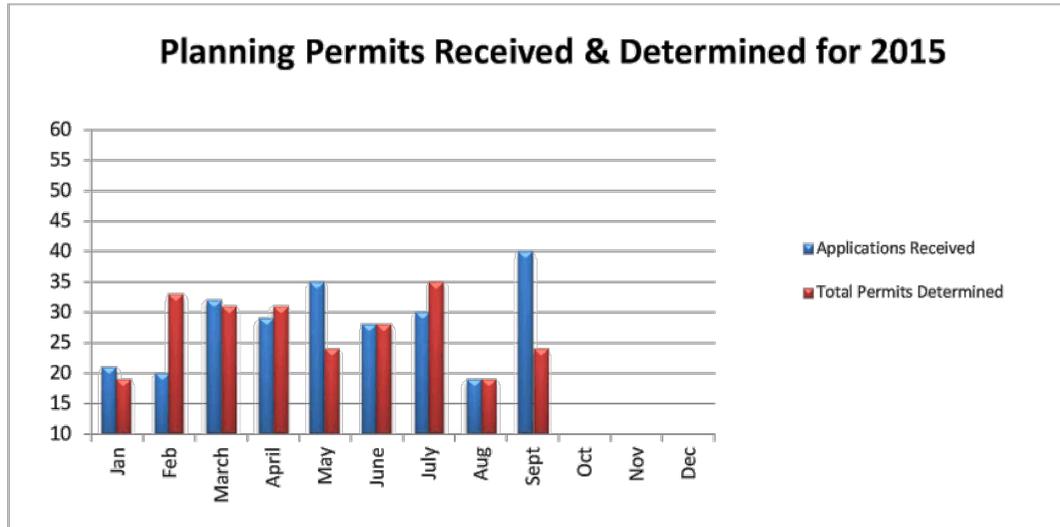
PLANNING STATISTICAL REPORT – SEPTEMBER 2015 – (DETERMINATIONS)

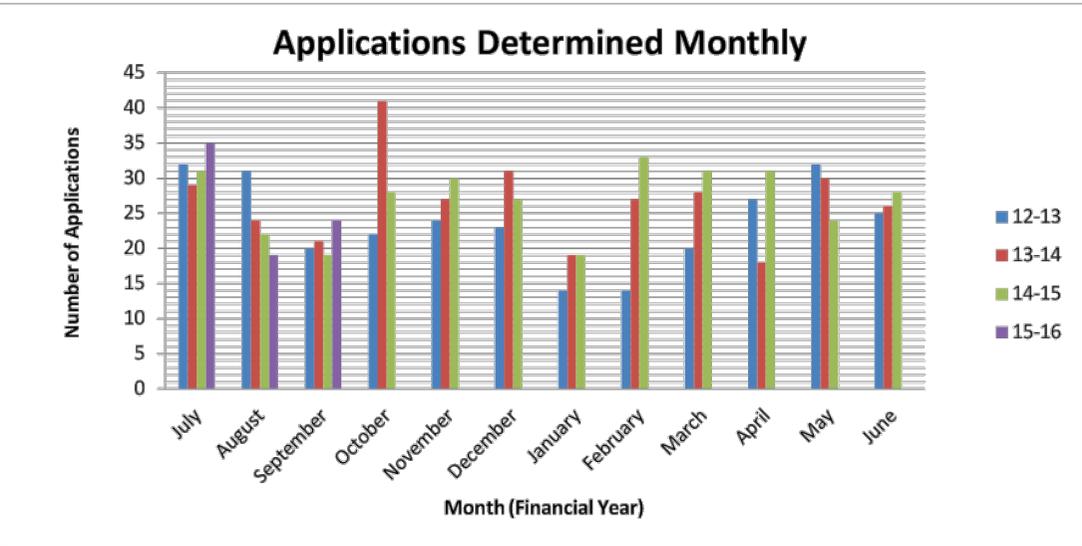
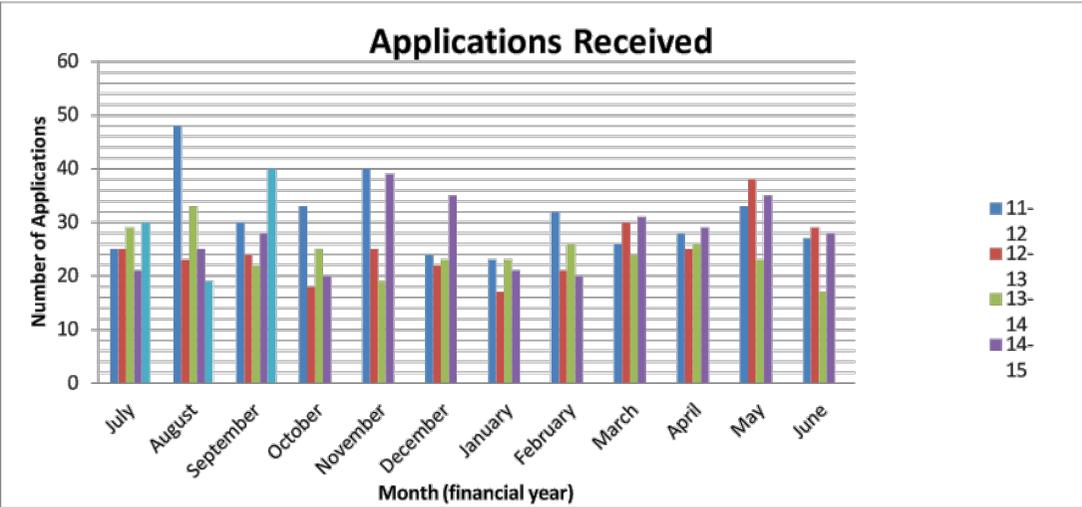
APPLICATION NUMBER	DATE RECEIVED	LOCATION	PROPOSAL	STATUTORY DAYS	DATE DETERMINED	DETERMINATION AND AUTHORITY
182/2014-2	02 SEP 15	12 EDMUNDSON STREET BIRREGURRA	STAGED FOUR (4) LOT SUBDIVISION	28	30 SEP 15	PERMIT ISSUED BY DELEGATE
85/2015-1	08 APR 15	4 SEYMOUR CRESCENT APOLLO BAY	DEVELOPMENT OF EXISTING OUTBUILDING AS A DWELLING AND TWO (2) LOT SUBDIVISION	62	09 SEP 15	PERMIT ISSUED BY DELEGATE
112/2015-1	07 MAY 15	10 MULLER ROAD SKENES CREEK	CONSTRUCTION OF A DWELLING	96	28 SEP 15	PERMIT ISSUED BY DELEGATE
131/2015-1	29 MAY 15	598 SWAN MARSH ROAD SWAN MARSH	BUILDINGS AND WORKS COMPRISING CONSTRUCTION OF A SHED	46	29 SEP 15	PERMIT ISSUED BY DELEGATE
145/2015-1	15 JUN 15	19 PANORAMA CRESCENT MARENGI	BUILDINGS AND WORKS COMPRISING REPLACEMENT DECK	1	24 SEP 15	PERMIT ISSUED BY DELEGATE
148/2015-1	18 JUN 15	45 MCLACHLAN STREET APOLLO BAY	CONSTRUCTION OF A DWELLING	10	28 SEP 15	PERMIT ISSUED BY DELEGATE
155/2015-1	26 JUN 15	70 & 76 MAIN STREET BIRREGURRA	TWO (2) LOT SUBDIVISION (BOUNDARY REALIGNMENT)	1	16 SEP 15	PERMIT ISSUED BY DELEGATE
158/2015-1	29 JUN 15	43-47 FOREST STREET COLAC	CONSTRUCTION OF THREE (3) SELF-STORAGE BUILDINGS AND ASSOCIATED BUSINESS	74	30 SEP 15	PERMIT ISSUED BY DELEGATE
169/2015-1	10 JUL 15	168 SINCLAIR STREET SOUTH COLAC	CONSTRUCTION OF AN OUTBUILDING	35	21 SEP 15	PERMIT ISSUED BY DELEGATE
172/2015-1	10 JUL 15	265 CONNS LANE BIRREGURRA	BUILDINGS AND WORKS COMPRISING CONSTRUCTION OF TWO (2) MACHIENERY SHEDS	29	23 SEP 15	PERMIT ISSUED BY DELEGATE
178/2015-1	15 JUL 15	180 CHRISTIES ROAD ELLIMINYT	BUILDINGS AND WORKS COMPRISING EXTENSION TO DWELLING	21	09 SEP 15	PERMIT ISSUED BY DELEGATE
179/2015-1	16 JUL 15	29-35 GREAT OCEAN ROAD APOLLO BAY	BUILDINGS AND WORKS COMPRISING CANOPY AND DECK	1	25 SEP 15	PERMIT ISSUED BY DELEGATE
180/2015-1	16 JUL 15	30 BEATTIE LANE WONGARRA	BUILDINGS AND WORKS COMPRISING EXTENSION TO DWELLING	64	18 SEP 15	PERMIT ISSUED BY DELEGATE
185/2015-1	31 JUL 15	1 TRISTIANA DRIVE COLAC	BUILDINGS AND WORKS COMPRISING CONSTRUCTION OF DRY STORE BUILDING, EXTENSIONS TO COLD STORAGE AND DISTRIBUTION BUILDING, AND CONSTRUCTION OF CAR PARKING	31	21 SEP 15	PERMIT ISSUED BY DELEGATE

APPLICATION NUMBER	DATE RECEIVED	LOCATION	PROPOSAL	STATUTORY DAYS	DATE DETERMINED	DETERMINATION AND AUTHORITY
			AREA AND INTERNAL ROADS			
187/2015-1	31 JUL 15	290 SINCLAIR STREET SOUTH ELLIMINYT	BUILDINGS AND WORKS COMPRISING EXTENSION TO DWELLING	7	17 SEP 15	PERMIT ISSUED BY DELEGATE
189/2015-1	04 AUG 15	19-21 GREAT OCEAN ROAD WYE RIVER	BUILDINGS AND WORKS COMPRISING SINGLE-STOREY KITCHEN EXTENSION TO HOTEL	20	21 SEP 15	PERMIT ISSUED BY DELEGATE
196/2015-1	13 AUG 15	370 SHORTS ROAD BARONGAROOK	CONSTRUCTION OF AGRICULTURAL BUILDING	42	25 SEP 15	PERMIT ISSUED BY DELEGATE
197/2015-1	13 AUG 15	335 PHILLIPS TRACK FERGUSON	BUILDINGS AND WORKS COMPRISING CONSTRUCTION OF AGRICULTURAL SHED	48	30 SEP 15	PERMIT ISSUED BY DELEGATE
203/2015-1	27 AUG 15	88 FOREST STREET COLAC EAST	BUILDINGS AND WORKS COMPRISING CONSTRUCTION OF VERANDAH	12	29 SEP 15	PERMIT ISSUED BY DELEGATE
208/2015-1	02 SEP 15	91-149 FOREST STREET COLAC	INSTALLATION OF SERVICES PLATFORM AND REFRIGERATION EQUIPMENT	5	09 SEP 15	PERMIT ISSUED BY DELEGATE VICSMART
212/2015-1	03 SEP 15	138 AIREYS STREET ELLIMINYT	BUILDINGS AND WORKS COMPRISING CONSTRUCTION OF A CARPORT	14	17 SEP 15	PERMIT ISSUED BY DELEGATE
213/2015-1	04 SEP 15	50 TURNER DRIVE FORREST	BUILDINGS AND WORKS COMPRISING CONSTRUCTION OF OUTBUILDING	21	25 SEP 15	PERMIT ISSUED BY DELEGATE
229/2015-1	18 SEP 15	4/86-88 MURRAY STREET COLAC	DISPLAY OF BUSINESS IDENTIFICATION SIGNAGE	4	29 SEP 15	PERMIT ISSUED BY DELEGATE VICSMART
4/2014-1	11 MAY 15	61 MORLEY AVENUE WYE RIVER	ONE (1) NEW DWELLING	136	21 SEP 15	NOTICE OF DECISION TO GRANT A PERMIT
AVERAGE STATUTORY DAYS TO DETERMINE PLANNING APPLICATIONS				34		

PLANNING STATISTICAL REPORT – SEPTEMBER 2015 (PERMITS NOT REQUIRED, WITHDRAWN AND LAPSED APPLICATIONS)

APPLICATION NUMBER	DATE RECEIVED	LOCATION	PROPOSAL	STATUTORY DAYS	DATE DETERMINED	DETERMINATION AND AUTHORITY
154/2015-1	26 JUN 15	5 JOSEPH COURT KENNETT RIVER	BUILDINGS AND WORKS COMPRISING CONSTRUCTION OF DWELLING	0	07 SEP 15	LAPSED
279/2014-1	24 DEC 14	600 SKENES CREEK ROAD SKENES CREEK NORTH	CONSTRUCTION OF THREE (3) HOLIDAY CABINS FOR ACCOMMODATION	148	10 SEP 15	WITHDRAWN
TOTAL AVERAGE STATUTORY DAYS (ALL APPLICATIONS)				37		





BUILDING DEPARTMENT REPORT – TOTAL BUILDING PERMITS 2015 (YEAR TO DATE)

	New Dwelling		Domestic (Other)		New Commercial		Commercial (Other)		New Public/Health		Public/Health (Other)		Municipal Totals	
	No.	Value (\$)	No.	Value (\$)	No.	Value (\$)	No.	Value (\$)	No.	Value (\$)	No.	Value (\$)	No.	Value (\$)
Jan	3	603,312	24	301,464	0	-	2	226,231	0	-	1	83,160	30	1,214,167
Feb	9	2,064,347	34	1,330,763	0	-	3	641,100	0	-	0	-	46	4,036,210
Mar	10	2,359,250	29	1,125,268	0	-	1	10,000	1	9,984	3	283,428	44	3,787,930
Apr	5	1,329,665	25	821,915	2	218,000	2	34,900	0	-	1	67,922	35	2,472,402
May	7	1,904,700	22	1,693,746	1	1,937,500	2	265,000	0	-	0	-	32	5,800,946
Jun	8	1,331,603	24	1,226,888	0	-	1	56,000	0	-	0	-	33	2,614,491
Jul	6	1,380,503	17	589,791	0	-	1	8,678	0	-	0	-	24	1,978,972
Aug	11	3,421,536	23	943,197	2	204,863	2	47,800	2	210,650	2	245,000	42	5,073,046
Sep	6	1,507,522	11	547,835	0	-	3	1,649,500	0	-	1	15,000	21	3,719,857
Oct														
Nov														
Dec														
Total	65	15,902,438	220	8,812,479	6	2,458,363	17	2,939,209	3	220,634	9	796,147	320	31,129,270

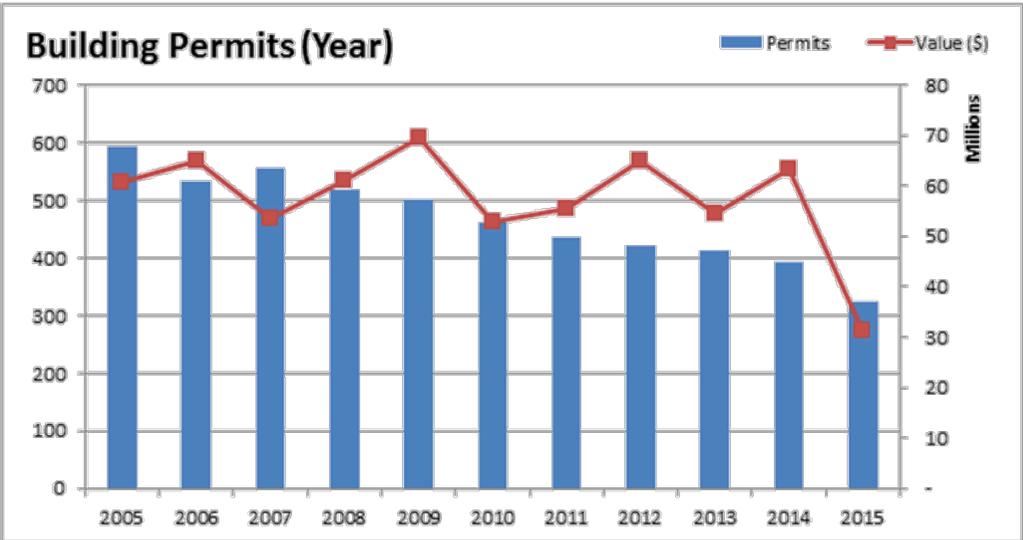
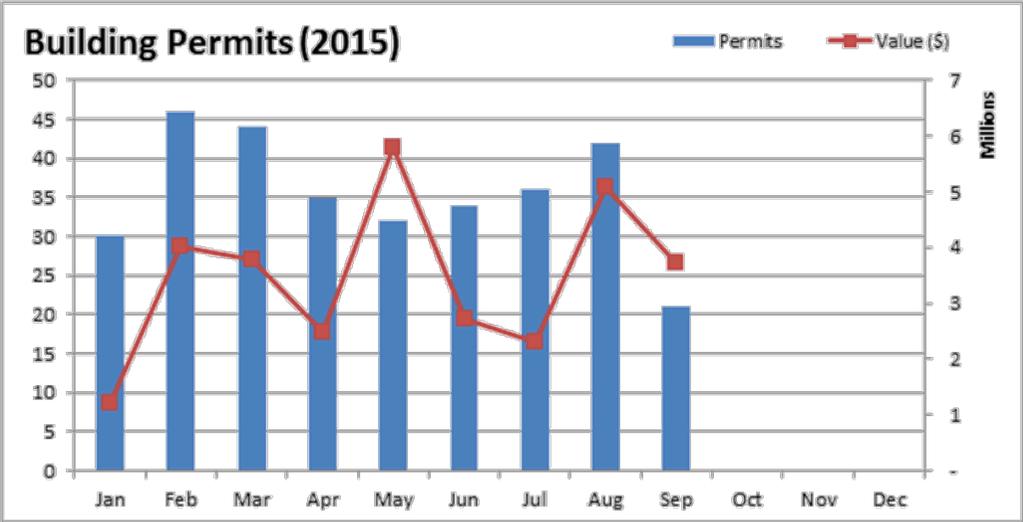
Note: Current month figures are to date only.

BUILDING DEPARTMENT REPORT – YEARLY COMPARISON (CURRENT YEAR TO DATE)

	New Dwelling		Domestic (Other)		New Commercial		Commercial (Other)		New Public/Health		Public/Health (Other)		Municipal Totals	
	No.	Value (\$)	No.	Value (\$)	No.	Value (\$)	No.	Value (\$)	No.	Value (\$)	No.	Value (\$)	No.	Value (\$)
2011	130	34,883,520	259	11,427,948	11	4,897,695	21	1,768,619	1	550,000	15	2,041,271	437	55,569,053
2012	112	37,509,600	259	9,248,333	12	9,024,422	22	2,272,199	2	2,913,411	15	4,057,333	422	65,025,298
2013	113	30,065,304	252	11,629,479	8	620,000	24	1,526,120	7	3,849,610	10	6,707,886	414	54,398,399
2014	103	33,310,220	248	9,141,465	6	6,185,846	15	1,032,065	7	641,868	13	12,890,553	392	63,202,017
2015	65	15,902,438	220	8,812,479	6	2,458,363	17	2,939,209	3	220,634	9	796,147	320	31,129,270

Note: Current year figures are to date only.

	New Dwelling	Domestic (Other)	New Commercial	Commercial (Other)	New Public/Health		Public/Health (Other)
Definition (Examples)	Dwellings Multi Development Re-Erection	Extension/Alteration Verandah/Deck Shed/Garage Swimming Pool	Office Shop Restaurant Factory /Warehouse	Extension/Alteration Fit Out Demolition	Hospital Medical Clinic School	Hall Church Utilities	Extension/Alteration Demolition

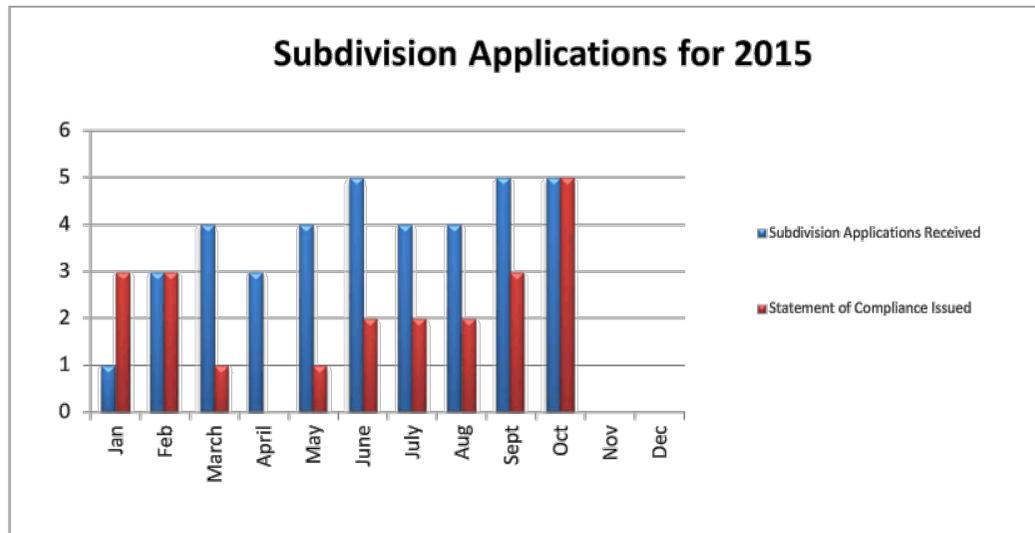
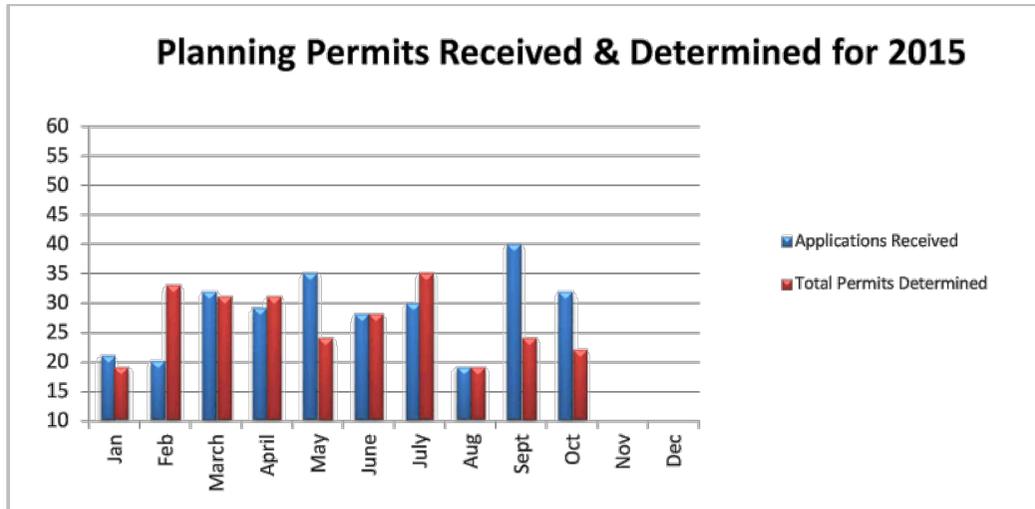


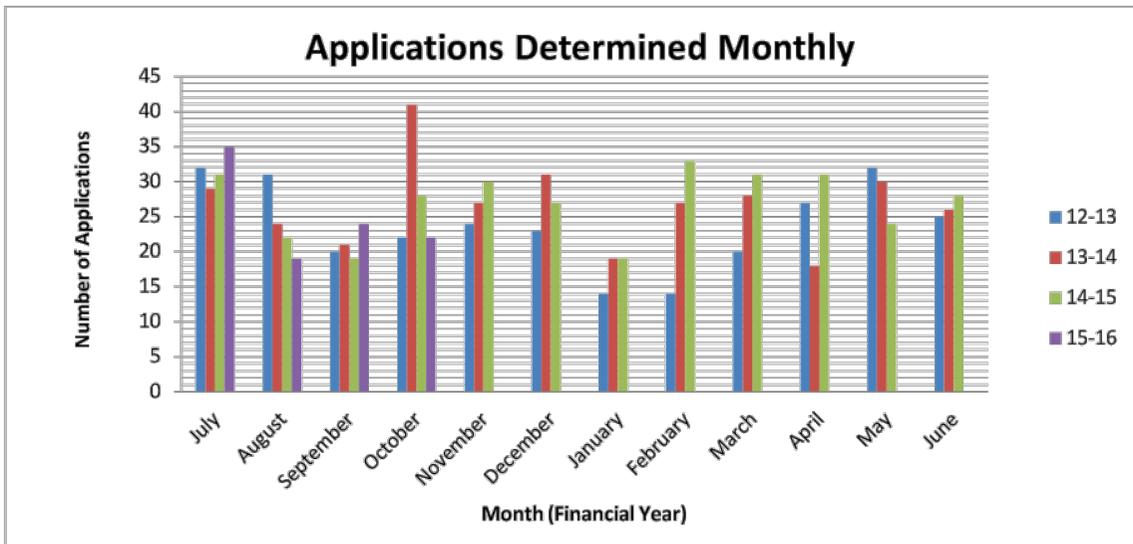
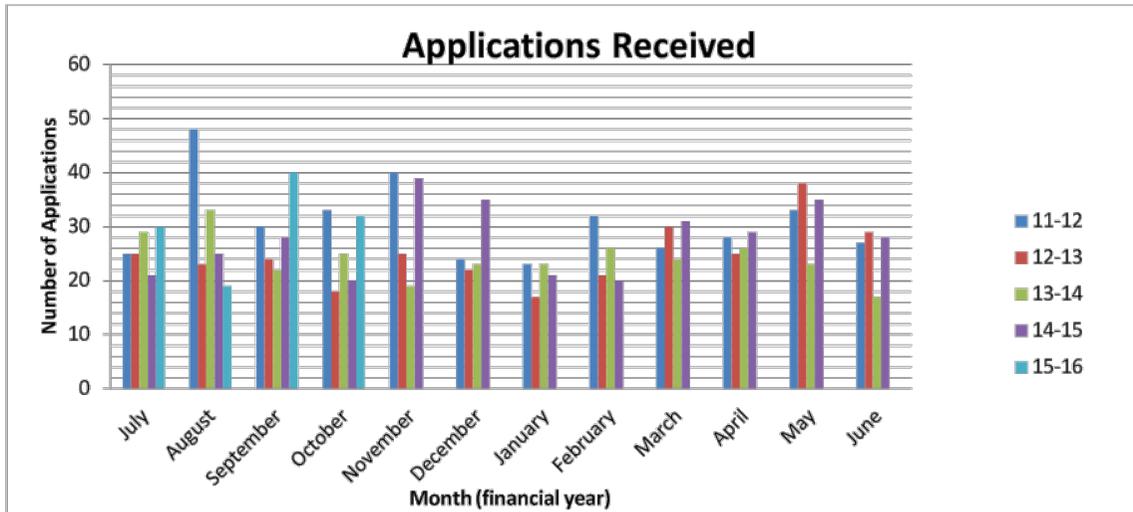
PLANNING STATISTICAL REPORT - OCTOBER 2015 - (DETERMINATIONS)

APPLICATION NUMBER	DATE RECEIVED	LOCATION	PROPOSAL	STATUTORY DAYS	DATE DETERMINED	DETERMINATION AND AUTHORITY
86/2006-3	3-SEP-15	58 MAIN STREET BIRREGURRA	USE AND DEVELOPMENT OF A GALLERY, CAFÉ, BOOKSHOP, ACCOMMODATION, SALE AND DISPLAY OF ANTIQUES, FURNITURE RESTORATION, CLOTHING AND WAIVER OF CAR PARKING SPACES - AMENDMENT	42	16-OCT-15	PERMIT ISSUED DELEGATE AMENDMENT
242/2012-2	20-OCT-15	360 CORANGAMITE LAKE ROAD COROROOKE	SUBDIVISION OF THE LAND INTO 2 LOTS - REALIGNMENT OF BOUNDARY - AMENDMENT	6	26-OCT-15	PERMIT ISSUED DELEGATE AMENDMENT
74/2014-1	4-APR-14	214 ARMSTRONG STREET/20 PETJULI STREET ELLIMINYT	SUBDIVISION OF THE LAND INTO TWO (2) LOTS	563	23-OCT-15	PERMIT ISSUED DELEGATE
260/2014-2	20-OCT-15	385 WONGA ROAD GELLIBRAND	DEVELOPMENT OF A TELECOMMUNICATION FACILITY (50M HIGH LATTICE TOWER) - AMENDMENT	10	30-OCT-15	PERMIT ISSUED DELEGATE AMENDMENT
138/2015-1	12-JUN-15	455 ESCARPMENT ROAD GELLIBRAND	BUILDINGS AND WORKS COMPRISING CONSTRUCTION OF AGRICULTURAL SHED (RETROSPECTIVE)	30	30-OCT-15	PERMIT ISSUED DELEGATE
147/2015-3	9-OCT-15	7 MAIN STREET BIRREGURRA	BUILDINGS AND WORKS TO THE EXISTING DWELLING (REMOVAL OF DAMAGED/ERODED CHIMNEY AND RELOCATION OF WINDOW, REPLACEMENT OF DOORS AND WINDOWS, AWNINGS AND REMOVAL AND REPLACEMENT OF FRONT FENCE)	6	19-OCT-15	PERMIT ISSUED DELEGATE (VICSMART)
152/2015-1	24-JUN-15	1/29 GELLIBRAND STREET COLAC	DORMER WINDOW EXTENSIONS TO RESIDENTIAL BUILDING	18	12-OCT-15	PERMIT ISSUED DELEGATE
167/2015-1	8-JUL-15	6 GRAVESEND STREET COLAC	SUBDIVISION OF THE LAND INTO TWO (2) LOTS	83	7-OCT-15	PERMIT ISSUED DELEGATE
177/2015-1	15-JUL-15	60 BUSHBYS ROAD BARONGAROOK	BUILDINGS AND WORKS COMPRISING CONSTRUCTION OF EXTENSION TO DWELLING AND CARPORT	7	7-OCT-15	PERMIT ISSUED DELEGATE

181/2015-1	17-JUL-15	6 JENNER STREET BIRREGURRA	BUILDINGS AND WORKS COMPRISING CONSTRUCTION OF A CARPORT AND VEGETATION REMOVAL (ONE TREE)	31	6-OCT-15	PERMIT ISSUED DELEGATE
186/2015-1	31-JUL-15	3 ARCHER STREET COLAC	CONSTRUCTION OF THREE (3) DWELLINGS AND THREE (3) LOT SUBDIVISION	40	9-OCT-15	PERMIT ISSUED DELEGATE
198/2015-1	20-AUG-15	22 LANG STREET BEEAC	REMOVAL OF BUILDING AND EFFLUENT ENVELOPE RESTRICTIONS	32	8-OCT-15	PERMIT ISSUED DELEGATE
202/2015-1	26-AUG-15	150 IRREWILLIPE ROAD ELLIMINYT	CONSTRUCTION OF CARPORT	34	6-OCT-15	PERMIT ISSUED DELEGATE
221/2015-1	12-SEP-15	45 DRAPERS ROAD COLAC EAST	CONSTRUCTION OF COVERED LOADING/UNLOADING AREA FOR TRUCKS	26	8-OCT-15	PERMIT ISSUED DELEGATE
234/2015-1	23-SEP-15	20 UNNAMED ROAD ELLIMINYT	CONSTRUCTION OF A DWELLING AND SHED	23	30-OCT-15	PERMIT ISSUED DELEGATE
226/2015-1	16-SEP-15	51 HUGH MURRAY DRIVE COLAC EAST	BUILDINGS AND WORKS COMPRISING CONSTRUCTION OF STORAGE SHED	14	30-OCT-15	PERMIT ISSUED DELEGATE
237/2015-1	24-SEP-15	74-84 BROMFIELD STREET COLAC	DISPLAY OF BUSINESS IDENTIFICATION SIGNAGE	15	9-OCT-15	PERMIT ISSUED DELEGATE
240/2015-1	30-SEP-15	155 POWERS LANE BIRREGURRA	CONSTRUCTION OF AGRICULTURAL BUILDING	29	29-OCT-15	PERMIT ISSUED DELEGATE
241/2015-1	5-OCT-15	90 BIRREGURRA YEODENE ROAD YEODENE	CONSTRUCTION OF SWIMMING POOL AND ASSOCIATED WORKS (SAFETY FENCING)	24	29-OCT-15	PERMIT ISSUED DELEGATE
250/2015-1	13-OCT-15	150 SAND ROAD GLENAIRE	BUILDINGS AND WORKS COMPRISING CONSTRUCTION OF AGRICULTURAL SHED	17	30-OCT-15	PERMIT ISSUED DELEGATE

278/2014-1	23-DEC-14	6 DUNOON ROAD WYE RIVER	CONSTRUCTION OF DWELLING AND ASSOCIATED WORKS, AND REMOVAL OF NATIVE VEGETATION (4 TREES)	121	21-OCT-15	NOD ISSUED DELEGATE
156/2015-1	27-JUN-15	201 GREAT OCEAN ROAD APOLLO BAY	TWO (2) LOT SUBDIVISION, CONSTRUCTION OF TWO DOUBLE-STOREY DWELLINGS AND CREATIION OF ACCESS TO A ROAD IN A ROAD ZONE CATEGORY 1	4	3-NOV-15	NOD ISSUED DELEGATE
AVERAGE STATUTORY DAYS TO DETERMINE PLANNING APPLICATIONS				54		
PLANNING STATISTICAL REPORT - OCTOBER 2015 - (PERMITS NOT REQUIRED, WITHDRAWN AND LAPSED APPLICATIONS)						
APPLICATION NUMBER	DATE RECEIVED	LOCATION	PROPOSAL	STATUTORY DAYS	DATE DETERMINED	DETERMINATION AND AUTHORITY
46/2008-4	16-SEP-15	304-308 MURRAY STREET COLAC	PARTIAL WAIVER OF CAR PARKING ASSOCIATED WITH THE USE AND DEVELOPMENT OF THE LAND FOR THREE (3) SHOPS AND ASSOCIATED STORAGE	29	15-OCT-15	PERMIT NOT REQUIRED
51/2015-1	6-MAR-15	30 TIGER LANE SKENES CREEK	USE AND DEVELOPMENT OF THE LAND FOR DWELLING AND ASSOCIATED WORKS	0	21-OCT-15	WITHDRAWN
222/2015-1	11-SEP-15	95 OLD YEO ROAD YEO	BUILDINGS AND WORKS COMPRISING EXTENSION TO DWELLING	24	8-OCT-15	PERMIT NOT REQUIRED
AVERAGE STATUTORY DAYS (ALL APPLICATIONS)				49		





BUILDING DEPARTMENT REPORT – TOTAL BUILDING PERMITS 2015 (YEAR TO DATE)

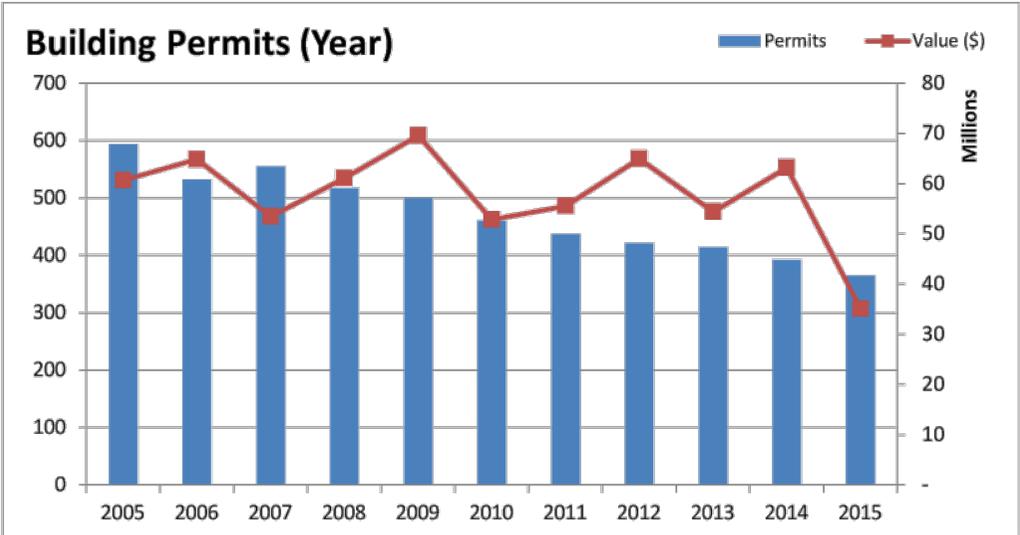
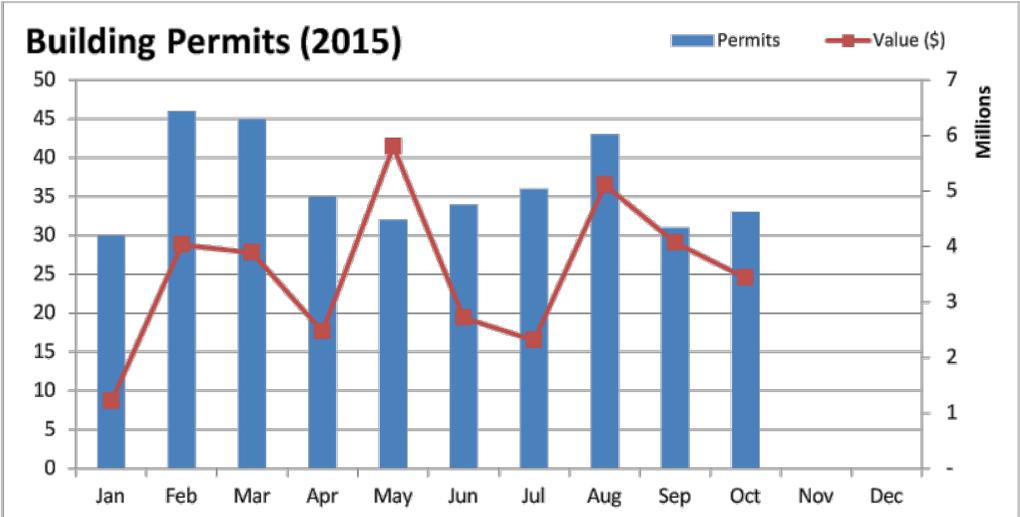
	New Dwelling		Domestic (Other)		New Commercial		Commercial (Other)		New Public/Health		Public/Health (Other)		Municipal Totals	
	No.	Value (\$)	No.	Value (\$)	No.	Value (\$)	No.	Value (\$)	No.	Value (\$)	No.	Value (\$)	No.	Value (\$)
Jan	3	603,312	24	301,464	0	-	2	226,231	0	-	1	83,160	30	1,214,167
Feb	9	2,064,347	34	1,330,763	0	-	3	641,100	0	-	0	-	46	4,036,210
Mar	10	2,359,250	29	1,125,268	0	-	1	10,000	1	9,984	3	283,428	44	3,787,930
Apr	5	1,329,665	25	821,915	2	218,000	2	34,900	0	-	1	67,922	35	2,472,402
May	7	1,904,700	22	1,693,746	1	1,937,500	2	265,000	0	-	0	-	32	5,800,946
Jun	8	1,331,603	24	1,226,888	0	-	1	56,000	0	-	1	101,637	34	2,716,128
Jul	6	1,380,503	28	821,403	1	98,000	1	8,678	0	-	0	-	36	2,308,584
Aug	11	3,421,536	23	943,197	2	204,863	2	47,800	2	210,650	2	245,000	42	5,073,046
Sep	6	1,507,522	19	689,202	1	49,820	4	1,806,969	0	-	1	15,000	31	4,068,513
Oct	7	2,368,849	25	726,551	0	-	0	-	0	-	1	344,630	33	3,440,030
Nov														
Dec														
Total	72	18,271,287	255	9,820,490	7	2,508,183	18	3,096,678	3	220,634	10	1,140,777	365	35,058,049

BUILDING DEPARTMENT REPORT – YEARLY COMPARISON (CURRENT YEAR TO DATE)

	New Dwelling		Domestic (Other)		New Commercial		Commercial (Other)		New Public/Health		Public/Health (Other)		Municipal Totals	
	No.	Value (\$)	No.	Value (\$)	No.	Value (\$)	No.	Value (\$)	No.	Value (\$)	No.	Value (\$)	No.	Value (\$)
2011	130	34,883,520	259	11,427,948	11	4,897,695	21	1,768,619	1	550,000	15	2,041,271	437	55,569,053
2012	112	37,509,600	259	9,248,333	12	9,024,422	22	2,272,199	2	2,913,411	15	4,057,333	422	65,025,298
2013	113	30,065,304	252	11,629,479	8	620,000	24	1,526,120	7	3,849,610	10	6,707,886	414	54,398,399
2014	103	33,310,220	248	9,141,465	6	6,185,846	15	1,032,065	7	641,868	13	12,890,553	392	63,202,017
2015	72	18,271,287	255	9,820,490	7	2,508,183	18	3,096,678	3	220,634	10	1,140,777	365	35,058,049

Note: Current year figures are to date only.

	New Dwelling	Domestic (Other)	New Commercial	Commercial (Other)	New Public/Health		Public/Health (Other)
Definition (Examples)	Dwellings Multi Development Re-Erection	Extension/Alteration Verandah/Deck Shed/Garage Swimming Pool	Office Shop Restaurant Factory /Warehouse	Extension/Alteration Fit Out Demolition	Hospital Medical Clinic School	Hall Church Utilities	Extension/Alteration Demolition



PC151811-5 PLANNING MEETINGS SCHEDULED FOR 2016

AUTHOR:	Jane Preston-Smith	ENDORSED:	Brydon King
DEPARTMENT:	Development & Community Services	FILE REF:	F11/2702

Purpose

To confirm the schedule of Planning Committee meetings to be held in 2016.

Declaration of Interests

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

Background

Under the Council's Local Law 4, Part 4 - Council Meeting, Clause 20 - Dates & Times of Meetings, Council is required to confirm its meeting dates on at least an annual basis.

Meetings will continue to be held on the second Wednesday of the month as required. No meeting will be held in January 2016 due to timing of the christmas break.

Council Plan / Other Strategies / Policy

Good Governance

Means we care about and are responsive to the community, encourage democratic participation and involve people in decisions that affect them. We strive for excellence in financial management and council services, and always look for better ways to do things.

Our Goal:

Ensure transparency of governance practices, the capability of our organisation and effective resource management.

Issues / Options

In the event that there are no planning reports ready for consideration that require a resolution by Council at the time of agenda preparation, the Planning Committee meeting for that month will not be required and notification of this will be placed in the Colac Herald. Councillors will be advised through a memo and the internal diary process.

This process reflects the manner in which this matter has been addressed in 2015 and previous years.

Proposal

It is proposed that the first Planning Committee Meeting for 2016 be held on Wednesday 10 February 2016, 10.30am at Colac Otway Performing Arts and Culture Centre, Colac with future meetings in 2016 to be held on the second Wednesday of each month as required at the same venue.

Financial and Other Resource Implications

Not applicable.

Risk Management & Compliance Issues

Not applicable.

Environmental and Climate Change Considerations

Not applicable.

Community Engagement

The community engagement strategy follows the recommendation of the Colac Otway Shire Council Community Engagement policy of January 2010 which details five levels of engagement - inform, consult, involve, collaborate and empower. The method selected is inform and is achieved by the resolution of the meeting dates, times and venue through the adoption of the recommendation in this report.

Implementation

The 2016 schedule of Planning Committee meetings would commence in February 2016. Meetings are advertised in the local paper prior to the meeting being held.

Conclusion

The Council's Planning Committee needs to confirm the meeting dates, time and venue for 2016.

Attachments

Nil

Recommendation(s)

That Council's Planning Committee confirm the meeting dates, times and venues of 2016 Planning Committee meetings, if required, as:

- ***10 February 2016 at 10.30am at COPACC, Colac***
- ***9 March 2016 at 10.30am at COPACC, Colac***
- ***13 April 2016 at 10.30am at COPACC, Colac***
- ***11 May 2016 at 10.30am at COPACC, Colac***
- ***8 June 2016 at 10.30am at COPACC, Colac***
- ***13 July 2016 at 10.30am at COPACC, Colac***
- ***10 August 2016 at 10.30am at COPACC, Colac***
- ***14 September 2016 at 10.30am at COPACC, Colac***
- ***12 October 2016 at 10.30am at COPACC, Colac***
- ***9 November 2016 at 10.30am at COPACC, Colac***
- ***14 December 2016 at 10.30am at COPACC, Colac***

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