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Application to use the land and part of the road reserve as a Hotel, Buildings and Works, reduction in carparking and bicycle parking

1-3 Thompson Avenue, Cowes

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Document Set ID: 14340492
Version: 1, Version Date: 21/07/2026

Quality Assurance Record

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Revision No	B
Document Name/Reference	25051
Date of Issue	December 2025 July 2026

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1 Introduction

Urban Design and Management Pty Ltd (UDM) act on behalf of *Westley Pty Ltd* (permit applicant) in regard to this planning permit application for the alterations and additions to the site at 1-3 Thompson Avenue, Cowes. The application includes partial use of the road reserve on The Esplanade.

The subject site comprises 8 separate titles, one of which was recently acquired through adverse possession. The site has frontage to Thompson Avenue and The Esplanade with no provision for onsite car parking. An existing driveway to the south of the property is to be retained, providing direct access to Thompson Avenue for waste collection and deliveries. A full Certificate of Title is included at **Attachment A**.

The Bass Coast Planning Scheme identifies the subject site as included within the Mixed Use Zone (MUZ) and is affected by the Design and Development Overlay 11 (DDO11) Cowes Activity Centre. DDO12 - Isle of Wight applies to the part of the land recently acquired.

The site is within a Declared Area and Landscape with a gazetted Bass Coast Statement of Planning Policy. The redevelopment of this site will support economic growth and support the visitor economy in an appropriate location, maximising the vista to the foreshore.

Part of the site enjoys existing use rights as established through Clause 63.01 of the Bass Coast Planning Scheme. These rights continue until the building is removed. The planning permit application seeks to expand the use of the hotel.

The building floor area is proposed to increase from the existing total of 832sqm including hotel, retail and offices, to a floor area of 1797sqm for the purpose of hotel.

The proposed use and development will include the retention of the existing single storey building on the corner of the site. The two, double storey buildings facing The Esplanade are to be removed and that land redeveloped. An existing tree and courtyard within the corner building are to be retained through the redevelopment of the site.

Demolition of the two storey buildings will enable the removal of asbestos from the site and provide space for a new built form that will more efficiently utilise the northern aspect of the Cowes activity centre. No planning permit trigger applies to the demolition of the buildings.

Although the site is located within an area of Aboriginal Cultural Heritage Sensitivity, the proposed buildings and works are exempt from requiring a CHMP as the works are associated with a purpose for which the land was being lawfully used prior to 28 May 2007. The land is also significantly disturbed.

No new signage is proposed as a part of this application.

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Permit summary:

ADDRESS	DETAILS
Title Details	Lot 3 LP13984, Lot 1 TP644996, Lot 2 TP644996, Lot 1 TP971505, Lot 2 TP677054, Lot 1 TP82256, Lot 1 TP677054, Lot 2 LP13984 1-3 Thompson Avenue, Cowes
Covenants/Restrictions	Nil
Land Area	996.49 square metres
Zoning	Mixed Use
Overlays	Design and Development, Schedule 11 and Schedule 12
Planning Permit Triggers	Clause 32.04-2 Hotel (part of site) Clause 32.04-10 Buildings and works Clause 43.02 Buildings and works Clause 52.06 Car parking Clause 52.34 Bicycle facilities Clause 63.05 Section 2 and 3 uses
Area Of Cultural Heritage Sensitivity?	Yes. No CHMP required.
Bushfire Prone Area?	No
Relevant Planning Policy	**MPS** Clause 02.02 Vision Clause 02.03 Strategic Direction **PPF** Clause 11.01-1L-03 Settlement Cowes and Silverleaves Clause 11.03-1L Cowes activity centre Clause 11.03-4S Coastal settlement Clause 15.01-1L-01 Urban Design in Bass Coast Clause 15.01-2S Building Design Clause 15.01-2L Building Design Clause 17.02-1S Business Clause 17.04-1L Facilitating Tourism
Particular Provisions	▪ Clause 52.06 – Car Parking ▪ Clause 52.34 – Bicycle Parking
General Provisions	▪ Clause 63.05 Section 2 and 3 uses ▪ Clause 65 Decision Guidelines

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2 Site and Context Description

Survey Plans are included at Attachment B. Site Analysis Plans are included at Attachment D.

2.1 Subject Site

The subject site comprises 8 titles and is identified as 1-3 Thompson Avenue, Cowes. The site is located on the south-east corner of Thompson Avenue and The Esplanade and includes a driveway abutting the southern boundary off Thompson Avenue.

The site is generally uniform in shape with a 30.48m frontage to each street. An additional lot has been acquired on the eastern boundary however this parcel of land does not have a street frontage. The site has a fall of approximately 3.9m from the south to north and 1.4m from the west to east on the southern boundary.

The site is occupied by four separate buildings and a rear receiving services open area. There is no existing provision for off-street carparking. Figure 1provides a view of the exterior of the buildings as viewed from the intersection of Thompson Street and the Esplanade.



Figure 1 - View to the existing exterior of the subject site **Source - GoogleMaps**

Western building on the south-east corner

A single storey brick building with parapet occupies the north-west corner of the lot. This building has frontage (west) to Thompson Avenue and provides direct pedestrian access via a double door closer to the corner. The building extends toward the southern driveway as a low scale wall with sloping roof revealing a mature tree within the glazed atrium of the extension. A separate pedestrian entrance is available from the rear of the building via the driveway.

The building also has frontage to The Esplanade with direct pedestrian access. Glazing is provided around the corner building.

A vehicle accessway is accessed from Thompson Avenue along the southern boundary and has an approximate width of 4m. This provides access to the service area for the collection of waste and delivery of goods including gas cylinders. Trucks currently exit in a reverse direction from the driveway onto Thompson Avenue.

Figure 2 provides a photo of the existing accessway for waste collection from Thompson Avenue. This access is to be retained.

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Figure 2 - Vehicle entrance from Thompson Avenue

Central building on The Esplanade

The centre building on the subject site has a frontage to The Esplanade and the foreshore. Next to the corner building is a stairwell with ventilation area on the top, providing access to the adjacent buildings.

The building includes a lower level that links directly with the corner building and a separate upper level including a public bar and internal terrace, with glazing to the north. The building also connects with the corner building through a rear terrace.

Eastern building on The Esplanade

A two storey building occupies the eastern part of the site, with an awning across the ground floor area to The Esplanade. The building is provided with a separate access to the ground and first floor levels. Ground floor operates as a retail shop (take away liquor) and the first floor is occupied by offices, storage and staff amenities.

This building is in poor condition and is identified as containing asbestos.

The service area at the rear of the site currently contains a waste bin area, LPG tanks and storage containers, as shown at Figure 3. Deliveries are also received in this space.



Figure 3 – service area to the rear of the site

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2.2 Existing Use Rights

The site is currently used in part as a hotel, retail and offices. The liquor licence permit, as granted through Planning Permit PDPERAMD-2024/110377-3, allows for consumption of liquor on and off the premises.

The site currently provides for uses as follows:

Hotel – total area ground floor 419sqm, first floor 246sqm

- Provision of food and drinks, entertainment and dancing.
- Back of house and amenities

Retail – bottle shop area of 64sqm

Offices – first floor area of 108sqm

The hotel does not include amusement machines or gambling. The site is lawfully used for these land uses.

The existing uses include:

Single storey corner building

- Hotel - Dining Area to the front
- Lounge.dining to the rear

The use of this building will continue. Interior works will modernise the Hotel restaurant dining area.

Double storey buildings

- Hotel – connected internally, the ground floor is currently occupied by a kitchen servicing the restaurant/dining area.
- First floor is used as an entertainment area with terrace to the south (rear).
- Eastern building ground floor: retail – currently serves as a bottle shop; first floor office

The test as to whether existing use rights apply is set out at Clause 63.01 and applies if any of the following apply

- The use was lawfully carried out immediately before the approval date. *Yes*

  Response – Yes, the use of the whole site as hotel, retail and office is lawfully carried out.

- A permit for the use had been granted immediately before the approval date and the use commences before the permit expires. *No*

- A permit for the use has been granted under Clause 63.08 and the use commences before the permit expires. *No*

- Proof of continuous use for 15 years is established under Clause 63.11. *Yes*

  Response – the site has been used as a restaurant since 1986, serving liquor for consumption on and off the site.

- The use is a lawful continuation by a utility service provider or other private body of a use previously carried on by a Minister, government department or public authority, even where the continuation of the use is no longer for a public purpose. *No*

In addition, a planning permit was issued in 2012 to use the land in accordance with a General Liquor Licence with increased trading hours and number of patrons. This use has not discontinued and remains lawful.

The use of the land as a Hotel, Retail, and Office has established existing use rights through more than 15 years of operation, with the restaurant and liquor services provided at this site since 1986.

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The existing use rights of the land as a Hotel will be retained to the front of the existing building where the use will continue and to the first floor where the function room will be reestablished.

The rear of the site will expand the restaurant use with a new kitchen area. At first floor, the function area will be expanded to include a service kitchen and updated amenities.

A copy of the existing uses floor plan is provided at Figure 4 :

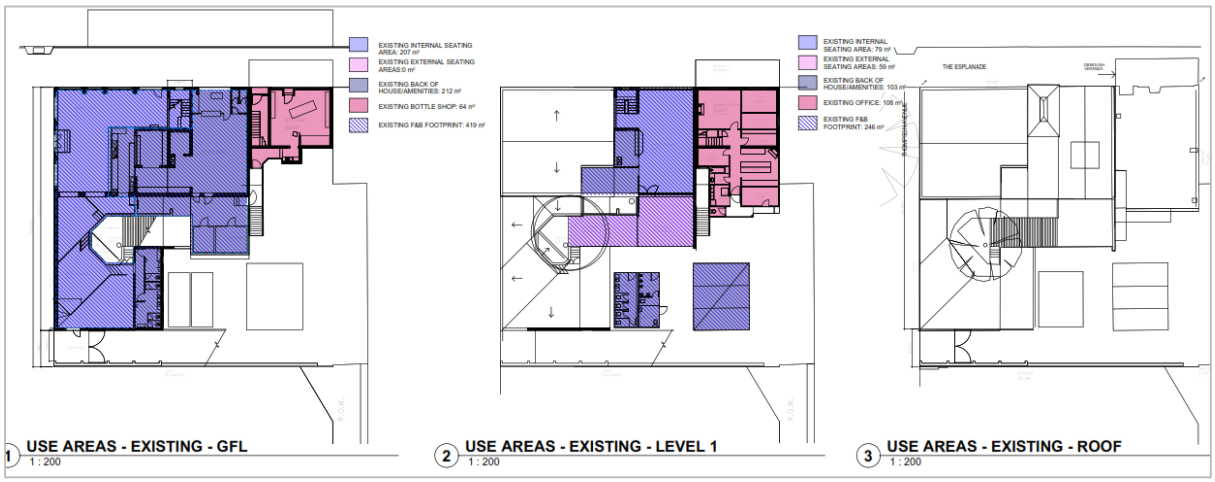


Figure 4 - Existing floor area

The loading space to the southern boundary (rear) maintains the existing loading bay and storage functionality. Deliveries will continue to this space and load directly into the goods lift.

In accordance with Clause 63.10, a permit is sought for the continued use of the site as a Hotel prior to the demolition of any part of the building.

This permit application seeks to continue the use of the land as a Hotel and to construct and carry out buildings and works as shown at Figure 5.

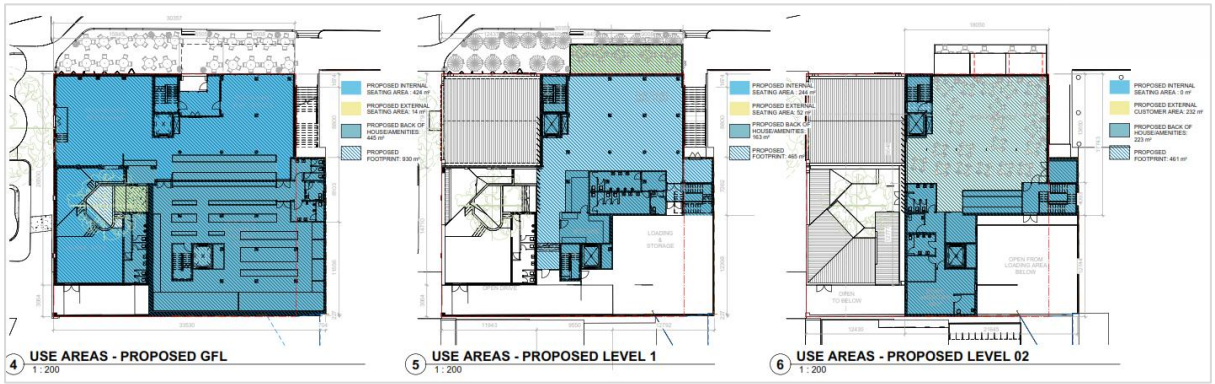


Figure 5 - Proposed use area

There is no provision for off-street carparking at this site and there is no capacity to provide car parking on the site. The existing waste and loading management arrangement will be retained. It is expected that future street works will not impact the ability for trucks.

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2.3 Surrounds and Context

Thompson Avenue is a defined Transport Road Zone, Schedule 2 (TRZ2) that extends north from Chapel Street to Cowes Beach. This street has historically accommodated two lanes of traffic providing access to the north and south.

The Esplanade is a local road that extends along the length of the Cowes foreshore between Steele Street (east) and Osbourne Avenue (west). Alterations to the street now provide one way traffic from Thompson Avenue either to the east or the west.

The Council website explains the formalisation of one-way traffic on the Esplanade in front of the subject site and surrounds are complete - Cowes Foreshore Precinct | Engage Bass Coast.

To the west of the site, further initiatives to deliver significant civil and landscaping improvements along Thompson Avenue are planned in the near future. Facing the street from the western side of Thompson Avenue is a single storey commercial building setback from the street with verandah.

Access to the existing waste collection area is to be retained as a part of that plan. A letter from the Council CEO dated 19 August 2025 provides assurance that *a 11.5 metre truck will be able to continue accessing the laneway unimpeded once the works are complete*. A copy of this letter is included at Attachment C.

In May 2026, the streetscape works were amended to accommodate a 12m truck utilising the existing driveway to the rear of the subject site.

A snip of the subject site and abutting streets, as they are planned to present following completion of the improvements, is shown at Figure 6.



Figure 6 - Proposed street works as per council website. This design has since been reviewed by council engineers to allow for a swept path to the driveway into the subject site.

To the north, the subject site directly abuts the newly constructed pedestrian area, to be used for street trading as agreed with Bass Coast Council. The subject site and outdoor dining have direct views to the foreshore, Cowes Beach and across the bay.

To the south, the site abuts #5 Thompson Avenue that presents as a 3 storey building to the street, with rear outdoor commercial deck.

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2.4 Isle of Wight proposed development

The subject site sits to the west of the site formerly occupied by the Isle of Wight hotel. This land is subject to the MUZ and DDO12 provisions as well as a Specific Controls Overlay including the Isle of Wight Incorporated Document.

Permit 230034 was granted in 2024 through VCAT in *Hosking v Bass Coast SC* [VCAT 297], allowing the use and development of the land for a residential building and hotel, including retail space and a substantial reduction in carparking. This permit remains active.

The application generally allows the development of the site, described in the Planning Report for that application by Ratio as "*a multi-building development comprising a maximum overall height (Hotel building) of 7 storeys*".

The application described the built form as it addresses The Esplanade as a coastal pavilion and includes a hotel at ground level, function rooms and restaurants at first floor and a pool deck on Level 2. The activation of The Esplanade will be provided through glazing at ground floor level providing direct access to outdoor dining and openable windows and a deck to the first and second floors.

The approved height of the building fronting The Esplanade to the top of the deck area has a RL23.53 and wall height to the east of approximately 13.4m, including 2 storeys and a deck/pool area.

Images as considered with this application are shown at Figure 7 and Figure 8 below.

This approved application has been considered in the proposed development of this site.



Figure 7 - rendering of approved development at the former Isle of Wight site Source Permit application

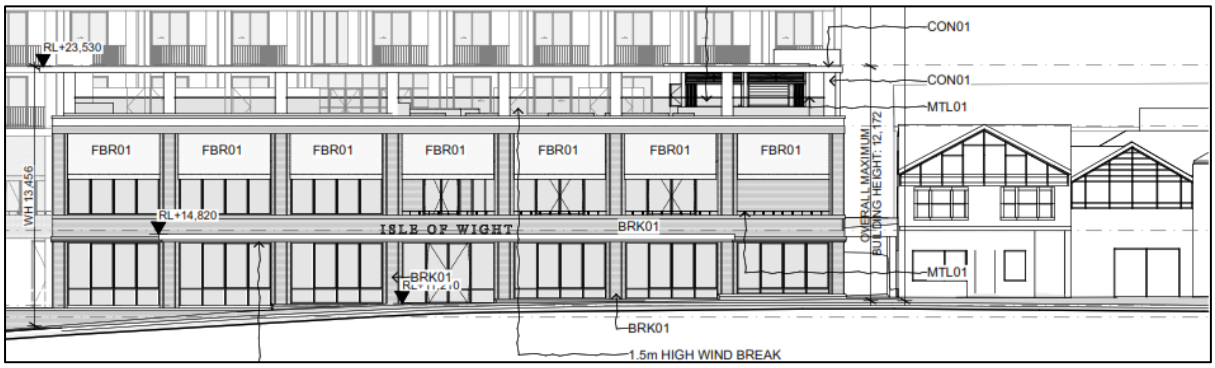


Figure 8 - Elevation as considered

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3 Proposal

Town Planning Drawings are included at Attachment E.

It is proposed to demolish part of the site (no permit trigger) and to construct buildings and works to increase the leasable floor area of the Hotel including an improved kitchen area. The existing driveway will be retained to allow for a delivery area and waste collection space.

The development will revitalise the site and includes improved utilisation of the area with greater efficiencies of the pedestrian space. The interconnection with the public realm will be enhanced with no impact on amenity.

Outdoor dining is currently provided to the new pedestrianised area of The Esplanade. This will be improved through the revitalised building design and include service across the footpath area along the length of the site. A balcony will form part of the first floor function area, providing permanent shelter to part of the outdoor dining area.

Outdoor dining will be retained to Thompson Avenue as a part of the streetscape improvements. Permission to use the land for outdoor dining has been approved separately by Council.

No planning permit is required for the sale or service of liquor.

The application to Council is restricted to:

- Use part of the site as a Hotel comprising restaurant, public bar, function room, deck. Noting that part of the site enjoys existing use rights.
- Buildings and Works.
- A reduction in carparking and bicycle parking requirement to zero.

This application proposes:

Ground Floor

- Reconfiguration of the existing building on the north-west corner, including its addition fronting Thompson Avenue. Two highlight windows will be inserted to the existing brick wall on Thompson Avenue and the original window opening will be restored to The Esplanade. No awning is to be added to the existing building.
    - Refurbished lounge area – 95sqm with direct access to the rear driveway overpass. Existing toilets to remain in situ.
- New entrance for the building to the centre of The Esplanade, with restaurant and bar service within.
    - Restaurant floor area – 259sqm.
    - Bar service area – 50sqm.
    - Patron amenities.
    - Awning across the new building to The Esplanade.
    - Lift, stairs, services cupboard.
- Construction of a 269sqm kitchen to the southern boundary, including a 21.5m wall on that boundary.

  The slope of the land will require a cut of approximately 3.9m to accommodate the new kitchen. The waste truck will continue to utilise the rear accessway with a ramp extending over the new kitchen area.

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First Floor

No first floor addition is proposed to the existing northwest building or the addition to the rear of that building.

A new two storey building will be constructed facing The Esplanade including:

- Functions area – 170sqm – opening onto a balcony with glass balustrade.
- Bar and service kitchen that connects to a goods lift and separate rear exit to the storage and loading area.
- Patron amenities.
- Store, laundry.
- Main Lift, stairs, services cupboard.

The rear driveway extends to an unroofed service area that sits above the kitchen and includes waste storage. Delivery of goods can be unloaded direct from this area to the kitchen and goods lift.

Second Floor

- Kitchen with access to goods lift.
- Bar and Deck – 210sqm including an open roof area and retractable canopy over.
- Patron amenities.
- Store, Office – 11sqm.
- Staff amenities – 40sqm.
- Lift, stairs, services cupboard.

The existing northwest building will be retained and present to Thompson Avenue with minimal change to that street frontage.

It is anticipated that the venue will have a capacity of 720 patrons and operate 7 days per week.

The new built form to The Esplanade has a street wall height of 8.7m to the deck. This is shown as a RL of 23.82 and includes a zero setback for 2 storeys with a setback of approximately 12m to the Second level.

The total height of the building is 12.28m to its highest point.

The new built form is articulated with glazing and entrance doors at ground level. The original building retains its north facing windows including restoration of the eastern window opening.

An open deck to the second floor provides views across the bay without imposing on the streetscape.

A service tower provides reference to the existing built form, articulated with window openings. The new building will be constructed of precast concrete, appropriate to the climate of Cowes and exposure to the bay.

The development as it will present to The Esplanade is shown at Figure 9.

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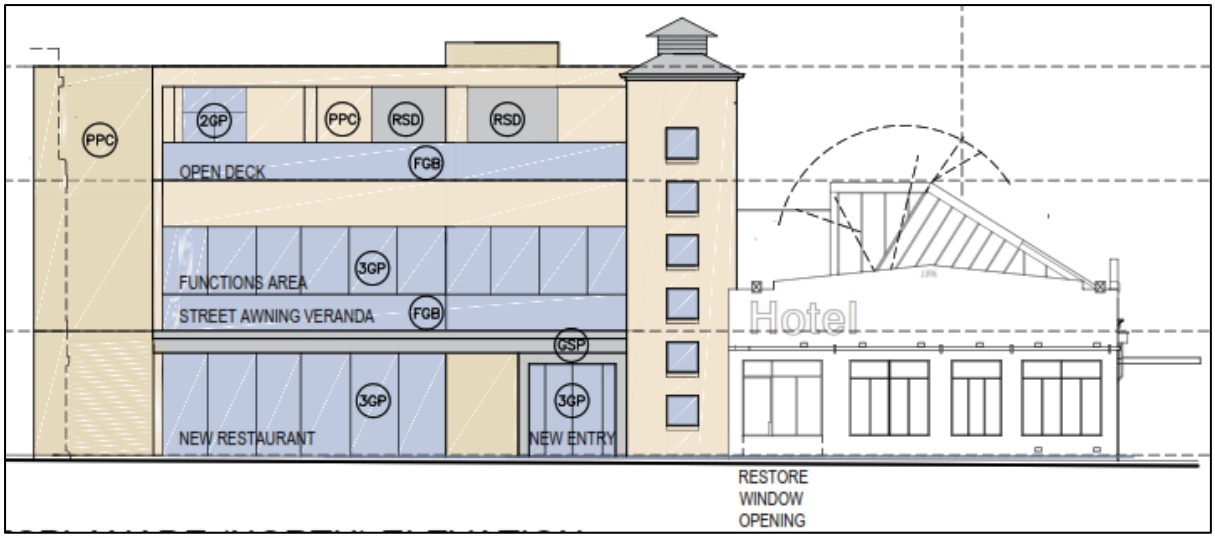


Figure 9 - The Esplanade elevation

A section of the building is shown at Figure 10, with a dotted line representing the ramp that will allow for waste collection and a delivery area to the rear of the building.

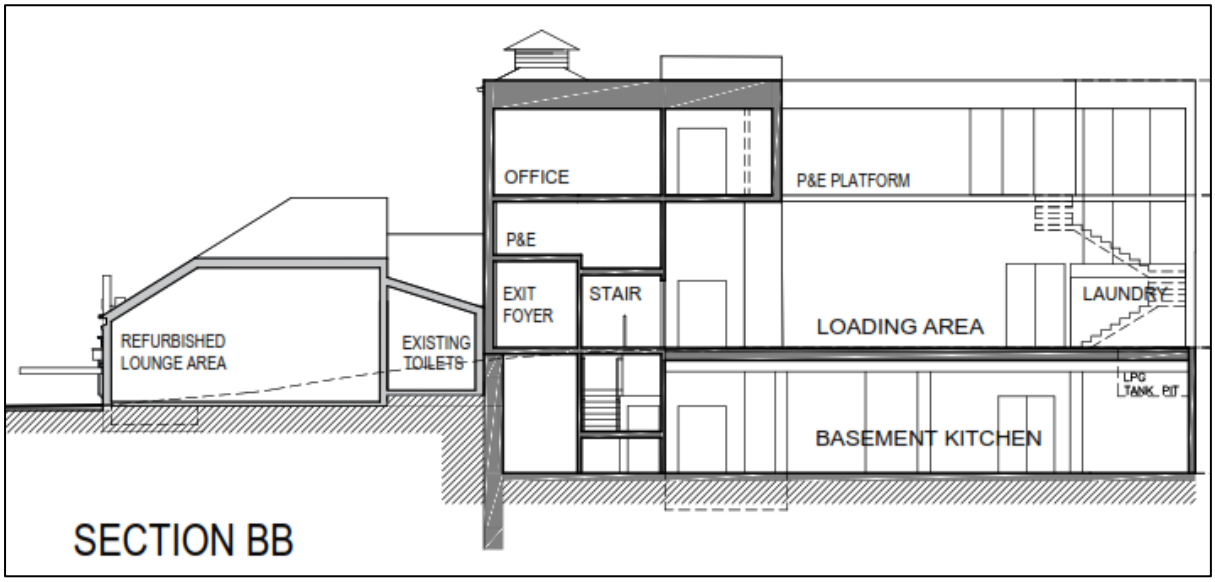


Figure 10 - North section

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3.1.1 Previous planning permit

The use of the existing buildings has been in operation since before the implementation of the Bass Coast Planning Scheme (VPP).

A determination of the Planning and Appeals Board on 6 October 1986 ruled that no permit was required at that time for the use or development of the land as a restaurant. In that case it was calculated that 14 car spaces would be required if a permit was to issue. A written note is provided to council that indicates payment of parking spaces has previously been paid by the owner of the subject site.

A search of Council records shows that Permit PDPERAMD-2024/110377-3 was issued in 2003 and amended in 2024 for *the use of land to sell and consume liquor with a General Liquor licence, extend trading hours, increase the number of patrons and associated buildings and works.*

3.1.2 Cancellation of PDPERAMD-2024/110377-3

It is intended to apply to the Victorian Civil and Administrative Tribunal for the cancellation of PDPERAMD-2024/110377-3

The cancellation of the permit is relevant since approval of Amendment VC286 where clause 52.27 was removed from all planning schemes.

A previous decision by VCAT regarding the relevance of liquor licence planning permits since the gazettal of AmVC286 was considered in *Ballarat Cinemas vs Ballarat City Council (Red Dot) [2025] VCAT 1029*. The Tribunal supports the cancellation of permits or permit conditions as they relate to liquor licences due to a '*material change of circumstances which as occurred since the grant of the permit*', being that amendment.

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4 Planning Policy

4.1 Municipal Planning Strategy

Clause 02.02 Vision sets out the Shire vision for Economic Development as supported by diverse, local and innovative businesses and employment.

Clause 02.03-1 Settlement identifies Cowes as the largest settlement on Phillip Island. Thompson Avenue is described as an important central axis through the Cowes Activity Centre and the location for the majority of commercial services. The expansion of the Activity Centre has resulted in a disconnect between the foreshore and the southern end of the Centre, and a lack of consistent character.

Clause 02.03-5 Landscape and built form provides strategy where Council seeks to:

- Support a built environment that enhances surrounding natural environment and landscape values.
- Protect individual settlement character and identity.
- Encourage buildings and public spaces that are environmentally, economically and socially sustainable.
- Support building design that complements its setting.
- Support the role of landscape design as integral to any development.
- Support environmentally sustainable development and seek to maximise energy, water and natural resource efficiency in the construction and operation of buildings.

Clause 02.03-7 Economic Development – Diversified Economy includes the Cowes activity centre where strategy seeks to increase the supply of commercial land in the main business centre and support business services that cater to both residents and visitors. Tourism is identified as the pillar of the Bass Coast economy, with Cowes being a key tourist area. Council seeks to support well-designed tourist development that respond to market demands, as well as the coastal and landscape character.

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4.2 Planning Policy Framework

Clause 11.01-1L-03 Settlement Cowes and Silverleaves applies to this site and includes a commercial strategy for Cowes to reinforce the role of Thompson Avenue by providing for projected growth of business uses in this area. Emphasis is placed on development adjacent to the coast and located in the activity centre. The subject site is located within an area identified for Substantial Change as shown at Figure 11.



Figure 11 - Substantial change area within red line for Activity Centre

Clause 11.03-1L – Cowes activity centre seeks to strengthen the centre as a tourist and community hub. Intensification of street activity and patronage is encouraged with a focus on tourism, hospitality and entertainment toward the foreshore. Relevant sub-categories through this clause are:

- Growth and diversification - strategies encourages restaurants to locate on the southern end of Thompson Avenue. The site abuts the Isle of Wight hotel site where retail, hospitality and entertainment uses are encouraged to have frontage to The Esplanade.
- Built environment – strategies support the redevelopment of key sites to strengthen Cowes' sense of place as a coastal destination. Contemporary architecture is encouraged that complements the landscape qualities and beachside character. Strategy includes:
    - Site and design development on The Esplanade to address the waterfront by minimising blank walls at the frontage and locating 'back of house' features such as parking, loading areas, air conditioning, plant and other such features so that they are not visible from the waterfront.
    - Incorporate continuous awnings in developments along The Esplanade, between Warley Avenue and Bass Avenue, and along Thompson Avenue, between The Esplanade and Settlement Road.

The development of this site will have no impact on the Golden Cyprus tree on Thompson Avenue.

The site is identified as a core commercial/mixed use interface in the Cowes activity centre plan and located within a prime tourism and entertainment area.

Built form within The Esplanade and Thomson Avenue is encouraged to be designed such that the height of the first 2-3 levels is proportionate to the width of the street and that development has a zero street setback with 2-3 storey street walls with upper levels setback from the street.

The Cowes Activity Centre plan is shown at Figure 12.

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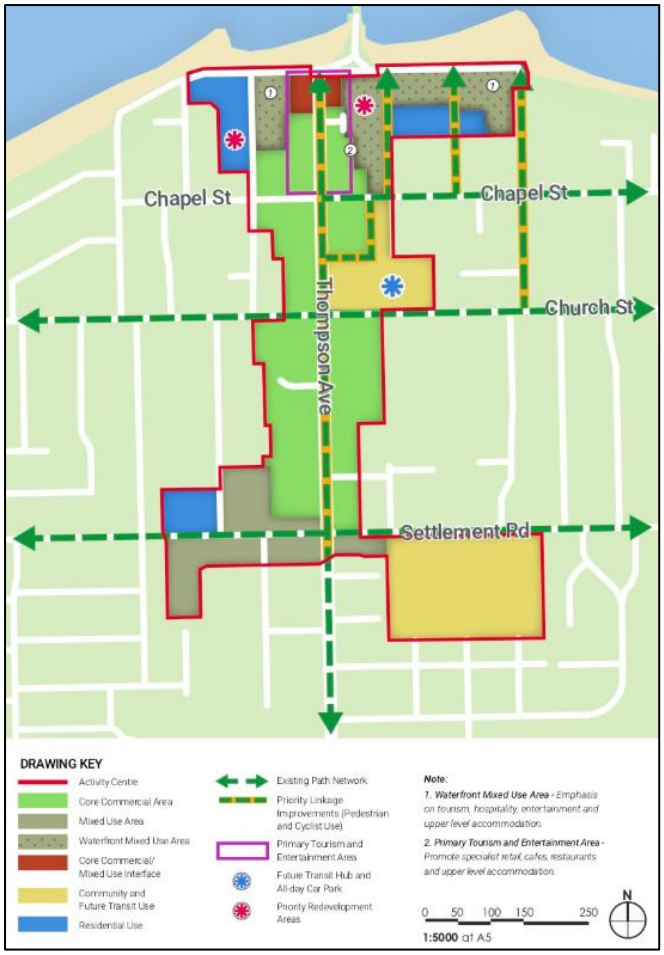


Figure 12 - Cowes Activity Centre plan

Clause 11.03-4S Coastal settlement seeks to minimise the quantity and enhance the quality of stormwater discharge from new development into the ocean, bays and estuaries.

Clause 11.03-5S Distinctive areas and landscapes recognises the important of distinctive areas and landscapes to the people of Victoria. The Bass Coast is not included in the list of policy documents.

Clause 15 Built Environment and Heritage broadly recognises the role of urban design and building design in delivering liveable and sustainable towns. Planning should promote excellence in the built environment and create places that are enjoyable, engaging and comfortable to be in.

Clause 15.01-1L-01 Urban Design in Bass Coast should reflect the coastal setting with the development of active retail frontages within the commercial area of the town centre.

Clause 15.01-2S Building Design requires a site analysis that will result in achieve the objective of a built form that contributes positively to the local context, enhances the public realm and will support environmentally sustainable development.

Clause15.01-2L Building Design outcomes should add visual interest and articulation to all visible facades of development and absorb all roof elements within the overall built form.

Clause 17.02-1S Business encourages development that meets the community need for entertainment and other commercial services.

Clause 17.04-1L Facilitating Tourism encourages a diverse range of restaurants and entertainment facilities in Cowes.

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4.3 Zoning and Overlays

4.3.1 Zone

Mixed Use Zone

The subject site is located within the Mixed Use Zone (MUZ) as shown at Figure 13.

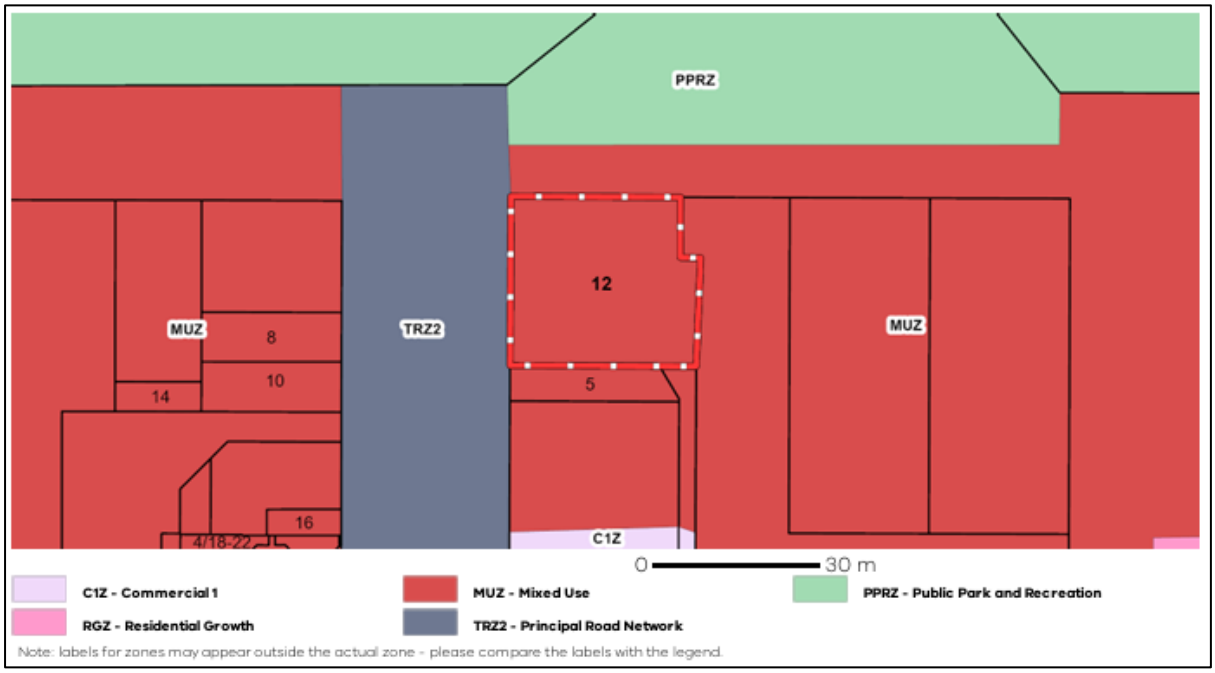


Figure 13 - Zoning

The purpose of the MUZ is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To provide for a range of residential, commercial, industrial and other uses which complement the mixed-use function of the locality.*
- *To provide for housing at higher densities.*
- *To encourage development that responds to the existing or preferred neighbourhood character of the area.*
- *To facilitate the use, development and redevelopment of land in accordance with the objectives specified in a schedule to this zone.*

Clause 32.04-2 requires a permit to use the land as a Hotel. The existing northwest corner building and two storey central building enjoy existing use right.

Clause 63.05 requires a permit for buildings and works where existing use provisions apply.

The existing building on the eastern boundary does not have existing use rights as a Hotel. A permit is required for use of this part of the land as a Hotel. requirement.

Clause 32.04-10 requires a permit for buildings and works associated with a Section 2 use.

Thompson Avenue is zoned as TRZ2. No alteration to the access to Thompson Avenue is proposed, with council streetscape improvements designed to accommodate the existing driveway to the subject site.

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4.3.2 Overlay

Design and Development Overlay

The land is subject to the Design and Development Overlay Schedules 11 and 12 (part) (DDO11 and DDO12).

Lot 1 TP971505, being the land acquired to the east of the site, sits within DDO12 - Isle of Wight (DDO12) – highlighted in yellow at Figure 14. This lot does not have frontage to any street and will include a 3 storey wall with no windows, allowing for future development against that boundary. It is envisioned that the parcel of land currently held by the Isle of Wight include a stairwell to remove any unsafe area from The Esplanade.

The remainder of the site sits within the DDO11 – Cowes Activity Centre, as shown at Figure 14.

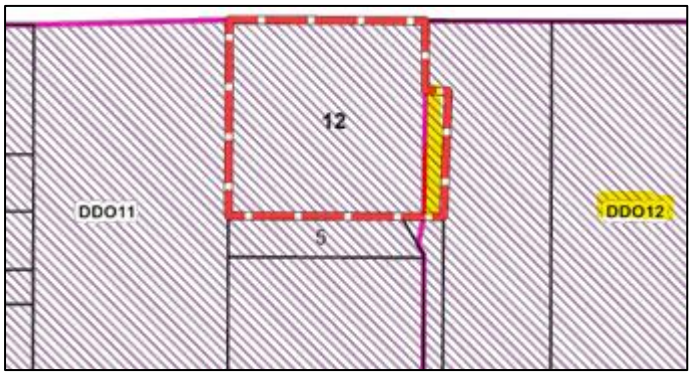


Figure 14 - Application of DDO

The design objectives for DDO11 are:

- *To create a coherent coastal village character through consistent built form within each precinct of the Activity Centre and to promote design excellence.*
- *To facilitate development in commercial and mixed use areas which fosters street activation.*
- *To ensure development fronting The Esplanade and in residential areas does not detract from the landscape significance of Cowes, as viewed from the water, foreshore, and beach.*
- *To facilitate a greater diversity and density of housing and accommodation.*
- *To encourage a transition in built form at the northern and southern edges of the Activity Centre.*

Permit requirements applicable to this site include:

- Development should be in accordance with the built form requirements specified in Table 1. The subject site is included in Precinct 1 – Waterfront Mixed Use:
    - Preferred height – 17 metres (5 storey).
    - Preferred street wall height – 8 metres (2 storeys).
    - Preferred street level setbacks – 0 metres.
    - Preferred upper level setbacks (above preferred street wall) – 5 metres.

  The preferred maximum height excludes rooftop plant and lift overruns, provided these elements are well setback from the roof edge.
- Development must provide continuous awnings at its frontage to The Esplanade
- Development should feature quality architecture, be highly articulated and provide distinctive facades to create a visually interesting interface with the streetscape.

Clause 43.02-2 requires a permit to construct a building or carry out works.

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Figure 15 provides context to Precinct 1 in DDO11.

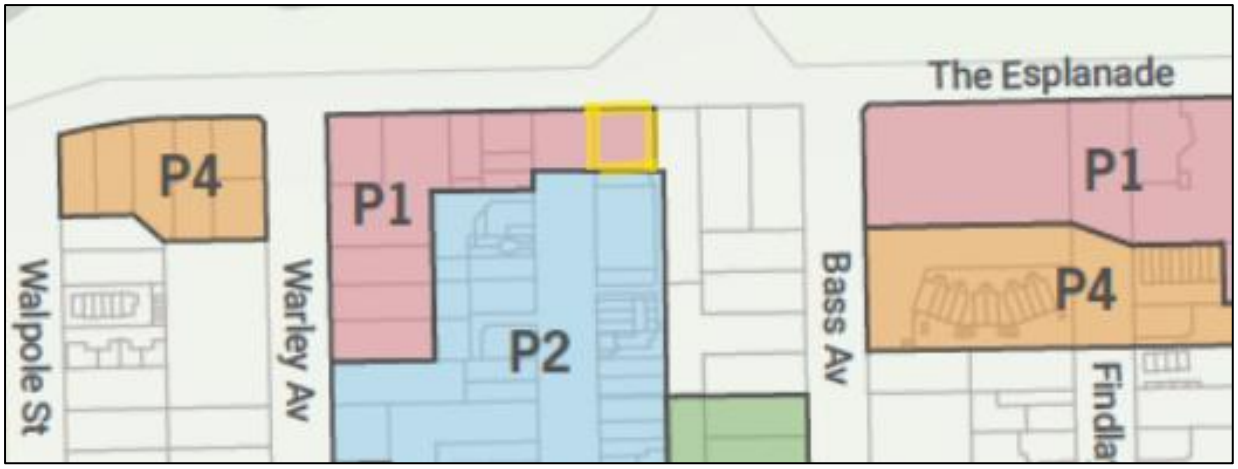


Figure 15 - Precinct 1 in DDO11

4.4 Particular Provisions

Clause 52.06 Car Parking

Clause 52.06 applies to a new land use. The existing Hotel and the existing retail/office space has applied car parking credit through the existing use rights.

Pursuant to Clause 52.06-3, a permit is required to reduce to zero the number of car parking spaces required.

The subject site currently provides no on-site car parking and holds a Liquor License to accommodate a maximum of 350 patrons.

The increased gross floor area will provide capacity for additional patrons. A traffic management assessment has been provided with this application that assumes 720 patrons. The car parking reduction to zero will continue for the site, with loading provided to the rear of the building as per the existing arrangements.

Refer to the Traffix Group Car Parking Analysis at Attachment F for further detail.

Clause 52.29 Land adjacent to the Principal Road Network

A permit is required to create or alter access to Thompson Avenue, being a Transport Zone 2.

The existing access to a driveway from Thompson Avenue along the southern boundary is to be retained. As per the letter from Council CEO, any roadworks that occur to Thompson Avenue will not affect the ability for trucks to use this driveway. The streetscape works have been recently amended to ensure that the use of the driveway is retained.

No permit is triggered.

Clause 52.34 Bicycle parking

The provision of bicycle facilities is required for bicycle parking where a new use or the floor area of an existing use commences.

Bicycle parking is not proposed within the development. This is included in the accompanying traffic management assessment.

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Clause 53.18 Stormwater management in urban development

The stormwater management objectives for buildings and works apply to this application. The purpose of this general requirement is:

- To ensure that stormwater in urban development, including retention and reuse, is managed to mitigate the impacts of stormwater on the environment, property and public safety, and to provide cooling, local habitat and amenity benefits.

The site coverage will remain unchanged, with the site currently at almost 100% sealed. The proportion of roof area for the new building design is comparable to the existing roof area. There is no space for water retention on site.

This is further explained in the Engineering Assessment included at Attachment G.

4.5 General provisions

Clause 63.05 Section 2 and 3 Uses

The proposed Hotel use is in Section 2 of the MUZ.

Existing use rights apply to the land including Hotel to the west and central parts of the site.

Existing use rights apply to the eastern part of the land as retail and office.

The established use may continue provided:

- No buildings or works are constructed or carried out without a permit.
- Any condition or restriction to which the use was subject continues to be met.
- The amenity of the area is not damaged or further damaged by a change in the activities beyond the limited purpose of the use preserved by the existing use right.

Clause 65 – Decision Guidelines

Before deciding on an application, the responsible authority must consider all matters as applicable regarding the orderly planning of the area.

4.5.3 Bass Coast Statement of Planning Policy

The Bass Coast Shire is located within a Distinctive Area and Landscape (DAL) in accordance with Part 3AAB of the *Planning and Environment Act 1987* (Act).

Pursuant to Section 46AZ of the Act, the Statement of Planning Policy (SPP) associated with the Bass Coast DAL is taken to form part of the Victora Planning Provisions. The proposed development of 1-3 Thompson Avenue and including 12 The Esplanade, Cowes responds appropriately to the DAL Bass Coast Statement of Planning Policy, March 2025.

Five (5) key attributes are listed as the distinctive features of the Bass Coast DAL. Relevant to the subject site is the importance of the tourism based natural asset of the Cowes foreshore and beach and the built form within the settlement area.

Settlement planning and management of the SPP identifies Cowes as a Regional service centre that "…supports a large seasonal visitor community and has a significant foreshore precinct" (p85).

The SPP notes the main street as being Settlement Road with avenue of cypress trees and the subject site as within the town centre. Growth in the Cowes area is to be accommodated, in part, through infill development.

Map 6 from the SPP, showing the location of Cowes in the context of Phillip Island, is copied at Figure 16.

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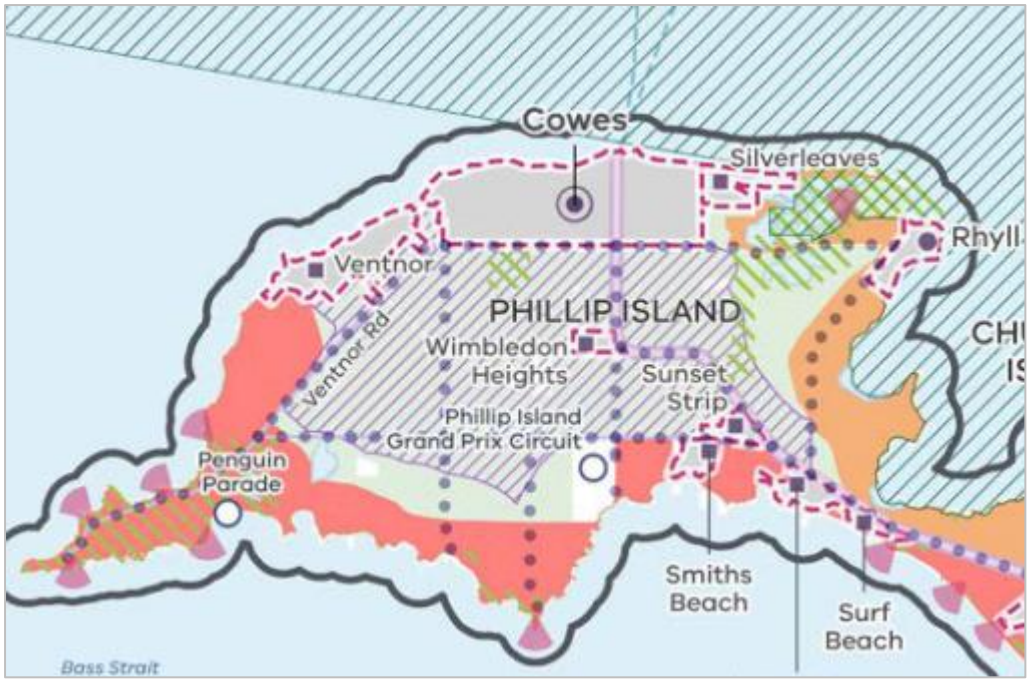


Figure 16 - copy of Map 6, SPP

The redevelopment of the site at 1-3 Thompsons Avenue and 12 The Esplanade, Cowes will revitalise that space and maximised views to the north. The provision of a deck to the roof top area, as well as a balcony to the function space at the first floor, will capture north facing views to the foreshore and Westernport Bay.

Objective 13 of the SPP is:

> To plan and manage the sustainable development of the declared area's settlement, to ensure the protection and enhancement of the area's landscape significance, Aboriginal cultural heritage, historic heritage, environmental and biodiversity values, and consistent with the unique character and hierarchy designation of each settlement.

Bass Coast Council have recently transformed The Esplanade into a one way street. creating a space for outdoor dining directly accessed from The Hotel restaurant. This will add to the vibrant, coastal atmosphere of Cowes and provide an asset for the primary commercial area in this significant landscape.

A response to the strategies listed at Objective 13 is provided at Figure 17

Strategy #	Strategies	Response
13.1	Direct urban development to a hierarchy of settlements identified for growth by designating housing change areas and protected settlement boundaries.	Cowes is identified as a regional service centre. The subject site sits within the settlement boundary and is part of the town centre. The development of this site is appropriate in its location at the northern end of Thompson Avenue.
13.2	Support protected settlement boundaries for each settlement identified in the Bass Coast settlement hierarchy, excluding localities.	The site is located within the town centre of Cowes and does not impact the settlement boundary.
13.3	Limit the expansion and intensification of settlements in high-risk locations, actively reducing the risks associated with natural hazards.	The redevelopment of the site will have limited impact on the natural environs of the Cowes foreshore. The proposed site coverage will increase by less than 8%. Stormwater runoff will be facilitated by

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		additional treatment pits, ensuring no impact on the bay.
13.4	Ensure the design of development respects the identities, coastal characters and Aboriginal cultural and historic heritages of settlements and their environs.	The development is located on land that has been previously disturbed and replaces an existing built form.
13.5	Ensure development at the periphery of settlements is designed to transition to the surrounding landscapes, integrating development with its environs, landscape character and features, subject to addressing bushfire risks.	The built form will transition to The Esplanade and Thompson Avenue through outdoor dining, openable windows and a natural flow of vistas through extensive glazing. The transition to the surrounding landscape is improved through the retention of the corner hotel building, with reference to the 'chickery kiln' reference of the stairwell design. A balcony facing The Esplanade will assist with the transition to any development on the eastern boundary. Proposed boundary treatment to the shared boundary with the Isle of Wight is designed to provide articulation whilst retaining the development rights of that site. Retention of the existing corner hotel includes reveals of the exiting tree canopy with the courtyard of the western portion of the site. The landscape character is retained through the siting of the upper level setbacks, revealing a wider visual apex to the Bay. The site is not in a bushfire prone area.
13.6	Ensure development in settlements maintains and enhances views of the rural hinterland, to and from the coast and foreshore, and other significant landscapes.	The development is designed to maximise the vistas of the Bay. Dining and function spaces to The Esplanade are improved, including an open roof deck. The upper level mass of new built form will be further setback from the street, providing a wider visual apex from the public realm across the Westernport Bay as approached from the south. The view toward Thompson Avenue from the jetty and foreshore is through a transitional space affording visual penetration over a wider area of public parks and spaces. Low scale development close to the east side of Thompson Av allows morning sunlight to fall to the outdoor areas, complementing the recent roadworks and landscaping outcomes for community use.

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		The development utilises the revised streetscape works with access to outdoor spaces on Thompson Avenue and The Esplanade. The development will provide a modern hotel referencing the built form of the corner building. Existing views are retained for public enjoyment.
13.7	Ensure development in settlements achieves best practice environmentally sustainable design and development for the full life of the development.	The substantial retention and refurbishment of significant existing building and services will reduce the carbon imprint of any new works. The new building design incorporates best practice mechanical, electrical and hydronic services. All fittings and fixtures will meet the requirements of the Building Regulations. Materials will provide a long lifespan with durable structure. The design provides a suitable structure for further additions when demands supports it. Passive solar design optimises the northern orientation of site frontage to The Esplanade, including awnings designed for protection during the heat of summer and adjustable shade structures in open dining areas Retention of the existing courtyard tree will be beneficial for shade and cooling effect. Openable windows will be provided for natural ventilation across the full Esplanade frontage and return to Thompson Avenue. Use of contemporary materials to achieve optimum thermal performance will be used including an energy recover exhaust and ventilation systems. Maximum advantage of the proximity off Westernport Bay on north side of The Esplanade provides natural light. Sunshades will provide protection from low summer sun, designed to passively admit winter sunshine.
13.8	Provide an adequate supply of well-serviced commercial, industrial, community and other employment land in settlements to support local and regional jobs and services.	The proposed buildings and works will significantly increase the capacity of the site to facilitate a space where people can sit and appreciate the surroundings. The additional capacity will support local employment for events that can be held at the venue throughout the year.

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13.9	Encourage the voluntary and proactive use of Aboriginal cultural heritage management plans.	Not appliable.
13.10	Ensure affordable and social housing is located close to town centres and services.	Not applicable.

Figure 17 - Objective 13 strategies response

A services report is provided at Attachment H.

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5 Assessment

5.1 Municipal Planning Strategy

The refurbishment of the existing establishment on the site in association with the redevelopment of the land facing The Esplanade will revitalise this core commercial area and reactivate the northern end of Thompson Avenue, creating a connection to the core activity area. This is consistent with Council strategy to activate the space at the foreshore.

The renovation of the Hotel and the redevelopment of part of the site will generate additional employment opportunities and increase the availability of space for the use of residents and visitors alike.

The building is designed to capture views to the foreshore and the bay with increased capacity for dining and functions within Cowes. The built form complements the design as approved on the adjoining site at the former Isle of Wight. The development will strengthen the connection between the hotel and the public realm, supporting an improved development outcome.

The proposed development is consistent with Councils vision for the Cowes Activity Centre.

5.2 Assessment against Planning Policy

The alterations to the existing building and development of the site with a new built form will activate this site through the provision of additional space and facilities for patrons at The Hotel.

The proposed development and carpark reduction is situated within a substantial change area and responds to the key policy outcomes of the Bass Coast Planning Scheme.

5.2.1 Clause 11 - Settlement

Redevelopment of the site will better utilise its position on The Esplanade as a Hotel. The efficient use of the land will strengthen its connection to the core Cowes Activity Centre and to the foreshore, responding to the Cowes and Silverleaves strategy of Clause 11.01-1L-03. The provision of openable glazing across the front of the site with decks on each upper level will provide a positive interaction to the pedestrian realm of The Esplanade and maximise views to the foreshore and the Bay

The proposal aligns with the commercial strategy of this policy, particularly in this accessible location adjacent to the coast. The rejuvenation of the space to the east of the single storey Hotel building will improve the activation of this land with the public realm.

Outdoor spaces will be created, including a function space at the first level with open wall glazing extending to an open balcony, allowing patrons to enjoy the views and atmosphere of the foreshore. At the second level, an outdoor deck with a bar and limited kitchen area will provide a partially sheltered space, maximising the northern views to the Cowes Foreshore and Western Port Bay.

The objective of Clause 11.03-1L is to strength the Cowes Activity Centre's dual role as a tourist and community hub. The use of the site as a Hotel, including a lounge bar, restaurant, function area with balcony and upper outdoor deck, facilitates Council strategic direction for land to contribute towards street activity and patronage. The site will provide improved hospitality opposite the foreshore and will provide a land use compatible with the policy direction to provide cafe and restaurant uses along Thompson Avenue between The Esplanade and Chapel Street.

The redevelopment of the site will complement development of the former Isle of Wight Hotel site which has been approved as a food and drink establishment with accommodation and retail uses. The development of the subject site as proposed will further contribute to the consolidation of the Activity Centre through greater land use density, architectural excellence and opportunities for connection with a pedestrian focus on The Esplanade.

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Strategy at Clause 11.03-1L calls for built environment and infrastructure to be addressed as follows:

Built environment strategy	Proposal response
Support the redevelopment of key sites in a manner that contributes to Cowes' identity as a tourist town and regional centre.	The retention of the existing corner building will ensure the identity of The Hotel is retained. Refurbishment of that building with the development of the eastern portion of the site will enable the increase of patron capacity and the ability to utilise the site for both local functions and tourist use.
Site and design development to strengthen Cowes' sense of place as a coastal holiday and lifestyle destination.	The site is well positioned, with a northerly aspect to the Cowes foreshore and environs, direct access to The Esplanade and Thompson Avenue and positioned next to the Isle of Wight future development. The proposal will provide improved connection from the site to the public realm, strengthening the sense of place as a coastal destination.
Encourage contemporary architecture that is complementary to Cowes's landscape qualities and beachside character.	The proposal has been designed to respond to the Isle of Wight development to the east. The development will provide glazing and direct access to outdoor dining at ground floor, with a balcony and outdoor deck to the first and second floors to capitalise on northern views of the foreshore and bay. Building materials, colours and glazing have been selected to reflect the coastal destination and context of the site.
Site and design development on The Esplanade to address the waterfront by minimising blank walls at the frontage and locating 'back of house' features such as parking, loading areas, air conditioning, plant and other such features so that they are not visible from the waterfront.	The development will open the site up to The Esplanade. The existing buildings are limited in their form and function with few openings to the foreshore. The new built form includes windows at ground floor with direct connection to the outdoor seating area and pedestrian area of The Esplanade. First floor includes open wall glazing with a balcony, while the setback of built form at the second floor deck will reduce the scale of the building as viewed from the public realm. Loading and waste collection is to be retained at the rear of the site, accessed via the existing driveway from Thompson Avenue. The second floor extends in part to the southern boundary, ensuring the loading area is not visible from Thompson Avenue.
Incorporate continuous awnings in developments along The Esplanade, between Warley Avenue and Bass Avenue, and along Thompson Avenue, between The Esplanade and Settlement Road.	No change is proposed to the existing building on the corner of Thompson Ave and The Esplanade, including no inclusion of an awning. The new built form with frontage to The Esplanade includes a 14m length of awning across the ground floor frontage.
Ensure that development in Thompson Avenue does not adversely impact the health of the heritage listed Golden Cypress trees.	Thompson Avenue and the Golden Cyprus tree will not be affected by the development of the site.
Retain and protect the existing Moreton Bay fig tree on the Isle of Wight site.	Not applicable.

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The connection to the foreshore will strengthen the sense of place for Cowes being a coastal holiday and lifestyle destination.

The policy guideline as relevant to this application includes considering:

Preparing a master plan for the former Isle of Wight	A Masterplan has been prepared and implemented as DDO12. The plans as approved for Permit 230034 are considered in the development of this site, with the proposed front façade complementing the design outcome at the Isle of Wight.
Unifying and strengthening the built form of Thompson Avenue from The Esplanade to Church Street	The impact of the proposed development to Thompson Avenue will be minimal, with the development at second level setback 12.4m and sited over the loading accessway. The development will address The Esplanade with a 2 storey form and zero setback. The deck on the 2nd level is open with no wall to the street, providing an articulated view as viewed for Thompson Avenue.

The proposed increase in patronage to the site, including redevelopment of the site with active frontage is in line with Council policy to reflect the coastal setting within the commercial centre of town.

The development will add visual interest and articulation to the street. The additional roof area proposed is generally in keeping with the existing surface area, ensuring that the impact on stormwater and services will be minimal.

There is no policy regarding car parking in the area. The Isle of Wight development to the east was provided a reduction for carparking and bicycle on the site. The subject site cannot accommodate car parking on site and a full reduction of car and bicycle parking is appropriate in this instance. The urban design outcomes delivering excellence in built form and connecting the site to The Esplanade provides a positive outcome, enhancing the public realm and providing a sustainable development.

The proposal is in keeping with the vision and policy direction for the development of the Cowes Activity Centre, connecting Thompson Avenue to the Esplanade (north) from Chapel Street (south).

5.2.2 Clause 32.04 Mixed Use Zone

The site has as of right use as a hotel to the existing corner building and blue (middle) building. The site to the east, currently occupied by a double storey building, is used as a retail and office space.

Use of the eastern section of the site triggers a permit requirement for the use of the land as a Hotel.

Shadow diagrams have been prepared that demonstrate minimal impact on the surrounding built form, including the approved plans for the Isle of Wight to the east. No existing rooftop solar energy systems are identified on properties on adjoining lots and no residential buildings are affected by the development.

The development is appropriate in this location and will complement the commercial development on Thompson Avenue and the mixed use development as approved at the Isle of Wight site to the east.

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5.2.3 Clause 43.02 Design and Development Overlay

Schedule 11 – Cowes Activity Centre is applicable in regard to development on this site. The strip of land that is subject to Schedule 12 is setback from the street and will not impact the Isle of Wight development.

The proposed refurbishment of the existing corner building with the redevelopment of the remaining site will provide activation to The Esplanade and a direct connect to outdoor seating as provided on the newly extended footpath area forming part of the upgrade streetscape works.

The building design is in keeping with the approved Isle of Wight development and will provide an articulated development as viewed from the water, foreshore and beach.

Precinct 1 of DDO11 allows for a height of 17 metres (5 storeys) for buildings fronting The Esplanade, including a wall height of 8 metres (2 storeys). Precinct 2 applies to Thompson Avenue to the south and west of the site where the preferred maximum building height is 11 metres with 8 metres to the street.

The proposed development sits under the preferred heights with no development proposed to Thompson Avenue, as depicted in the model diagram at Figure 188. The proposed building envelope shows the retention of a wider outlook vista from Thompson Avenue.

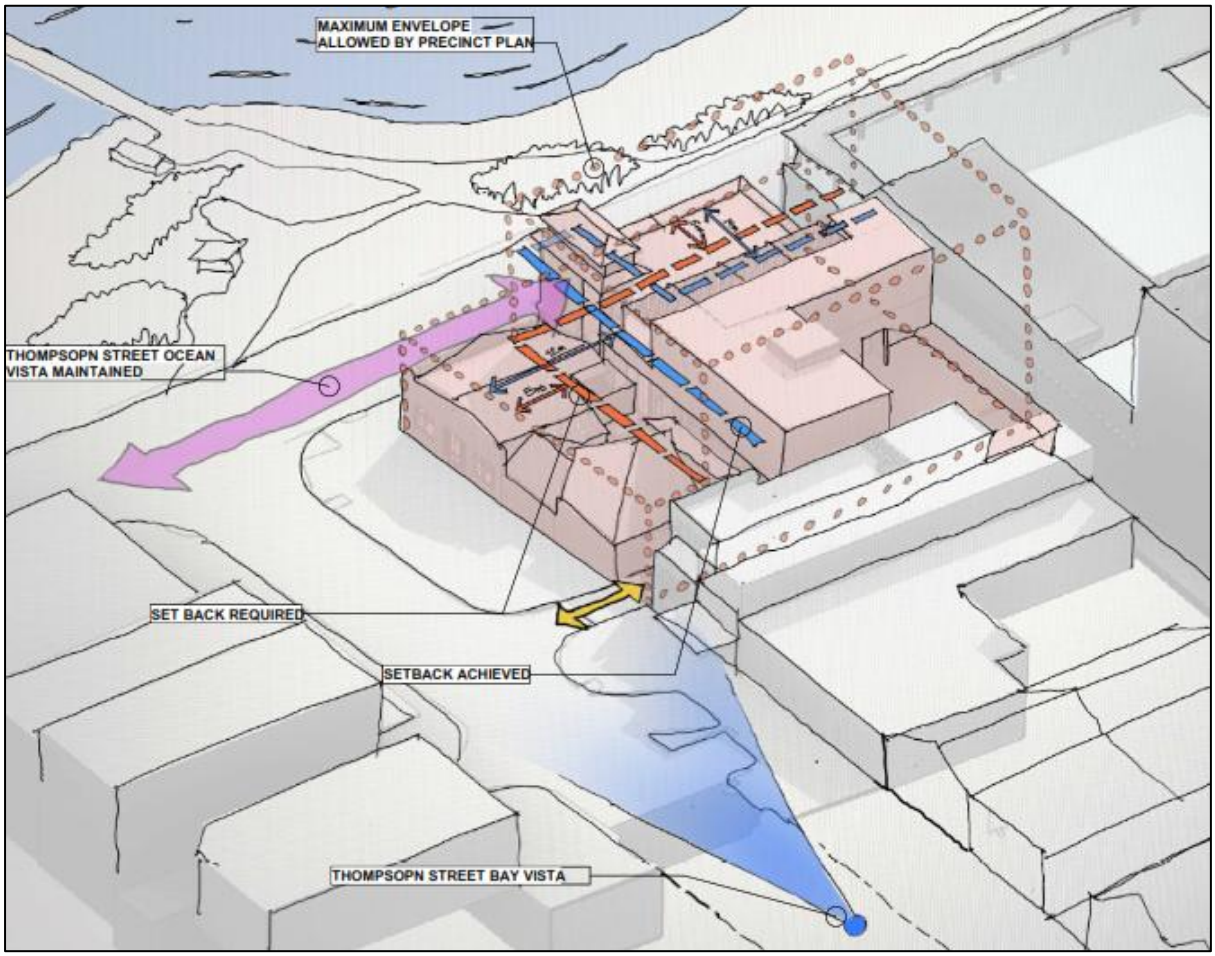


Figure 18 - Maximum building envelope outline

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The permit requirement and decision guidelines are considered as follows:

Permit requirement/decision guideline	Proposal response
Development should be in accordance with the built form requirements specified in Table 1 (height)	Table 1 provides the preferred built form height for built form in Precinct 1. The development height is as follows: Zero setback to The Esplanade - Complies 8.7 metres high to The Esplanade and 2 storey – this is 700mm higher than the preferred maximum. The variation is acceptable, providing a transition from the single storey building on the corner of Thompson Avenue and The Esplanade to the height of the roof over the deck to the east for the Isle of Wight development, approved to a height of 12m. Total height of 13.42 metres, less than the preferred maximum of 17 metres. The lift overrun and cap to the stairwell tower sit within the 17m limit.
Development must provide continuous awnings: At its frontage to The Esplanade, between Warley Avenue and Bass Avenue. At its frontage to Thompson Avenue, between The Esplanade and Settlement Road, with the exclusion of the church and community centre sites at the intersection of Thompson Avenue and Church Street.	The new development at The Esplanade will include an awning across the frontage of the development for a length of 14.67m, extending across the entry to the eastern boundary. No awning is currently provided to the single storey corner building and no new awning is proposed at this location.
Development should feature quality architecture, be highly articulated and provide distinctive facades to create a visually interesting interface with the streetscape	The addition of highlight windows to the existing brick wall along Thompson Avenue will add articulation to those spaces and inviting preview into the glazed atrium courtyard of the earlier extension. The new development as it faces The Esplanade includes a vertical built form abutting the existing Hotel, similar in form to the existing tower. This space includes a series of windows providing natural light to the stairwell and a northern outlook overlooking the jetty foreshore from the stairwell landings. The ground and first floor interfaces includes open wall glazing, providing interaction with the pedestrian realm and connection with the foreshore. The first floor balcony will add to the visual interest from the street. The second floor includes an open roof deck with frameless glass balustrade. Built form is setback approximately 10.4 metres from the front, with a retractable canopy extending over part of the deck area. The architecture quality of the proposed development is highly articulated and will provide a visually interesting façade with the streetscape, whilst not competing with the façade as approved for the Isle of Wight to the east.

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Whether the design of the development compliments the landscape character of Cowes, as viewed from the water, foreshore, and beach	The reinstatement of the original window in the corner building as it faces The Esplanade will restore the building as a hotel with glazing toward the foreshore. New development on the site includes glazing to the ground floor extending to a pedestrian outdoor dining area, with social spaces provided on the balcony and outdoor deck at the first and second levels. The view to the building will present as a two storey built form with outdoor spaces appropriate to a coastal setting. The built form will contribute to the development of The Esplanade as a place that connects to the foreshore and public realm.
The extent to which the facade of the development is articulated to break up building mass	The building includes a 2 storey built form with zero setback to the street. This is articulated with a vertical element housing the stairwell and lift and providing a connection to the existing vertical element on the site. The ground floor and first floor elements of the new building includes glazing across each floor, maximising the relationship with the northern foreshore views. Building material include precast concrete and retractable shading elements. A balcony extends from the first floor function room with glass balustrade, providing visual interest to the façade. The built form is considerate of the approved development at the Isle of Wight and appropriately responds to its surrounds and context.

5.2.4 Clause 52.06 Car Parking

It is proposed that the car parking rate be reduced to zero, as per the existing conditions for this site. The accompanying report by Traffix Group is relevant to this application and is to be considered in association with this report.

The waste management requirements have been considered by Traffix Group in their assessment, to be read in conjunction with this report. It is essential to note that the CEO of Bass Coast Shire has recently provided written assurances that the waste collection and loading facilities to this site will not be affected by the proposed upgrade to the Thompson Avenue streetscape.

5.2.5 General provisions

Clause 65.01 provides the decision guidelines the Council must consider as appropriate. The provisions of the proposed development adequately address the matters that the responsible authority must consider.

Currently the site has 100% hard surface or built form. The proposed development will create minimal additional surface area and can be accommodated with the existing stormwater management system.

The site currently does not provide car parking and is not encouraged in this location. Loading and waste collection is currently provided to the rear of the site from a driveway which is to be retained through this development. As noted by the Council CEO, access to this space will be retained for the redevelopment of the land.

There will be no negative impact on the environment or human health as a result of redevelopment of the site. The refurbishment of the existing space, increase in ground floor area and new buildings to the east of the site will provide a greatly improved use of the space, including an awning to The

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Esplanade, improved interaction with the public realm with no detrimental impact from noise to the surrounding commercial area.

The proximity of the land directly opposite the Cowes foreshore and Western Port Bay provides opportunity to maximise the north facing views to that space from the development. This is achieved through open wall glazing, first floor balcony and second floor open roof deck.

6 Conclusion

The subject site at 1-3 Thompson Avenue and 12 The Esplanade is clearly supported by Council's municipal planning framework and strategy for the Cowes Activity Centre, especially for this site with frontage to the foreshore and Western Port Bay.

The site is identified as part of the core commercial, mixed use interface and is essential to providing interaction with the pedestrian spaces created through the streetscape works to Thompson Avenue and The Esplanade, Cowes.

The development is considerate of the Isle of Wight approved plans but does not rely upon them. The development is appropriate and provides articulation and scale in its own right. Should the Isle of Wight be constructed as approved, the development of 1-3 Thompson Avenue and 12 The Esplanade will provide an appropriate scale to extend from Thompson Avenue to the Isle of Wight site.

The restoration of the front window to the existing building fronting The Esplanade will improve the outlook to the site from the foreshore, providing a consistent frontage to that building in a manner that connects the site to the history of this area.

Articulation of the new development including open wall glazing to ground floor and first floor levels, ensuring interaction and connection with the foreshore and beach spaces. A new awning across the entrance and glazing to the new building forms part of Council vision for this street.

The proposed height of the building is appropriate for The Esplanade with minimal impact to Thompson Avenue. The 2 storey street wall responds to the preferred heights of DDO11, with an open roof deck providing additional area for patrons to appreciate the setting of the building with a northern frontage to the Cowes foreshore.

Whilst outdoor dining does not form part of this application, and will be arranged separately with Council, the street works to The Esplanade creates opportunity for use of that space without conflict with vehicle traffic. The proposed development has considered this in its design.

The proposed development will increase patron numbers to the site, including provision of a function space for local residents as well as for visitors to Cowes. The development has been designed to ensure it provides significant net community benefit to the region, as well as improving the interaction with the Cowes foreshore area.

The provision of no car parking is appropriate for this site in the context of the Cowes Activity Centre. The retention of the existing loading area is supported by the Council CEO with assurances that any street works on Thompson Avenue will not affect the operation of that space.

Overall, the development supports the strategic direction of the Bass Coast Planning Scheme and responds to the requirements of the Design and Development Overlay – Schedule 11. The development seeks to deliver an outcome that accords with the Cowes Activity Centre plan and will achieve the Council vision to support the economy through a diverse, local and innovative business and employment.

The proposed development will complement its setting, supports connection with the Activity Centre including the street works and can be supported in this context.

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Attachments

Attachment A – Copy of Title

Attachment B – Survey Plan

Attachment C – Letter from CEO

Attachment D – Site analysis plans

Attachment E - Town Planning drawings

Attachment F – Traffic assessment

Attachment G – Engineering report

Attachment H – Services report

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