



PLANNING COMMITTEE MEETING

AGENDA

WEDNESDAY 14 FEBRUARY 2018

AT 4PM

COPACC

COLAC OTWAY SHIRE COUNCIL PLANNING COMMITTEE MEETING

14 FEBRUARY 2018

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COLAC OTWAY SHIRE COUNCIL PLANNING COMMITTEE MEETING

NOTICE is hereby given that the next *PLANNING COMMITTEE MEETING OF THE COLAC OTWAY SHIRE COUNCIL* will be held in COPACC on 14 February 2018 at 4pm.

AGENDA

1. I DECLARE THIS MEETING OPEN

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. WELCOME AND ACKNOWLEDGEMENT OF COUNTRY

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

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

5. DECLARATIONS OF INTEREST

6. CONFIRMATION OF MINUTES

- **Planning Committee held on 6 December 2017.**

Recommendation

That the Planning Committee 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 five minutes will apply.

PLANNING COMMITTEE

RESTAURANT AND SHOP AT 73-75 MAIN STREET BEEAC (PP93/2016)

PC181402-1

ADDRESS AND PROPERTY DETAILS	73 and 75 Main Street Beeac	GENERAL MANAGER	Gareth Smith
PREPARED BY	Helen Evans	TRIM FILE	F16/4191
DIVISION	Development & Community Services	CONFIDENTIAL	No
PERMIT TRIGGERS	Township Zone (use and development); Environmental Significance Overlay Schedule 1 (Warrion Groundwater Area); Heritage Overlay (HO301 – Beeac Commercial Precinct); Clause 52.05 - Signage; Clause 52.06 – Reduction of Parking Requirement; Clause 52.27 - Sale and Consumption of Liquor		
TRIGGER FOR DETERMINATION BY COMMITTEE	Waiver of more than 5 car parking spaces		
APPLICATION NUMBER	PP93/2016-1		
PROPOSAL	Use and Development of the Land for a Restaurant and Shop, Use of the Land for the Sale and Consumption of Liquor (Restaurant and Café Licence), Reduction in Car Parking (13 Spaces), Display of Business Identification Signage, External Alterations to the Building and Construction of Fences		
ZONE	Township Zone (TZ) Adjacent Road Zone Category 1 (RDZ1)	OVERLAYS	Heritage Overlay (HO301) and Environmental Significance Overlay Schedule 1 (ESO1)
COVENANTS	Not applicable		
LIST OF ATTACHMENTS	<ol style="list-style-type: none"> 1. Application Plans 2. Site photos 		
CULTURAL HERITAGE	Not Applicable		

1. LOCATION PLAN / AERIAL PHOTO

LOCATION PLAN



AERIAL PHOTO



2. EXECUTIVE SUMMARY

A planning permit is sought to use and develop the subject land, which comprises two lots, as a restaurant and an 'antiques and giftware' shop. In addition, permission is sought for a Restaurant and Café liquor licence, the display of business identification signage, external alterations and the construction of fences. The application also seeks a reduction of thirteen spaces from the required on-site parking provision.

The site is located in the township of Beac, in the 'commercial' strip along Main Street. Notice of the application was given to surrounding landowners and no objections were received.

Notwithstanding the fact that the application includes a reduction in car parking from that specified in the planning scheme, it is considered that the proposal would not cause any material amenity impacts to other properties or the area generally. Rather, it is considered that commercial activities in the Main Street location should be encouraged when respectful to the heritage values and site constraints, as in this case.

As such, it is considered that a planning permit could be reasonably issued for the proposal as submitted.

3. RECOMMENDATION

That Council resolves to Grant a Permit for the Use and Development of the Land for a Restaurant and Shop, Use of the Land for the Sale and Consumption of Liquor (Restaurant and Café Licence), Reduction in Car Parking (13 Spaces), Display of Business Identification Signage, External Alterations to the Building and Construction of Fences at 73 and 75 Main Street Beeac (Lots 6 and 7 LP: 7085, V/F: 5083/468 and 04513/540 Parish of Ondit), 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) details of the location, height and design of the proposed fences.******

Endorsed Plans

- 2. The use and development as shown on the endorsed plans, including the location and details of the signage and any supporting structures, must not be altered without the written consent of the Responsible Authority.***
- 3. 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.***

Liquor Licence hours

- 4. The sale and consumption of alcohol is only permitted during the following hours:***
 - 11.00am to 10.00pm from Monday to Thursday***
 - 11.00am to 11.00pm from Friday to Sunday***

Limit on number of persons

- 5. No more than 36 patrons may be present in the licensed cafe premises at any one time unless otherwise approved in writing by the Responsible Authority.***

Right of Way

- 6. Prior to the commencement of any of the uses hereby permitted, the right of way identified on LP7085, which provides vehicular access to the rear of the site, must be constructed with a minimum 100mm depth of gravel and a minimum 3.5 metre width to the satisfaction of the Responsible Authority. The pavement must be maintained by the owner(s) of 73 and 75 Main Street, Beeac to the satisfaction of the Responsible Authority. All costs associated with these works will be at the owner's/owners' expense.***

Car park construction

7. *Prior to the commencement of any of the uses hereby permitted, the area set aside for the parking of vehicles as shown on the endorsed plans must be:*

- a) *constructed;*
- b) *properly formed to such levels that it can be used in accordance with the plans;*
- c) *surfaced with crushed rock or gravel and treated to the satisfaction of the Responsible Authority to prevent dust;*
- d) *drained;*
- e) *marked to indicate each car space;*
to the satisfaction of the Responsible Authority.

The area must be constructed, and drained to prevent diversion of flood or drainage waters, and maintained in a continuously useable condition to the satisfaction of the Responsible Authority.

Car spaces, access lanes and driveways must be kept available for these purposes at all times.

Stormwater runoff

8. *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.*

Wastewater

9. *An all waste septic tank disposal system must be constructed prior to the commencement of the café use so that all liquid waste is at all times contained within the curtilage of the lot. The design and installation of any wastewater disposal system for any building on the land must comply with the septic tanks 'Code of Practice - Onsite Wastewater Management', July 2016, (Publication No. 891.4) published by the Environment Protection Authority, to the satisfaction of the Responsible Authority.*

10. *All works and development associated with this permit must be carried out in strict conformity with the Land Capability Assessment and Septic Design by Provincial Geotechnical (Ref. 8628F, dated 14 August 2017) or as otherwise agreed by the Responsible Authority.*

Amenity of the area

11. *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.*

12. *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.*

13. *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.*

14. *No external sound amplification equipment or loudspeakers are to be used for the purpose of announcement, broadcast, playing of music or similar purposes.*
15. *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.*

Southern Rural Water conditions

16. *In the absence of a reticulated sewer disposal system permits for buildings with the potential to generate effluent, the site must be capable of containing an appropriate water treatment system and that the setback distance for the disposal of septic tank effluent must be in accordance with EPA's Code of Practice – Onsite Wastewater Management 2016 (publication 891.4).*
17. *The proposed sewer disposal system must be supported with a Land Capability Assessment approved by the responsible authority.*

Expiry

18. *This permit will expire if one of the following circumstances applies:*
 - a) *The development and/or any use has not commenced within two years of the date of this permit.*
 - b) *The development, including signage, is not completed within four years of the date of this permit.*

In accordance with section 69 of the Planning and Environment Act 1987, an application may be made to the Responsible Authority to extend the periods referred to in this condition.

Notes

1. *This permit does not authorise the commencement of any building works. Prior to the commencement of development, it will be necessary to apply for and obtain building approval.*
2. *A separate application to install an all waste septic tank system must be submitted to and approved by Council's Health Protection Unit prior to the commencement of works.*
3. *The premise is required to comply with all State Legislation, in particular the Health (Eating House and Food Premises) Regulations 1984. Trading must not commence until the prior approval of Council's Health Protection Unit has been obtained and the registration of the property under the Food Act 1984 has been completed.*
4. *The provision and or consumption of liquor within the development hereby permitted must not commence until such time as a Liquor Licence has been issued, pursuant to the Liquor Control Reform Act 1988, as amended.*
5. *Prior to commencement of the development, an application to undertake works within the road reserve must be submitted to and approved by the Council.*

4. OPTIONS

Council has the options of:

- a) Issuing a Permit subject to the recommended conditions;
- b) Issuing a Permit subject to the recommended conditions with changes;
- c) Refusing to grant a permit on specified planning grounds.

It is considered that the proposed use of the premises at 73 and 75 Main Street, Beeac for commercial purposes, and associated buildings and works, would be acceptable. It is also considered that, given the location of the premises, the proposed reduction in the parking requirement should not cause any significant detriment and could reasonably be allowed. As such, it is recommended that Option a) is supported for the reasons outlined in this report.

5. RELEVANT BACKGROUND

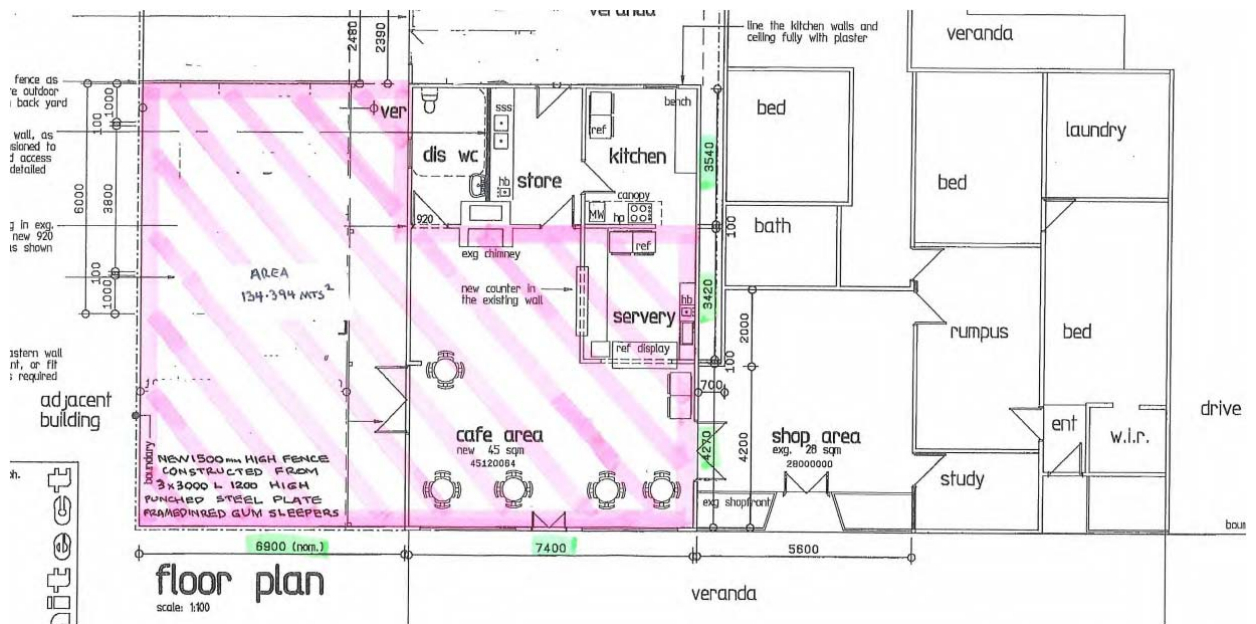
The subject site is located on the west side of Main Street Beeac, within the commercial area of the town. The existing building on the land, which has a zero setback to the street, would historically have been in commercial use.

6. PROPOSAL

A planning permit is sought to convert the existing residence/shop at 75 Main Street, Beeac into a licensed 36 seat café and fresh produce store, and to operate an Antiques and Collectables store (second-hand shop) at 73 Main Street.

The applicant has advised that the proposed registered business name of the restaurant at 75 Main Street would be 'Toka Farm'. The premises would be used as a barbeque smokehouse and café, with the applicants smoking all their own meats. The smoker oven proposed for the smoking of the goods would be an indoor oven that requires no exhaust. It is also proposed to use produce from local businesses where possible.

A Restaurant and Café Liquor License is also sought for this premises. The proposed licensed hours would be 11am to 10pm from Monday to Thursday, and 11am to 11pm from Friday to Sunday. It will be noted from the discussion below about the proposed café operating hours that the licensing hours would extend beyond the proposed 'regular operating' hours; however the proposed licensing hours would provide for evening opening and functions outside the normal operating hours, without the requirement for further planning permission. As such, the proposal should be assessed on the basis of these extended hours. The licensed area would be 134.39m², being partially indoors and partially outdoors.



It is expected that the business would be owner operated, as well as employing an extra 2-3 staff as required.

The proposed café operating hours would be from 6am through to 6pm, 7 days a week. However, in the discussion about licensing hours, the opening times could potentially be extended to 10pm from Monday to Thursday, and to 11pm from Friday to Sunday in accordance with the liquor licence sought, to allow evening meals to be served and to be able to cater for small functions.

The antiques and giftware shop at 73 Main Street would be open to the public from 10am to 5pm, from Wednesday to Sunday.

Available space at the front of the shop for would be used for loading/unloading. It is anticipated that there would not be more than 3 main deliveries per week.

Waste management would still be carried out from the rear of the property, via the right of way access.

It is also proposed to provide four car spaces at the rear of the lot and seek a reduction of thirteen car parking spaces.

Externally the signage, a front fence and internal fence, a verandah to the rear and a door (which has already been inserted into the southern elevation of 75 Main Street) require planning permission due to the heritage overlay controls.

Overall three signs are proposed, with a total area of 8.8sqm. Two signs, with identical dimensions of 600mm x 4000mm, are proposed above the building (as shown below); one reading 'Smokehouse & Café' and the other 'Antiques & Giftware'. Both would have black writing on a white background. Another sign would be located between these, which would also have black and white colouring. This sign, which would contain the company logo 'Toka Farm', would be 2000mm x 2000mm, and would be mounted as shown below.



A 1500mm high front fence is proposed to be constructed along the open section of the front (east) boundary of 75 Main Street. This would consist of 2 panels, each 2700mm wide by 1200mm high punched steel plates, framed in red gum sleepers with a 1500mm wide gate adjacent to the café for access. Another internal fence is proposed further west on the lot, also on the southern side of the building, to delineate the outdoor seating area. This fence would be constructed of timber pickets 1.5m high and painted in the same cream colour at the building.

The outdoor seating area would be developed with 600mm x 600mm pavers between the two fences. A verandah is also proposed on 75 Main Street, at the rear of the existing building. This verandah would be constructed of galvanised iron and timber, and would be 2.39m deep, 7.4m wide and 2.4m high. A path is also proposed on the southern side of the existing building on 75 Main Street, which would be constructed in concrete and would be 1.5m wide.

The application also seeks retrospective permission for a double door opening in the southern wall of the building.

7. SUBJECT LAND & SURROUNDINGS

The site consists of two lots, located at 73 and 75 Main Street, Beeac. Both lots are developed with buildings, having shopfronts to the front boundary and a verandah over the footpath on Main Street.

73 Main Street Beeac has lot area of 690m² and is rectangular in shape, with a frontage of 15.4m to Main Street. 73 Main Street has an established dwelling behind the shopfront and a garage at the rear of the lot. 73 Main Street historically was used as a shop with a dwelling at the back, and was used as a second hand goods store as recently as around 2008. The existing buildings at 73 Main Street fill most of the width of the lot frontage to the street.

75 Main Street has lot area of 734m² and is rectangular in shape, with a frontage of 14.5m to Main Street. 75 Main Street historically was only used as a shop. The existing building is located in the northeast corner of the lot abutting 73 Main Street and internal access is provided between the two premises.

Both lots have access to the rear laneway, which is not managed or maintained by Council. The balance of the subject land is either used for the treatment of effluent disposal or as garden area.

8. PLANNING SCHEME PROVISIONS

State Planning Policy Framework

The State Planning Policy Framework (SPPF) seeks to ensure that the objectives of planning in Victoria are fostered through appropriate land use and development policies. The policies considered relevant to the application are identified below:

- 11.07-1 - Regional Planning
- 11.09-6 – Sustainable Communities
- 12.04-2 - Landscapes
- 14.02-2 – Water Quality
- 15.01-5 - Cultural Identity and Neighbourhood Character
- 15.03-1 – Heritage Conservation
- 17.01-1 – Business
- 17.03-1 – Facilitating Tourism

Local Policy Planning Framework (LPPF), including the Municipal Strategic Statement (MSS)

The Local Planning Policy Framework (LPPF) sets a local and regional strategic policy context for the Shire. The policies considered relevant to the application are identified below:

- 21.02-2 - Land Use Vision
- 21.03-1 - General
- 21.03-8 – Smaller Townships
- 21.04-2 - Water
- 21.05-4 – Tourism
- 22.01-5 – Heritage - HO301 (Beeac Commercial Precinct, Beeac)

Other relevant provisions

Zones and Overlays

The subject site is within the Township Zone (TZ) and is covered by a Heritage Overlay (HO301 - Beeac Commercial Precinct) and an Environmental Significance Overlay (ESO1 - Warrion Groundwater). The site is also adjacent a Road Zone Category 1 (RDZ1).

Particular Provisions

Clause 52.05 - Advertising Signs – A key purpose of this provision is to provide for signs that are compatible with the amenity and visual appearance of an area, including the existing or desired future character, and to ensure signs do not contribute to excessive visual clutter or visual disorder. Signage within a Township Zone is in Category 3, 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.

Clause 52.06 – Car Parking – A key purpose of this provision is to ensure the 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.

The provision also seeks 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.

Clause 52.27 – Licensed Premises. - The purpose of this clause is to ensure that licensed premises are situated in appropriate locations and 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 a licence is required under the *Liquor Control Reform Act 1998*, or if any variations to an existing liquor licence, such as change in patron patrons, licensed area or trading hours, are proposed.

(It is also noted that there is a Planning Practice Note relating to licensed premises – ‘*Licensed premises: Assessing Cumulative Impact*’ (PPN61). This should be used to assess proposals for premises open and licensed after 11pm or in an area where there is a cluster of licensed premises, neither of which is applicable to this application.)

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 to ensure appropriate access to, and appropriate subdivision of land adjacent to, identified roads.

Clause 52.43 Live Music and Entertainment Noise

The purpose of this clause is to recognise that live music is an important part of the State’s culture and economy, and to protect live music entertainment venues from the encroachment of noise sensitive residential uses as well as to ensure that noise sensitive residential uses are satisfactorily protected from unreasonable levels of live music and entertainment noise. This clause also seeks to ensure that the primary responsibility for noise attenuation rests with the agent of change. This provision does not trigger a requirement for a planning permit; rather it provides direction to ensure that a live music entertainment venue is designed, constructed and managed to minimise noise emissions from the premises and to ensure acoustic attenuation measures are provided that would protect a noise sensitive residential use within 50 metres of the venue.

Relevant Planning Scheme amendments

There are no current planning scheme amendments relevant to the proposal. It is noted that whilst this application would previously have been assessed against Clause 52.07 (Loading and Unloading Facilities), this clause was deleted by Planning Scheme Amendment VC142 on 16 January 2018. The issue of ensuring loading/unloading arrangements associated with the proposed use would be acceptable is discussed further later in this report.

9. OFFICER’S ASSESSMENT

The decision guidelines discussed below, and individual site constraints, influence the type of commercial activities that are able to operate in Beeac. It is common in the Beeac commercial area that regulations relating to heritage, car parking and wastewater management are too difficult to allow the appropriate approvals to successfully be obtained. Whilst the approach to some site constraints can be flexible, such as the ability to provide onsite car parking, less flexibility can be applied to other constraints such as wastewater management. In the case of this proposal, it is considered that heritage and wastewater management constraints have been acceptably addressed; however it is not possible to provide the specified amount of car parking onsite and therefore a parking reduction is required.

The various triggers for a planning permit for the proposal are considered below:

Township Zone

The subject site is located within the Township Zone. A key purpose of this zone is to provide for residential development and a range of commercial, industrial and other uses in small towns. The zone also seeks to encourage development that respects the neighbourhood character of the area and to allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.

A permit is required to use the existing buildings as a shop and a restaurant, both of which are nested under 'Retail Premises'. A permit is also required for any buildings and works associated with these uses.

The decision guidelines of the Township Zone require consideration of matters such as the availability of services, the appearance of proposed buildings and works, the provision of car parking and loading facilities, the effect on the surrounding uses, and the scale of and intensity of a proposed use and development.

This proposal is limited in scale, and also in its ability to expand due to the size of the lots and the heritage controls in place along Main Street Beeac. The town is not connected to reticulated sewerage and therefore each lot must have the capability to treat and retain all wastewater in accordance with the State Environment Protection Policy (Waters of Victoria) under the *Environment Protection Act 1970*.

The site has access to power and good road access via the Colac Ballarat Road. Council's Health Protection Unit has advised that it is satisfied that the site is capable of treating and retaining the wastewater onsite, and has no objection to the proposal. The provision of car parking is discussed in detail later in this report.

The Main Street of Beeac was established as a 'commercial strip' and this is acknowledged in the description of the area in Council's Heritage Study (i.e. Beeac Commercial Area). The building on the subject site, as with many other buildings along this street, has a zero setback to the front boundary and was previously used for commercial activities. It is considered that commercial activities in this general location should be encouraged where possible, provided they would not impact on the surrounding amenity. This application has had regard to the limitations set by the size of the lots. The proposed hours of operation and the patron numbers are not considered excessive, or to be such that they would have a material impact on the surrounding area. It is considered that the proposed buildings and works would be in keeping with the historic character of the street.

Environmental Significance Overlay

The site is covered by the Environmental Significance Overlay (ESO1). A key purpose to this overlay is to ensure that the development of land protects and maintains the quality and quantity of groundwater recharge in the Warrion aquifer area. A permit is required for buildings and works. Most planning applications on land in this overlay must be referred to Barwon Water and Southern Rural Water under Section 55 of the *Planning and Environment Act 1987*. This application was referred, and neither referral authority raised any objection to the proposal. Southern Rural Water required conditions to be imposed on any permit issued, which are included in the recommendation earlier in this report.

Heritage Overlay

The site is covered by the Heritage Overlay (HO301 – Beeac Commercial Precinct). The purpose of this overlay is to ensure that development does not adversely affect the significance of heritage places, and to conserve and enhance those elements which contribute to the significance of heritage places. Under Clause 43.01-1, a permit is required to construct a building or carry out works, including the display of signage and the construction of fences.

The site is located within the Beeac Commercial Precinct and the site is listed as containing a contributory building to the heritage precinct, i.e. a weatherboard commercial building dating from circa 1910.

Council's Heritage Advisor has reviewed the proposal and advised that the proposed location and scale of the signage is acceptable and would not conceal the roofline or look out of place in the streetscape. She also noted that the proposed changes to the side of the building would have little impact on streetscape views and would be distinguishable as a later change. She considered that the proposed fence would be an acceptable height (1.5 metres), permeable and contemporary in design and, as such, would be appropriate and an improvement on the current solid, high fence. She noted that the proposed verandah at the rear of the building would be a simple awning and would not be visible from Main Street. As a result it would not impact on the Heritage Overlay Precinct. She also considered that the other proposed fence on the side of the seating area would not impact on the streetscape.

Given these comments, it is considered that the proposal is acceptable from a heritage perspective.

Clause 52.05 Display of Advertising Signage

Three signs area proposed in total, as described earlier in this report. Given the frontage available to the street, this is considered an adequate amount of signage to identify the proposed business. It is important that the signage respects the heritage values of the streetscape. As discussed above, Council's Heritage Advisor has reviewed the application and raised no objection to the proposed signage.

The proposed signage is considered to be simple in design and it is not considered that it would detract from the buildings on site, or the surrounds.

Clause 52.06 Reduction of Car Parking Requirement

A shop requires 4 spaces to each 100 sqm of leasable floor area, whilst a restaurant requires 0.4 spaces to each patron permitted. A dwelling requires 2 spaces to each three or more bedroom dwelling (with studies or studios that are separate rooms counted as bedrooms).

The application proposes four spaces at the rear of 73 Main Steet.

In this case the proposed shop area is 31m², resulting in a parking requirement of 1 space.

The proposed restaurant would have maximum patron numbers of 36, which sets a requirement for 14 car parking spaces.

A three bedroom dwelling also exists on the lot which has a requirement of two car parking spaces.

Shop	1
Restaurant	14
<u>Dwelling</u>	<u>2</u>
Total requirement	17
<u>Provided</u>	<u>4</u>
Shortfall	13

Given the location of the patron entrance onto Main Street, it is considered unlikely that patrons would ever use the car spaces to the rear. In addition, it is considered that directing patron traffic into the 'right of way' should not to be encouraged, given its limited width and location at the rear of other properties. Therefore the four spaces to be provided at the rear of the lot would most appropriately be used by the occupants of the dwelling and staff.

A reduction of thirteen (13) car parking spaces is required. Given the on-street parking available in Main Street, it is considered that the reduction of thirteen car parking spaces would be acceptable and could reasonably be allowed by Council. Council's Infrastructure Department has not raised any objection to this proposal, subject to a condition requiring the provision of an all-weather access to the car parking located at the rear of the lot. There are multiple car parking spaces located along the Main Street, which are generally utilised by patrons of the Hotel and other businesses along the road. None of these existing businesses provide adequate, if any, car parking onsite. Not only does the existing building stock not provide opportunity for convenient onsite car parking; it is not part of the commercial character of Beec.

Council also sought comment from VicRoads, given that Colac Ballarat Road (Main Street) is a VicRoads road. No objection was raised by VicRoads to the proposal.

In addition it is considered that, in order to retain the existing heritage values of the area, concessions need to be made to allow business to operate in Beec.

Clause 52.27 Sale of Liquor

A liquor licence is also sought for the premises at 75 Main Street. The liquor licence type sought is a Restaurant and Café licence. The proposed licensed hours are 11am to 10pm Monday to Thursday, and 11am to 11pm from Friday to Sunday. The applicant has advised that these hours are more than the proposed regular operating hours, as noted earlier in this report; however the additional hours are sought in order to be able to hold functions outside the normal operating hours without seeking additional consent. The proposed licensed area would be both inside and outside the building to be used as a café.

Comment was sought from VicPolice's Licensing Inspector, who advised that the only licensed premise nearby is the 'Farmers Arms Hotel' and that the area has no history of licensing complaints. However, it was noted that the nearby residential uses have to be taken into consideration when considering noise levels and hours of operation.

The standard trading hours for this type of licence are Sunday -10am to 11pm; Good Friday and ANZAC Day - 12noon to 11pm; and on any other day - 7am to 11pm. The proposed licensed hours being sought are less than these standard hours. Having regard to the number of patrons, the location of proposed licensed area, the proposed licensed hours and the number of other licensed premises in the vicinity, it is considered that the amenity of the surrounding area would not be

detrimentally affected. Should a planning permit be issued, it is recommended that conditions be imposed to protect the amenity of the area.

Clause 52.43 Live Music And Entertainment Noise

This clause defines a *live music entertainment venue* as a food and drink premises that includes live music entertainment. Whilst the applicant has not specified that it is proposed to provide live music, permit conditions are recommended to ensure that live music onsite (if any) would not be amplified so as to cause material detriment to nearby residences.

Clause 65 Decision Guidelines (Loading/Unloading)

Previously clause 52.07 of the planning scheme specified loading and unloading requirements associated with commercial uses. However, Amendment VC142 deleted this clause on a state-wide basis in mid-January 2018, with the requirement for the consideration of loading/unloading now in Clause 65.01 (Decision Guidelines). This clause does not require specific provision to be made, as was previously the case with clause 52.07, but requires consideration of:

“The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts”.

The applicant advised that there is available space at the front of the shop to carry out deliveries, with space between the kerb and the roadside for a truck to park without interfering with traffic. The applicant noted that there are currently several weekly deliveries carried out this way by surrounding businesses, with no impact to traffic movement. The applicant anticipates receiving no more than 3 main deliveries per week. For reasons outlined earlier in this report, the proposed arrangement is considered acceptable, and preferable to having vacant buildings in this location.

10. REFERRALS

Internal Referrals

The application was referred internally to Council’s Infrastructure Department, Health Protection Unit, Building Unit and Council’s Heritage Advisor. No objections were raised as a result of these referrals. The Infrastructure Department confirmed that the reduction of car parking and waiver of loading arrangements is considered acceptable. The Health Protection Unit accepted that it has been satisfactorily demonstrated that the land is capable of retaining and treating wastewater onsite. Council’s Heritage Advisor raised no objection to the proposed changes to the building or the proposed signage. The Building Unit recommended a note for inclusion on the permit (which has been included in the recommendation earlier in this report).

External Referrals

The application was referred externally to Barwon Water, Southern Rural Water, and VicRoads. In addition, VicPolice was notified of the application. No objections were raised as a result of these referrals.

11. PUBLIC NOTIFICATION & RESPONSE

Public notice was carried out in October 2017 by erecting a notice onsite and forwarding a copy of the public notice to adjoining landowners and occupiers. The application received no objections.

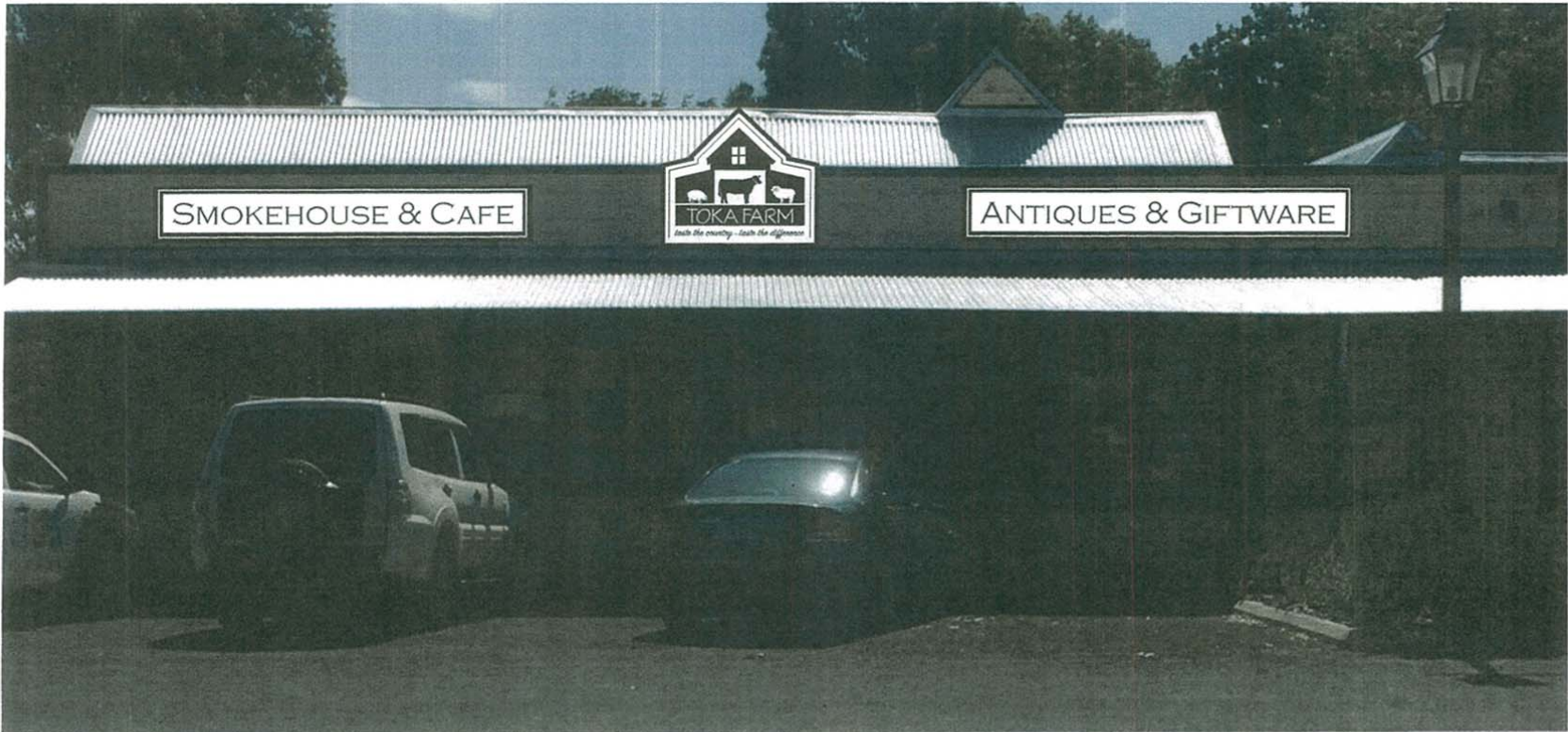
12. DECLARATION OF INTEREST

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



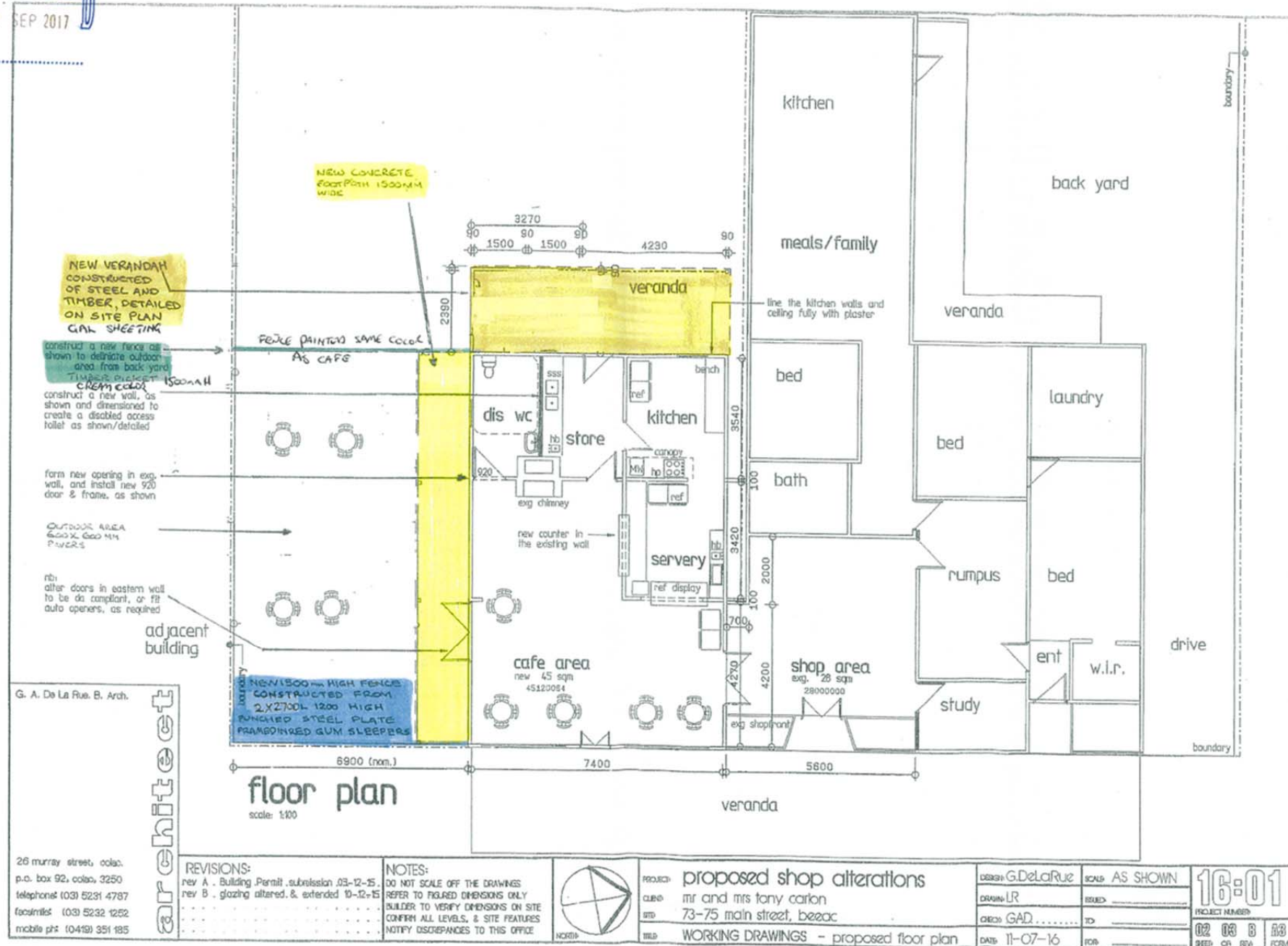


* All signage black on white background



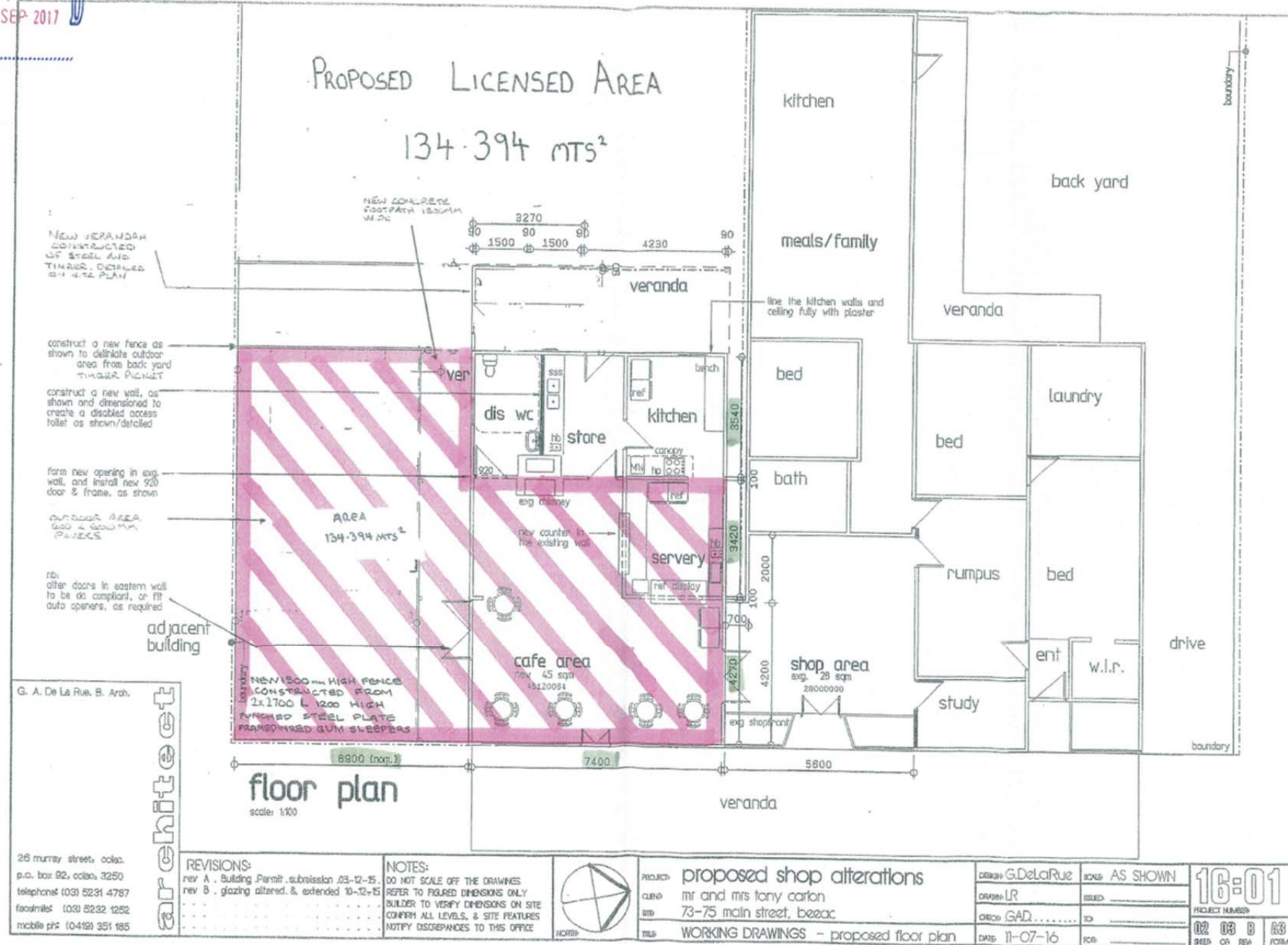
RECEIVED
11 SEP 2017

BY:



RECEIVED
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BY:

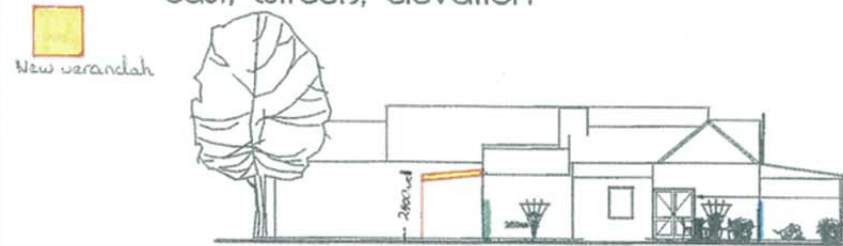


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11 SEP 2017

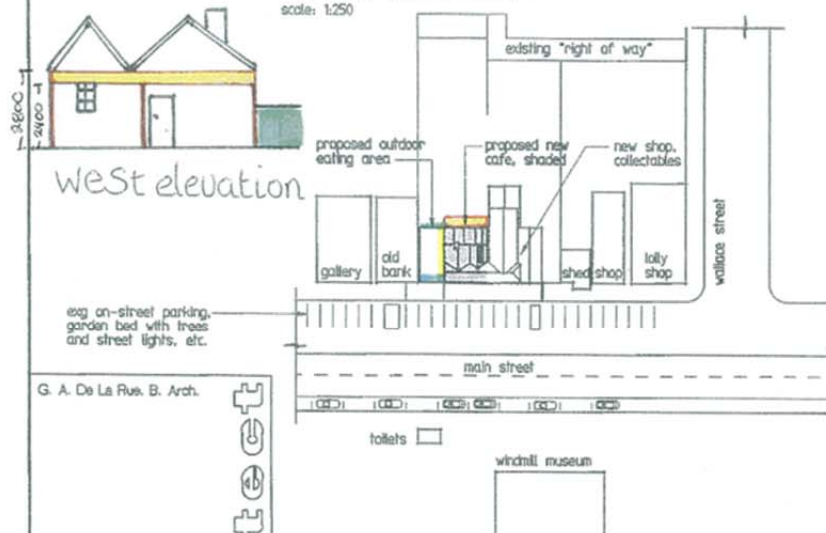
BY:



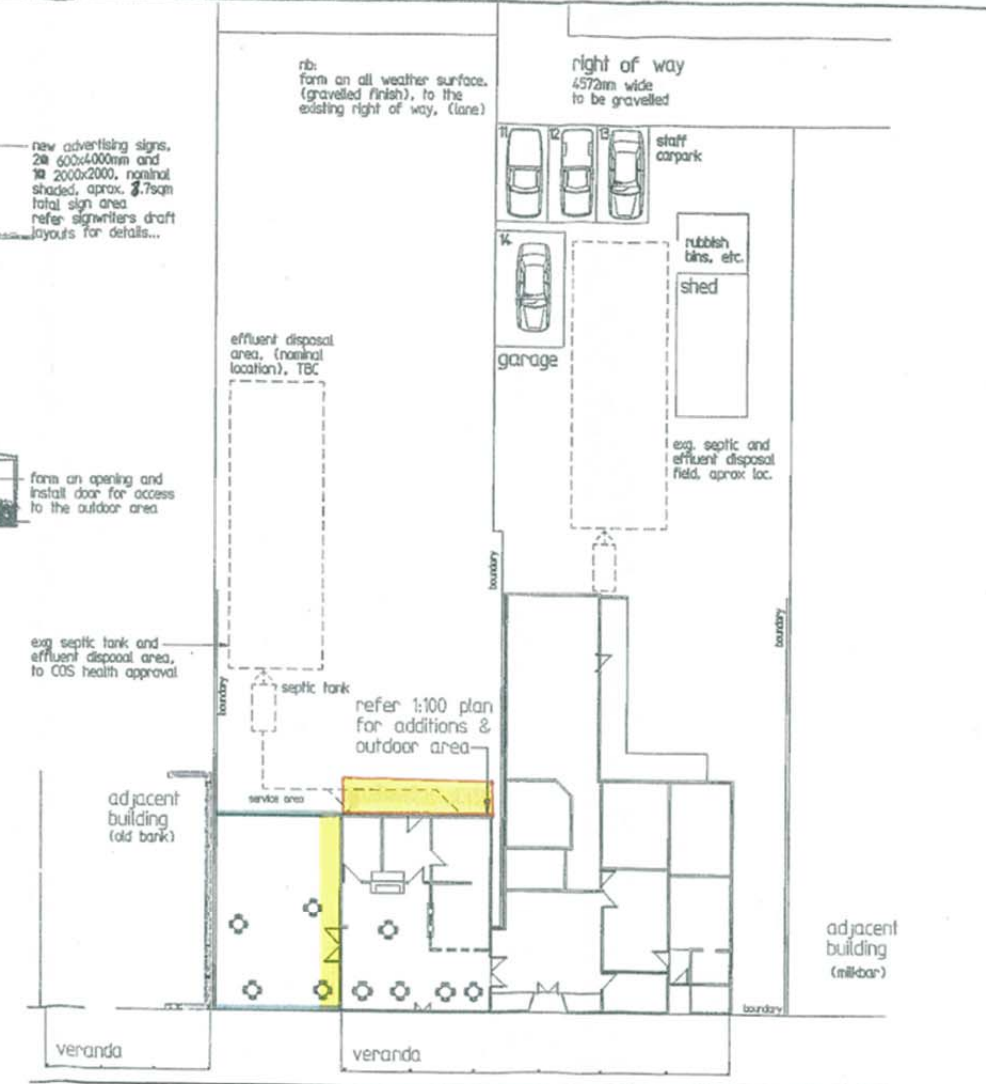
east, (street), elevation



south elevation
scale: 1:250



location plan
scale: 1:1000



site plan
scale: 1:250

26 murray street, colac.
p.o. box 92, colac, 3250
telephone: (03) 5231 4787
facsimile: (03) 5232 1252
mobile ph: (0419) 351 185

REVISIONS:
rev A . Building Permit . submission 03-12-15
rev B . glazing altered. & extended 10-12-15

NOTES:
DO NOT SCALE OFF THE DRAWINGS
REFER TO FIGURED DIMENSIONS ONLY
BUILDER TO VERIFY DIMENSIONS ON SITE
CONFIRM ALL LEVELS, & SITE FEATURES
NOTIFY DISCREPANCIES TO THIS OFFICE



PROJECT: proposed shop alterations
CLIENT: mr and mrs tony carlon
SITE: 73-75 main street, beac
TITLE: WORKING DRAWINGS - proposed site plan

DESIGN: G.DeLaRue
DRAWN: GD
CHECK: GAD
DATE: 11-07-16

SCALE: AS SHOWN
ISSUED:
PROJECT NUMBER: 16:01
SHEET: 01 OF 03
FORMAT: A3



73 Main



site .



Laneway to Coulston Sr ↑



Laneway entry from Wallace



Laneway entry from Coulston