1. OPENING PRAYER

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

AMEN

2. PRESENT

Cr Lyn Russell (Mayor)

Cr Frank Buchanan

Cr Brian Crook

Cr Stephen Hart

Cr Stuart Hart

Cr Geoff Higgins

Cr Chris Smith

Rob Small, Chief Executive Officer

Jack Green, General Manager Sustainable Planning and Development

Colin Hayman, General Manager Corporate & Community Services

Neil Allen, General Manager Infrastructure & Services

Anne Sorensen, Acting Manager Planning and Building

Bronwyn Keenan, Executive Officer Sustainable Planning & Development

3. APOLOGIES

Nil

4. MAYORAL STATEMENT

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

Colac Otway Shire encourages active community input and participation in Council decisions. Council meetings provide one of these opportunities as members of the community may ask questions to Council either verbally at the meeting or in writing.

Please note that some questions may not be able to be answered at the meeting, these questions will be taken on notice. Council meetings also enable Councillors to debate matters prior to decisions being taken.

I ask that we all show respect to each other and respect for the office of an elected representative.

An audio recording of this meeting is being made for the purpose of verifying the accuracy of the minutes of the meeting. In some circumstances the recording may be disclosed, such as where Council is compelled to do so by court order, warrant, subpoena or by any other law, such as the Freedom of Information Act 1982.'

5. DECLARATION OF INTEREST

Nil

6. VERBAL SUMBISSIONS FROM APPLICANTS/OBJECTORS

PC101407-2 Elaine Burridge PC101407-3 Rick Warneke Franc Dilallo

7. CONFIRMATION OF MINUTES

Planning Committee held on the 09/06/10.

Resolution

MOVED Cr Stuart Hart seconded Cr Frank Buchanan that Council confirm the above minutes.

CARRIED 7:0

OFFICERS' REPORTS

Sustainable Planning and Development

PC101407-1 PC101407-2	PLANNING & BUILDING STATISCAL REPORT INSTALLATION OF A CANOPY TOUR & SIMULATOR, VEGETATION REMOVAL AND AN EXTENSION TO THE VISITOR CENTRE BUILDING AT THE OTWAY FLY, 360 PHILLIPS TRACK, WEEAPROINAH
PC101407-3	DEVELOPMENT AND USE OF THE LAND FOR A SINGLE DWELLING, ACCESS AND ASSOCIATED WORKS - AMENDMENT TO INCREASE THE OVERALL BUILDING HEIGHT AND USE BLACK COLOURBOND FOR EXTERNAL WALLS AT 395 BLUE JOHANNA ROAD, JOHANNA.
PC101407-4	USE OF THE LAND AS A SHOP, ERECTION OF ADVERTISING SIGNS AND WAIVER OF TEN (10) CAR SPACES AT 77 MAIN STREET, BEEAC
PC101407-5	ALTERATIONS AND ADDITIONS TO EXISTING SHOP INCLUDING EXTERNAL PAINTING AND SIGNAGE AND WAIVER OF 4 CAR SPACES AT 70 MURRAY STREET, COLAC

Rob Small Chief Executive Officer

PC101407-1 PLANNING & BUILDING STATISCAL REPORT

AUTHOR:	Janole Cass	ENDORSED:	Jack Green
DEPARTMENT:	Sustainable Planning & Development	FILE REF:	GEN000450

Recommendation(s)

That Council's Planning Committee note the statistical report.

Resolution

MOVED Cr Frank Buchanan seconded Cr Brian Crook that Council's Planning Committee note the statistical report.

PC101407-2 INSTALLATION OF A CANOPY TOUR & SIMULATOR,

VEGETATION REMOVAL AND AN EXTENSION TO THE VISITOR CENTRE BUILDING AT THE OTWAY FLY, 360 PHILLIPS TRACK, WEEAPROINAH

AUTHOR:	lan Williams	ENDORSED:	Jack Green
DEPARTMENT:	Sustainable Planning & Development	FILE REF:	PP104/2010

Recommendation(s)

That Council's Planning Committee resolve to issue to grant a Planning Permit for the installation of a zip line canopy tour, practice simulator, vegetation removal and an extension to the existing visitor centre building at the Otway Fly, 360 Phillips Track, Weeaproinah subject to the following conditions:

- 1. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
- 2. The various activities forming parts of the use as shown on the endorsed plan must not be altered without the written consent of the Responsible Authority.
- 3. The use hereby approved may only operate between the hours of 9am and 5pm on any given day.
- 4. The amenity of the area must not be detrimentally affected by the use or development through the:-
 - (a) Transport of materials, goods or commodities to or from the land.
 - (b) Appearance of any buildings, works or materials.
 - (c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.
 - (d) Presence of vermin
- 5. No external sound amplification equipment or loud speakers are to be used for the purpose of announcement, broadcast, playing of music or similar purpose.
- 6. The colour of building materials employed in the pavilion extension shall match the existing materials used for the pavilion and visitor centre building and must be harmonious with the environment to the satisfaction of the Responsible Authority.

- 7. Before the use hereby approved commences, a cautionary sign shall be placed within the zip line fit out centre and on the approach to the first cloud station. The sign shall be accessible to be read by guests undertaking the zip line activity and shall remind guests of the need to respect the environment and the need be mindful of noise levels. This message shall also form part of the zip line guide's orientation training.
- 8. All excavation works upon the subject land must be kept to the absolute practicable minimum and to the satisfaction of the Responsible Authority.
- 9. All development and works associated with this permit must be carried out in strict conformity with the recommendations of Geotechnical Engineers Report Number (ES1087 by 2020 Engineering dated 21/04/2010).
- 10. The existing car / bus parking area shall be retained at all times to the satisfaction of the Responsible Authority. Should visitation numbers as a result of the proposed zip line activity exceed the existing level of car parking provision at the site, then the zip line activity hereby approved shall cease until such a time that the additional car parking required can be provided to the satisfaction of the Responsible Authority.
- 11. Before the vegetation removal starts, an offset plan showing a native vegetation offset of 8 times the area cleared (8,000m²) be put under conservation management to compensate for the removal of 0.1ha of Very High Conservation Significance EVC 30 Wet Forest vegetation and for one tree greater than 40cm and 10 trees less than 10cm trunk diameter of Very High Conservation Significance EVC Wet Forest vegetation to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The offset plan must include the protection of eight large trees plus the recruitment of 40 plants for the removal of Tree 2, to the satisfaction of the responsible authority. Three copies of the plan must be provided. When approved, the plan will be endorsed and will then form part of this permit.

Maps or plans forming part of the offset plan must be drawn to scale with dimensions (where appropriate). The offset plan must include details of the following:

- a) vegetation to be removed;
- b) the location of the vegetation including details of the Ecological Vegetation Class (EVC) of the vegetation and its Conservation Significance;
- c) the area to be removed (in hectares);
- d) the habitat hectare score (out of 1) of the vegetation;
- e) the number of large and medium old trees to be removed and;
- f) the presence of any rare or threatened species.

The offset plan must also include details of the offset(s) to compensate for the vegetation removal, including details of the following;

- i. type and location of offset(s) to be provided which are located in areas separate from any previous offset locations on the subject land;
- ii. number of large old trees to be protected;
- iii. details of any revegetation including the number of trees, shrubs and other plants, species mix and density;
- iv. methods of managing and restoring the existing vegetation to be retained;
- v. methods of interim protection for newly established offsets;
- vi. persons responsible for implementing and monitoring the offset plan;
- vii. time frame for implementing the offset plan;

Vegetation removal and the provision of offsets must accord with the endorsed plan.

The offset area(s) must be permanently protected and maintained to the satisfaction of the Responsible Authority and the Department of Sustainability and Environment.

- 12. Before the vegetation removal starts, the owner must enter into an agreement with the Responsible Authority under Section 173 of the Planning and Environment Act 1987 and make an application to the Registrar of Titles to have the agreement registered on the title to the land under section 181 of that Act which provides for a native vegetation offset in accordance with the endorsed offset plan of this permit. The owner / applicant must pay the reasonable costs of the preparation, execution and registration of the Section 173 agreement.
- 13. All environmental weeds as outlined in "Environmental Weeds of the Colac Otway Shire" brochure must be controlled on the property at all times and prevented from spreading to neighbouring land to the satisfaction of the Responsible Authority.
- 14. No environmental weeds as referred to in "Environmental Weeds of the Colac Otway Shire" brochure will be planted on or allowed to invade this site.

Department of Sustainability and Environment Conditions

- 15. The clearing of native vegetation must only be the minimum extent necessary to allow for the tour infrastructure.
- 16. No native vegetation shall be lopped, damaged or destroyed other than the vegetation marked on the endorsed plan, without further written consent of the responsible authority in consultation with the Department of Sustainability and Environment.

- 17. Before the vegetation removal starts, the boundaries of all vegetation to be removed and retained must be clearly marked on the ground with temporary fencing. All trees within this area and approved for removal in accordance with the endorsed plan must be clearly marked with a painted 'X' and must be felled within the prescribed works area in such a manner to avoid damaging vegetation to be retained. Prior to the felling of the vegetation, 24 hours notice must be given to Council's Environment Planner and written approval must be obtained.
- 18. Tree trimming operations must be undertaken using the natural target pruning 'three cut method' as described in the Roadside Handbook (VicRoads 2006), which accords with the Australian Standard for Pruning Amenity Trees (AS 4373-1996). The use of an excavator, backhoe, bulldozer blade or loader to trim branches of trees is not permitted.
- 19. All vehicles, earth-moving equipment and other machinery must be cleaned of soil and plant material before entering and leaving the site to prevent the spread of weeds and pathogens.
- 20. Prior to the commencement of works, all persons undertaking the works must be properly briefed on all environmental requirements of the planning permit. A copy of the permit must be made available to all people working on the project.

Expiry of the permit

- 21. This permit will expire if one of the following circumstances applies:
 - a) The development is not started within two years of the date of this permit.
 - b) The development is not completed within four years of the date of this permit.

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

Resolution

MOVED Cr Stuart Hart seconded Cr Brian Crook that Council's Planning Committee resolve to issue to grant a Planning Permit for the installation of a zip line canopy tour, practice simulator, vegetation removal and an extension to the existing visitor centre building at the Otway Fly, 360 Phillips Track, Weeaproinah subject to the following conditions:

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

- 2. The various activities forming parts of the use as shown on the endorsed plan must not be altered without the written consent of the Responsible Authority.
- 3. The use hereby approved may only operate between the hours of 9am and 5pm on any given day.
- 4. The amenity of the area must not be detrimentally affected by the use or development through the:-
 - (a) Transport of materials, goods or commodities to or from the land.
 - (b) Appearance of any buildings, works or materials.
 - (c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.
 - (d) Presence of vermin
- 5. No external sound amplification equipment or loud speakers are to be used for the purpose of announcement, broadcast, playing of music or similar purpose.
- 6. The colour of building materials employed in the pavilion extension shall match the existing materials used for the pavilion and visitor centre building and must be harmonious with the environment to the satisfaction of the Responsible Authority.
- 7. Before the use hereby approved commences, a cautionary sign shall be placed within the zip line fit out centre and on the approach to the first cloud station. The sign shall be accessible to be read by guests undertaking the zip line activity and shall remind guests of the need to respect the environment and the need be mindful of noise levels. This message shall also form part of the zip line guide's orientation training.
- 8. All excavation works upon the subject land must be kept to the absolute practicable minimum and to the satisfaction of the Responsible Authority.
- 9. All development and works associated with this permit must be carried out in strict conformity with the recommendations of Geotechnical Engineers Report Number (ES1087 by 2020 Engineering dated 21/04/2010).
- 10. The existing car / bus parking area shall be retained at all times to the satisfaction of the Responsible Authority. Should visitation numbers as a result of the proposed zip line activity exceed the existing level of car parking provision at the site, then the zip line activity hereby approved shall cease until such a time that the additional car parking required can be provided to the satisfaction of the Responsible Authority.

11. Before the vegetation removal starts, an offset plan showing a native vegetation offset of 8 times the area cleared (8,000m²) be put under conservation management to compensate for the removal of 0.1ha of Very High Conservation Significance EVC 30 Wet Forest vegetation and for one tree greater than 40cm and 10 trees less than 10cm trunk diameter of Very High Conservation Significance EVC Wet Forest vegetation to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The offset plan must include the protection of eight large trees plus the recruitment of 40 plants for the removal of Tree 2, to the satisfaction of the responsible authority. Three copies of the plan must be provided. When approved, the plan will be endorsed and will then form part of this permit.

Maps or plans forming part of the offset plan must be drawn to scale with dimensions (where appropriate). The offset plan must include details of the following:

- a) vegetation to be removed;
- b) the location of the vegetation including details of the Ecological Vegetation Class (EVC) of the vegetation and its Conservation Significance;
- c) the area to be removed (in hectares);
- d) the habitat hectare score (out of 1) of the vegetation;
- e) the number of large and medium old trees to be removed and;
- f) the presence of any rare or threatened species.

The offset plan must also include details of the offset(s) to compensate for the vegetation removal, including details of the following;

- i. type and location of offset(s) to be provided which are located in areas separate from any previous offset locations on the subject land;
- ii. number of large old trees to be protected;
- iii. details of any revegetation including the number of trees, shrubs and other plants, species mix and density;
- iv. methods of managing and restoring the existing vegetation to be retained;
- v. methods of interim protection for newly established offsets;
- vi. persons responsible for implementing and monitoring the offset plan;
- vii. time frame for implementing the offset plan;

Vegetation removal and the provision of offsets must accord with the endorsed plan.

The offset area(s) must be permanently protected and maintained to the satisfaction of the Responsible Authority and the Department of Sustainability and Environment.

- 12. Before the vegetation removal starts, the owner must enter into an agreement with the Responsible Authority under Section 173 of the Planning and Environment Act 1987 and make an application to the Registrar of Titles to have the agreement registered on the title to the land under section 181 of that Act which provides for a native vegetation offset in accordance with the endorsed offset plan of this permit. The owner/applicant must pay the reasonable costs of the preparation, execution and registration of the Section 173 agreement.
- 13. Prior to the commencement of any building and works, a quotation from a suitably qualified consultant must be obtained for the offset works required in Condition 11 and submitted to the responsible authority for approval.
- 14. Prior to the commencement of any buildings and works, a bond to the value of 1.5 times the value in the quotation approved by the responsible authority required by Condition 13, must be paid to the responsible authority.
- 15. Upon completion of the offset requirements outlined in Condition 11 to the satisfaction of the responsible authority, the bond required by Condition 14 may be refunded after the completion of a two year maintenance period upon receipt of a written request from the permit holder.
- 16. All environmental weeds as outlined in "Environmental Weeds of the Colac Otway Shire" brochure must be controlled on the property at all times and prevented from spreading to neighbouring land to the satisfaction of the Responsible Authority.
- 17. No environmental weeds as referred to in "Environmental Weeds of the Colac Otway Shire" brochure will be planted on or allowed to invade this site.

Department of Sustainability and Environment Conditions

- 18. The clearing of native vegetation must only be the minimum extent necessary to allow for the tour infrastructure.
- 19. No native vegetation shall be lopped, damaged or destroyed other than the vegetation marked on the endorsed plan, without further written consent of the responsible authority in consultation with the Department of Sustainability and Environment.
- 20. Before the vegetation removal starts, the boundaries of all vegetation to be removed and retained must be clearly marked on the ground with temporary fencing. All trees within this area and approved for removal in accordance with the endorsed plan must be clearly marked with a painted 'X' and must be felled within the prescribed works area in such a manner to avoid damaging vegetation to be retained.

Prior to the felling of the vegetation, 24 hours notice must be given to Council's Environment Planner and written approval must be obtained.

- 21. Tree trimming operations must be undertaken using the natural target pruning 'three cut method' as described in the Roadside Handbook (VicRoads 2006), which accords with the Australian Standard for Pruning Amenity Trees (AS 4373-1996). The use of an excavator, backhoe, bulldozer blade or loader to trim branches of trees is not permitted.
- 22. All vehicles, earth-moving equipment and other machinery must be cleaned of soil and plant material before entering and leaving the site to prevent the spread of weeds and pathogens.
- 23. Prior to the commencement of works, all persons undertaking the works must be properly briefed on all environmental requirements of the planning permit. A copy of the permit must be made available to all people working on the project.

Expiry of the permit

- 24. This permit will expire if one of the following circumstances applies:
 - a) The development is not started within two years of the date of this permit.
 - b) The development is not completed within four years of the date of this permit.

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

CARRIED 6:1

PC101407-3

DEVELOPMENT AND USE OF THE LAND FOR A SINGLE DWELLING, ACCESS AND ASSOCIATED WORKS -AMENDMENT TO INCREASE THE OVERALL BUILDING HEIGHT AND USE BLACK COLOURBOND FOR EXTERNAL WALLS AT 395 BLUE JOHANNA ROAD, JOHANNA.

AUTHOR:	Ian Williams	ENDORSED:	Jack Green
DEPARTMENT:	Sustainable Planning & Development	FILE REF:	PP316-2005-3

Recommendation(s)

That Council's Planning Committee resolve to:

- 1. Issue a refusal to grant an amendment to Planning Permit PP316-205, to increase the overall building height and to retain the black colourbond cladding to the external walls on the following grounds:
 - a. The increased building height and the use of black colourbond cladding presents a visually dominant structure on the immediate landscape, which neither preserves nor enhances the significant coastal natural landscape, being detrimental to significant views from private and public spaces, in particular the immediate surrounding road corridor of the Great Ocean Road and adjoining property.
 - b. The proposal represents an excessive visual impact that fails to meet the decision guidelines of the Farming Zone and the policies contained in the State and Local Planning Policy Frameworks relating to landscape protection.
- 2. Support the lodgement of an application for enforcement order with VCAT to address non-compliance with the approved plans endorsed under PP316-2005.

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## Resolution

MOVED Cr Frank Buchanan seconded Cr Brian Crook

That Council's Planning Committee resolve to:

1. Issue a refusal to grant an amendment to Planning Permit PP316-205, to increase the overall building height and to retain the black colourbond cladding to the external walls on the following grounds:

- a. The increased building height and the use of black colourbond cladding presents a visually dominant structure on the immediate landscape, which neither preserves nor enhances the significant coastal natural landscape, being detrimental to significant views from private and public spaces, in particular the immediate surrounding road corridor of the Great Ocean Road and adjoining property.
- b. The proposal represents an excessive visual impact that fails to meet the decision guidelines of the Farming Zone and the policies contained in the State and Local Planning Policy Frameworks relating to landscape protection.
- 2. Support the lodgement of an application for enforcement order with VCAT to address non-compliance with the approved plans endorsed under PP316-2005.

# PC101407-4 USE OF THE LAND AS A SHOP, ERECTION OF ADVERTISING SIGNS AND WAIVER OF TEN (10) CAR SPACES AT 77 MAIN STREET, BEEAC

AUTHOR:	Ros Snaauw	ENDORSED:	Jack Green
DEPARTMENT:	Sustainable Planning & Development	FILE REF:	PP113/2010

## Recommendation(s)

That the Planning Committee resolve to grant a Planning Permit for the use of the existing building as a shop, the erection of an advertising sign and the waiver of ten (10) car spaces at 77 Main Street Beeac, subject to the following conditions:

- 1. The use and or development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority
- 2. The location and details of the sign as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
- 3. The sign must not contain any flashing light except with the written consent of the Responsible Authority.
- 4. The sign must not be illuminated by external or internal light except with the written consent of the responsible authority.

## Expiry of Use

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

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

## **Expiry of Advertising Sign**

6. This permit as it relates to the advertising sign expires fifteen years after the date of the permit.

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Resolution

MOVED Cr Brian Crook seconded Cr Frank Buchanan that the Planning Committee resolve to grant a Planning Permit for the use of the existing building as a shop, the erection of an advertising sign and the waiver of ten (10) car spaces at 77 Main Street Beeac, subject to the following conditions:

- 1. The use and or development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority
- 2. The location and details of the sign as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
- 3. The sign must not contain any flashing light except with the written consent of the Responsible Authority.
- 4. The sign must not be illuminated by external or internal light except with the written consent of the responsible authority.

Expiry of Use

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

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

Expiry of Advertising Sign

6. This permit as it relates to the advertising sign expires fifteen years after the date of the permit.

PC101407-5 AL TERATIONS AND ADDITIONS TO EXISTING SHOP INCLUDING EXTERNAL PAINTING AND SIGNAGE AND WAIVER OF 4 CAR SPACES AT 70 MURRAY STREET, COLAC

| AUTHOR: | Helen Evans | ENDORSED: | Jack Green |
|-------------|--|-----------|------------|
| DEPARTMENT: | Sustainable
Planning &
Development | FILE REF: | PP64/2010 |

Recommendation(s)

That Council's Planning Committee resolve to issue a Planning Permit for alterations and additions to the existing building, including the addition of a storeroom, painting of the external walls of the building, signage and the waiver of four (4) car spaces at 70 Murray Street, Colac in accordance with the following conditions:

- 1. The layout of the site and the size of the proposed buildings and works, including the detail of the proposed external wall painting, as shown on the endorsed plans must not be altered or modified without the written consent of the Responsible Authority.
- 2. Excess stormwater generated from the buildings and works hereby approved, must be discharged to the existing on-site drainage system or taken to a legal point of discharge to the satisfaction of the Responsible Authority.
- 3. The location and details of the sign and its structure as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
- 4. The sign may only be internally illuminated between the hours of 9am to 5pm.
- 5. This signage permit expires fifteen years after the date it is issued.
- 6. This permit will expire if one of the following circumstances applies:
 - The development is not started within two years of the date of this permit.
 - The development is not completed within four years of the date of this permit.

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

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Resolution

MOVED Cr Geoff Higgins seconded Cr Brian Crook

That Council's Planning Committee resolve to issue a Planning Permit for alterations and additions to the existing building, including the addition of a storeroom, painting of the external walls of the building, signage and the waiver of four (4) car spaces at 70 Murray Street, Colac in accordance with the following conditions:

- 1. The layout of the site and the size of the proposed buildings and works, including the detail of the proposed external wall painting, as shown on the endorsed plans must not be altered or modified without the written consent of the Responsible Authority.
- 2. Excess stormwater generated from the buildings and works hereby approved, must be discharged to the existing on-site drainage system or taken to a legal point of discharge to the satisfaction of the Responsible Authority.
- 3. The location and details of the sign and its structure as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
- 4. The sign may only be internally illuminated between the hours of 9am to 5pm.
- 5. This signage permit expires fifteen years after the date it is issued.
- 6. This permit will expire if one of the following circumstances applies:
 - The development is not started within two years of the date of this permit.
 - The development is not completed within four years of the date of this permit.

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