



**Colac Otway
SHIRE**

AGENDA

**PLANNING COMMITTEE MEETING
OF THE
COLAC-OTWAY SHIRE
COUNCIL**

15 JANUARY 2014

at 10:30 AM

COPACC Meeting Rooms

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..

COLAC-OTWAY SHIRE PLANNING COMMITTEE MEETING

15 JANUARY 2014

TABLE OF CONTENTS

OFFICERS' REPORTS

PC141501-1	PLANNING & BUILDING STATISTICAL REPORT.....	5
PC141501-2	BUILDINGS AND WORKS ASSOCIATED WITH A MILK PROCESSING FACILITY AND REDUCTION IN CAR PARKING REQUIREMENTS AT 91-149 FOREST STREET, COLAC (PP235/2013-1)	12
PC141501-3	CAR PARK, PLAYGROUND AREA, BEER GARDEN, TAKEAWAY FOOD AND INCREASED LICENSED AREA ASSOCIATED WITH AN EXISTING HOTEL, DISPLAY OF SIGNAGE, WAIVER OF LOADING REQUIREMENTS, AND REDUCTION IN THE CAR PARKING REQUIREMENT AT 2-4 STATION STREET, FORREST (PP110/2013-1)	28

NOTICE is hereby given that the next **PLANNING COMMITTEE MEETING OF THE COLAC-OTWAY SHIRE COUNCIL** will be held in COPACC Meeting Rooms on 15 January 2014 at 10.30am.

AGENDA

1. OPENING PRAYER

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

AMEN

2. PRESENT

3. APOLOGIES

4. MAYORAL STATEMENT

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

Colac Otway Shire encourages community input and participation in Council decisions.

Council meetings enable Councillors to debate matters prior to decisions being made. I ask that we all behave in a courteous manner.

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

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

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

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. DECLARATION OF INTEREST

6. VERBAL SUBMISSIONS FROM APPLICANTS/OBJECTORS

The Mayor is to read out the names of those applicants and objectors who have confirmed in writing that they wish to make a verbal submission. These verbal submissions will be made in relation to each respective agenda item and must be directly relevant to the respective agenda item. A time limit of 5 minutes will apply.

7. CONFIRMATION OF MINUTES

- **Planning Committee held on the 11/12/13.**

Recommendation

That Council confirm the above minutes.

OFFICERS' REPORTS

Sustainable Planning and Development

PC141501-1	PLANNING & BUILDING STATISTICAL REPORT
PC141501-2	BUILDINGS AND WORKS ASSOCIATED WITH A MILK PROCESSING FACILITY AND REDUCTION IN CAR PARKING REQUIREMENTS AT 91-149 FOREST STREET, COLAC (PP235/2013-1)
PC141501-3	CAR PARK, PLAYGROUND AREA, BEER GARDEN, TAKEAWAY FOOD AND INCREASED LICENSED AREA ASSOCIATED WITH AN EXISTING HOTEL, DISPLAY OF SIGNAGE, WAIVER OF LOADING REQUIREMENTS, AND REDUCTION IN THE CAR PARKING REQUIREMENT AT 2-4 STATION STREET, FORREST (PP110/2013-1)

Rob Small
Chief Executive Officer

PC141501-1 PLANNING & BUILDING STATISTICAL REPORT

AUTHOR:	Tammy Kavanagh	ENDORSED:	Jack Green
DEPARTMENT:	Sustainable Planning & Development	FILE REF:	F11/2683

Summary

This report provides statistics relating to the month of December 2013.

Planning Statistics

23 Planning Permit Applications were received for the period 1 December 2013 – 31 December 2013.

31 Planning Permit Applications were considered for the period 1 December 2013 – 31 December 2013.

Building Statistics

The Victorian Building Authority data remains updated to August 2013.

Attachments

1. Planning and Building Statistical Report December 2013

Recommendation(s)

That Council's Planning Committee take note of the statistical report for December 2013.

~~~~~\ ~~~~~

PLANNING STATISTICAL REPORT – DECEMBER 2013 – (DETERMINATIONS)

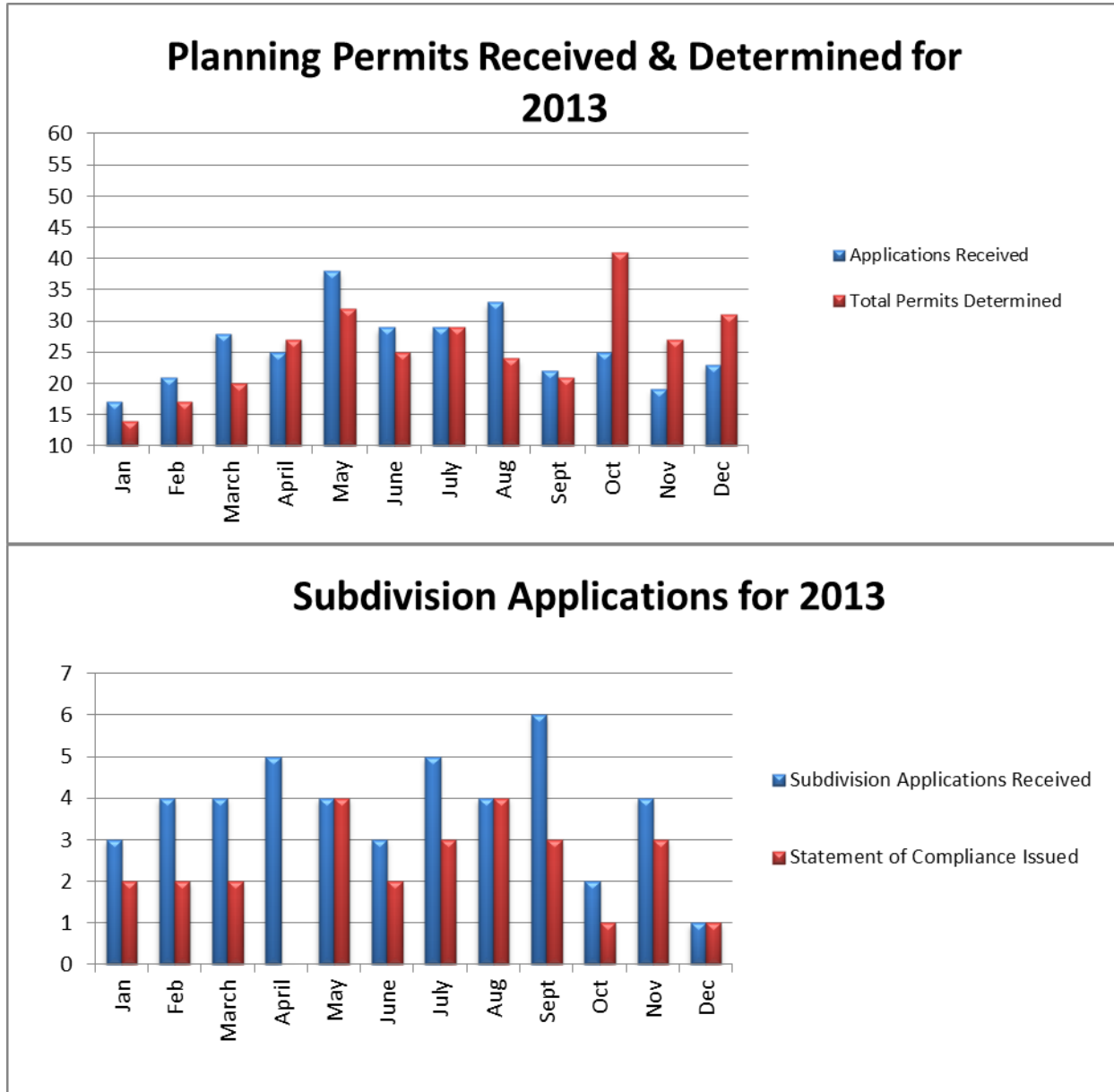
| APPLICATION NUMBER | DATE RECEIVED | LOCATION                                   | PROPOSAL                                                                                                                | STATUTORY DAYS | DATE DETERMINED | DETERMINATION & AUTHORITY           |
|--------------------|---------------|--------------------------------------------|-------------------------------------------------------------------------------------------------------------------------|----------------|-----------------|-------------------------------------|
| PP351/2010-3       | 4 DEC 2013    | 4695 COLAC LAVERS HILL ROAD WYELANGTA      | USE AND DEVELOPMENT OF A DWELLING, SITE CUT NORTH OF EXISTING GARAGE AND FILL EXCEEDING 1M IN HEIGHT FOR DWELLING SITE. | 9              | 13 DEC 2013     | PERMIT ISSUED<br><b>DELEGATE</b>    |
| PP2/2011-2         | 12 JUL 2013   | 70 ROWLANDS ROAD BARWON DOWNS              | DEVELOPMENT OF THE LAND FOR A DWELLING, OUTBUILDING AND ASSOCIATED WORKS AND REMOVAL OF CONDITIONS                      | 73             | 19 DEC 2013     | PERMIT ISSUED<br><b>DELEGATE</b>    |
| PP240/2012-1       | 8 NOV 2012    | 240 TUXION ROAD APOLLO BAY                 | USE AND DEVELOPMENT OF THE LAND FOR A DWELLING                                                                          | 163            | 11 DEC 2013     | REFUSAL TO GRANT<br><b>COUNCIL</b>  |
| PP104/2013-1       | 14 MAY 2013   | 100 QUEEN STREET COLAC                     | SUBDIVISION OF LAND INTO TWO (2) LOTS                                                                                   | 131            | 6 DEC 2013      | PERMIT ISSUED<br><b>DELEGATE</b>    |
| PP130/2013-1       | 5 JUN 2013    | 57 NOEL STREET APOLLO BAY                  | SUBDIVISION OF LAND INTO TWO (2) LOTS                                                                                   | 172            | 23 DEC 2013     | PERMIT ISSUED<br><b>DELEGATE</b>    |
| PP133/2013-1       | 6 JUN 2013    | 7 OTWAY AVENUE SKENES CREEK                | BUILDINGS AND WORKS COMPRISING ALTERATIONS AND ADDITIONS TO AN EXISTING DWELLING                                        | 61             | 18 DEC 2013     | PERMIT ISSUED<br><b>DELEGATE</b>    |
| PP149/2013-1       | 2 JUL 2013    | 9 ARMSTRONG STREET COLAC                   | FOUR (4) LOT SUBDIVISION AND CONSTRUCTION OF FOUR (4) DWELLINGS                                                         | 33             | 19 DEC 2013     | PERMIT ISSUED<br><b>DELEGATE</b>    |
| PP151/2013-1       | 2 JUL 2013    | 7 OLIVE STREET SEPARATION CREEK            | BUILDINGS AND WORKS COMPRISING EXTENSIONS AND ALTERATIONS TO DOUBLE-STOREY DWELLING                                     | 83             | 19 DEC 2013     | PERMIT ISSUED<br><b>DELEGATE</b>    |
| PP156/2013-1       | 10 JUL 2013   | 119-243 HART STREET COLAC                  | DISPLAY OF SIGNAGE                                                                                                      | 97             | 18 DEC 2013     | PERMIT ISSUED<br><b>DELEGATE</b>    |
| PP166/2013-1       | 22 JUL 2013   | 46 NELSON STREET APOLLO BAY                | SUBDIVISION OF THE LAND INTO FOUR (4) LOTS                                                                              | 83             | 18 DEC 2013     | PERMIT ISSUED<br><b>DELEGATE</b>    |
| PP169/2013-1       | 25 JUL 2013   | 80 OLD HORDERN VALE ROAD ACCESS APOLLO BAY | USE AND DEVELOPMENT OF THE LAND FOR A DWELLING AND REMOVAL OF NATIVE VEGETATION (3 TREES)                               | 54             | 13 DEC 2013     | PERMIT ISSUED<br><b>DELEGATE</b>    |
| PP180/2013-1       | 7 AUG 2013    | 3 WOODROWVALE ROAD ELLIMINYT               | BUILDINGS AND WORKS COMPRISING THE CONSTRUCTION OF A SHED                                                               | 20             | 12 DEC 2013     | PERMIT ISSUED<br><b>DELEGATE</b>    |
| PP191/2013-1       | 15 AUG 2013   | 12-14 LAVERS HILL COBDEN ROAD LAVERS HILL  | CONSTRUCTION OF DWELLING, VEGETATION REMOVAL AND CREATION OF ACCESS TO ROAD IN A ROAD ZONE CATEGORY 1                   | 29             | 10 DEC 2013     | REFUSAL TO GRANT<br><b>DELEGATE</b> |
| PP195/2013-1       | 23 AUG 2013   | 5925 GREAT OCEAN ROAD YUULONG              | WORKS COMPRISING THE CONSTRUCTION OF A 1.3KM WALKING TRACK AND REMOVAL OF NATIVE VEGETATION                             | 42             | 23 DEC 2013     | PERMIT ISSUED<br><b>DELEGATE</b>    |
| PP210/2013-1       | 11 SEP 2013   | 2-4 THE BOULEVARDE WYE RIVER               | BUILDINGS AND WORKS COMPRISING BALCONY EXTENSION TO DWELLING                                                            | 57             | 3 DEC 2013      | PERMIT ISSUED<br><b>DELEGATE</b>    |

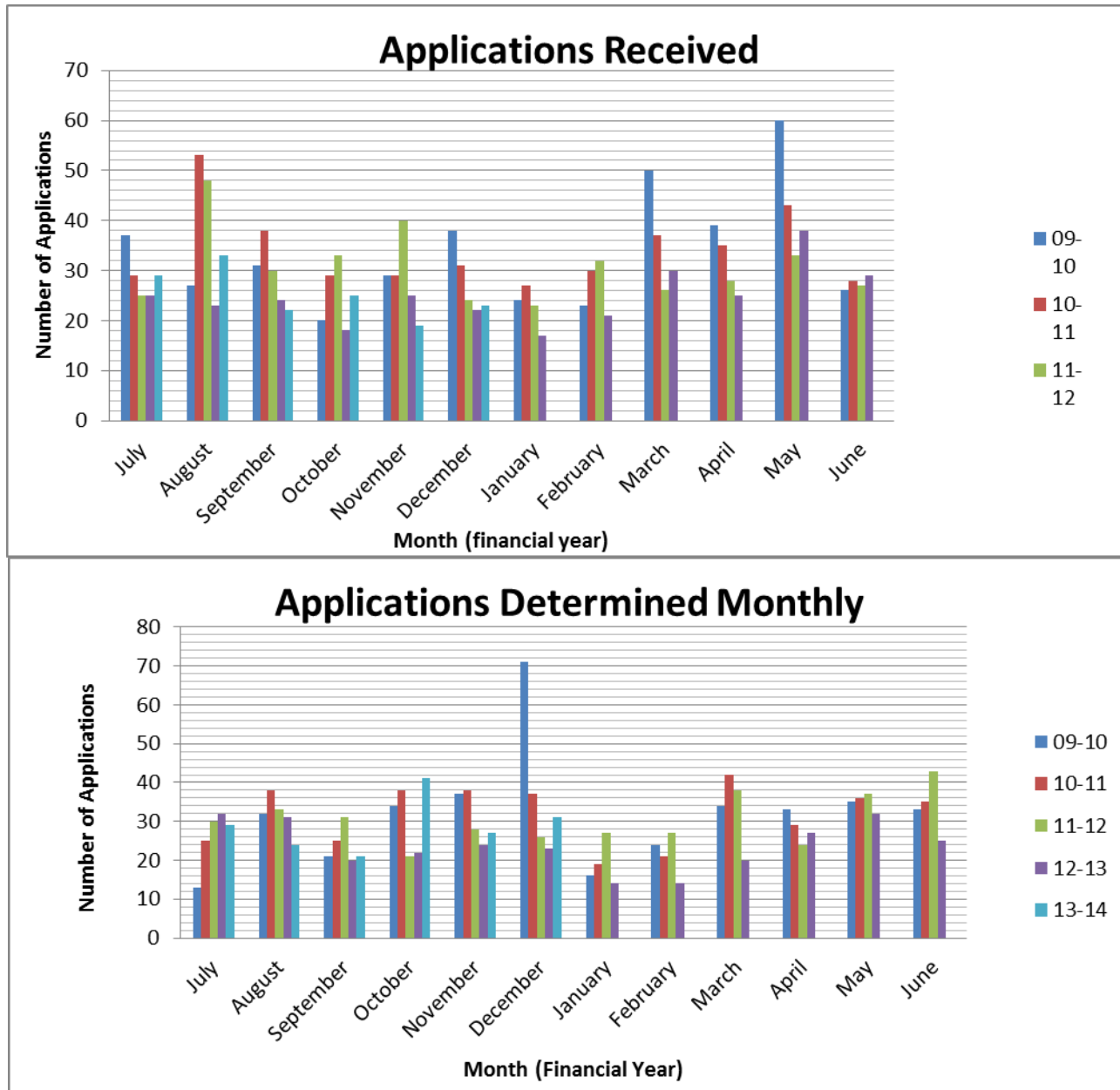
| APPLICATION NUMBER                                        | DATE RECEIVED | LOCATION                            | PROPOSAL                                                                                                                | STATUTORY DAYS | DATE DETERMINED | DETERMINATION & AUTHORITY           |
|-----------------------------------------------------------|---------------|-------------------------------------|-------------------------------------------------------------------------------------------------------------------------|----------------|-----------------|-------------------------------------|
| PP220/2013-1                                              | 19 SEP 2013   | 156 SINCLAIR STREET SOUTH COLAC     | BUILDINGS AND WORKS COMPRISING CONSTRUCTION OF SINGLE-STOREY DWELLING                                                   | 58             | 19 DEC 2013     | PERMIT ISSUED<br><b>DELEGATE</b>    |
| PP222/2013-1                                              | 24 SEP 2013   | 60 DRAPERS ROAD COLAC EAST          | BUILDINGS AND WORKS COMPRISING CONSTRUCTION OF OUTBUILDING                                                              | 70             | 10 DEC 2013     | PERMIT ISSUED<br><b>DELEGATE</b>    |
| PP230/2013-1                                              | 14 OCT 2013   | 810 CORANGAMITE LAKE ROAD CORAGULAC | BUILDINGS AND WORKS COMPRISING CONSTRUCTION OF DWELLING AND OUTBUILDING, AND CREATION OF ACCESS TO ROAD ZONE CATEGORY 1 | 50             | 3 DEC 2013      | PERMIT ISSUED<br><b>DELEGATE</b>    |
| PP234/2013-1                                              | 16 OCT 2013   | 345 SEVEN BRIDGES ROAD GERANGAMETE  | BUILDINGS AND WORKS COMPRISING CONSTRUCTION OF AGRICULTURAL BUILDING                                                    | 61             | 16 DEC 2013     | PERMIT ISSUED<br><b>DELEGATE</b>    |
| PP236/2013-1                                              | 17 OCT 2013   | 271-302 MURRAY STREET COLAC         | BUILDINGS AND WORKS COMPRISING EXTENSION AND ALTERATIONS TO FACTORY AND INSTALLATION OF PEDESTRIAN GATE                 | 48             | 6 DEC 2013      | PERMIT ISSUED<br><b>DELEGATE</b>    |
| PP238/2013-1                                              | 18 OCT 2013   | 180 DEWINGS BRIDGE ROAD GERANGAMETE | BUILDINGS AND WORKS COMPRISING CONSTRUCTION OF AGRICULTURAL SHED                                                        | 18             | 17 DEC 2013     | PERMIT ISSUED<br><b>DELEGATE</b>    |
| PP241/2013-1                                              | 25 OCT 2013   | 234 COLLINS ROAD IRREWARRA          | BUILDINGS AND WORKS COMPRISING CONSTRUCTION OF OUTBUILDING                                                              | 48             | 12 DEC 2013     | PERMIT ISSUED<br><b>DELEGATE</b>    |
| PP248/2013-1                                              | 6 NOV 2013    | 4285 CAPE OTWAY ROAD BIRREGURRA     | INCREASE IN PATRON NUMBERS, INCREASE IN AREA OF LIQUOR LICENCE AND EXTENSION OF TRADING HOURS                           | 24             | 23 DEC 2013     | PERMIT ISSUED<br><b>DELEGATE</b>    |
| PP251/2013-1                                              | 7 NOV 2013    | 675 BARHAM RIVER ROAD APOLLO BAY    | EXTENSION OF DWELLING                                                                                                   | 34             | 11 DEC 2013     | PERMIT ISSUED<br><b>DELEGATE</b>    |
| PP75/2013-1                                               | 12 APR 2013   | 105 POWERS LANE BIRREGURRA          | USE AND DEVELOPMENT OF THE LAND FOR A SINGLE STOREY DWELLING                                                            | 167            | 24 DEC 2013     | REFUSAL TO GRANT<br><b>DELEGATE</b> |
| PP65/2013-1                                               | 2 APR 2013    | 90 POLLEYS ROAD BARONGAROOK WEST    | TWO (2) LOT SUBDIVISION (BOUNDARY REALIGNMENT)                                                                          | 3              | 16 DEC 2013     | NOTICE OF DECISION<br><b>ISSUED</b> |
| PP128/2013-1                                              | 7 JUN 2013    | 140 FOREST STREET SOUTH ELLIMINYT   | BUILDINGS AND WORKS COMPRISING CONSTRUCTION OF ANIMAL SHELTER/SHED                                                      | 172            | 12 DEC 2013     | NOTICE OF DECISION<br><b>ISSUED</b> |
| AVERAGE STATUTORY DAYS TO DETERMINE PLANNING APPLICATIONS |               |                                     |                                                                                                                         | 69             |                 |                                     |

**PLANNING STATISTICAL REPORT – DECEMBER 2013 (PERMITS NOT REQUIRED, WITHDRAWN & LAPSED APPLICATIONS)**

| APPLICATION NUMBER                                        | DATE RECEIVED | LOCATION                           | PROPOSAL                                                                                                                                                                                                                      | STATUTORY DAYS | DATE DETERMINED | DETERMINATION & AUTHORITY |
|-----------------------------------------------------------|---------------|------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|-----------------|---------------------------|
| PP1/2013-1                                                | 19 DEC 2012   | 1 MCLELLAN COURT WYE RIVER         | EXTENSION TO EXISTING DWELLING                                                                                                                                                                                                | 350            | 4 DEC 2013      | WITHDRAWN                 |
| PP162/2013-1                                              | 16 JUL 2013   | 10 JACKARANDA CRESCENT ELLIMINYT   | TWO (2) LOT SUBDIVISION AND CONSTRUCTION OF TWO (2) UNITS                                                                                                                                                                     | 0              | 11 DEC 2013     | LAPSED                    |
| PP155/2013                                                | 11 JUL 2013   | 345 CARLISLE ROAD IRREWILLIPE EAST | USE & DEVELOPMENT OF THE LAND FOR INTENSIVE ANIMAL HUSBANDRY (PIGGERY - 2500 HEAD), CONSTRUCTION OF SIX (6) OUTBUILDINGS (PIG SHELTERS), ASSOCIATED WORKS AND EFFLUENT POND & THE CREATION OF ACCESS TO A ROAD IN A ROAD ZONE | 29             | 10 DEC 2013     | WITHDRAWN                 |
| PP214/2013-1                                              | 17 SEP 2013   | 525 PIPELINE ROAD FORREST          | LOGGING SMALL SECTION AND REFORREST BACK TO NATIVE VEGETATION                                                                                                                                                                 | 0              | 2 DEC 2013      | WITHDRAWN                 |
| AVERAGE STATUTORY DAYS TO DETERMINE PLANNING APPLICATIONS |               |                                    |                                                                                                                                                                                                                               | <b>72</b>      |                 |                           |

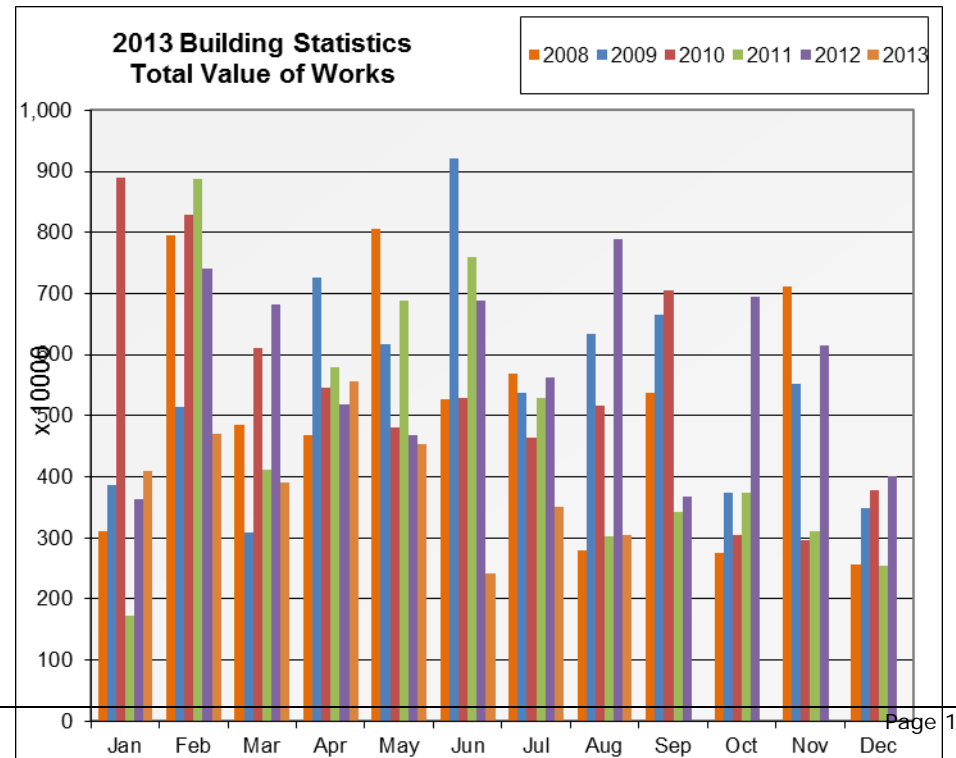
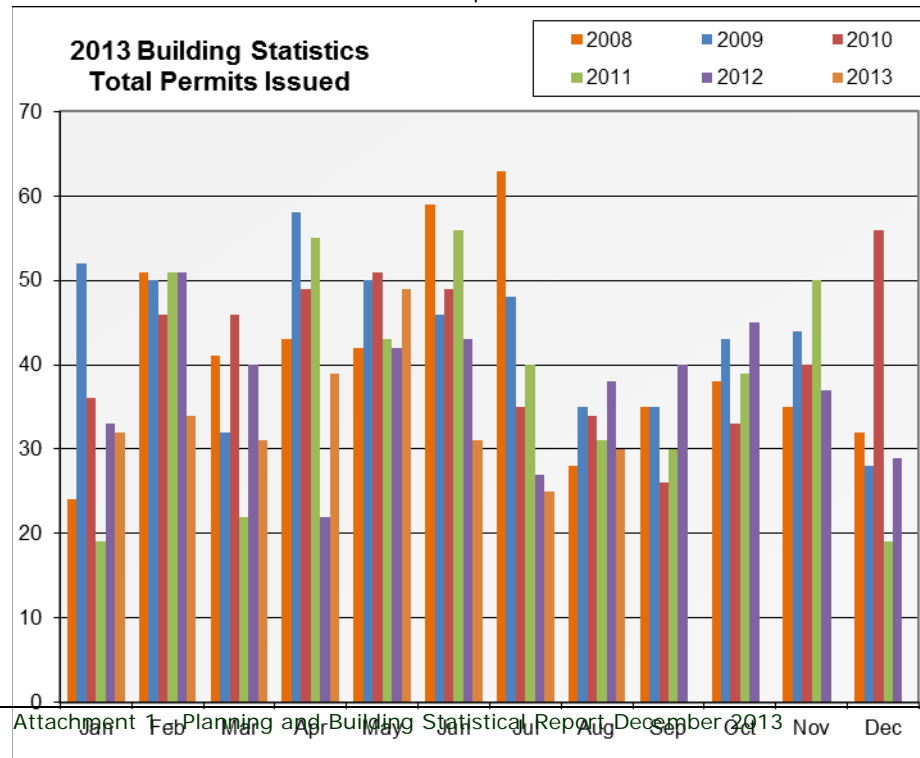






|               | Domestic   |                   | Residential* |                  | Commercial |                  | Retail   |                | Industrial |                | Hospital/HealthCare |            | Public Buildings |                | Municipal Totals |                   |
|---------------|------------|-------------------|--------------|------------------|------------|------------------|----------|----------------|------------|----------------|---------------------|------------|------------------|----------------|------------------|-------------------|
|               | No of BP   | Value (\$)        | No of BP     | Value (\$)       | No of BP   | Value (\$)       | No of BP | Value (\$)     | No of BP   | Value (\$)     | No of BP            | Value (\$) | No of BP         | Value (\$)     | No of BP         | Value (\$)        |
| Jan           | 21         | 3,757,719         | 0            | 0                | 5          | 117,068          | 1        | 2,000          | 1          | 39,745         | 0                   | 0          | 4                | 177,495        | 32               | 4,094,027         |
| Feb           | 31         | 4,341,165         | 1            | 280,929          | 1          | 10,000           | 1        | 69,000         | 0          | 0              | 0                   | 0          | 0                | 0              | 34               | 4,701,094         |
| Mar           | 26         | 3,132,341         | 0            | 0                | 3          | 504,374          | 0        | 0              | 1          | 150,000        | 0                   | 0          | 1                | 118,320        | 31               | 3,905,035         |
| Apr           | 31         | 3,658,781         | 1            | 1,400,419        | 3          | 256,200          | 1        | 29,000         | 1          | 150,000        | 0                   | 0          | 2                | 61,400         | 39               | 5,555,800         |
| May           | 38         | 3,559,921         | 2            | 463,410          | 6          | 228,823          | 0        | 0              | 0          | 0              | 0                   | 0          | 3                | 290,000        | 49               | 4,542,154         |
| Jun           | 20         | 1,578,822         | 2            | 353,483          | 6          | 214,810          | 2        | 246,420        | 0          | 0              | 0                   | 0          | 1                | 30,000         | 31               | 2,423,535         |
| Jul           | 21         | 2,399,630         | 1            | 55,000           | 3          | 1,060,000        | 0        | 0              | 0          | 0              | 0                   | 0          | 0                | 0              | 25               | 3,514,630         |
| Aug           | 24         | 2,822,638         | 0            | 0                | 4          | 108,579          | 0        | 0              | 1          | 120,000        | 0                   | 0          | 1                | 6,610          | 30               | 3,057,827         |
| Sep           |            |                   |              |                  |            |                  |          |                |            |                |                     |            |                  |                |                  |                   |
| Oct           |            |                   |              |                  |            |                  |          |                |            |                |                     |            |                  |                |                  |                   |
| Nov           |            |                   |              |                  |            |                  |          |                |            |                |                     |            |                  |                |                  |                   |
| Dec           |            |                   |              |                  |            |                  |          |                |            |                |                     |            |                  |                |                  |                   |
| <b>Totals</b> | <b>212</b> | <b>25,251,017</b> | <b>7</b>     | <b>2,553,241</b> | <b>31</b>  | <b>2,499,854</b> | <b>5</b> | <b>346,420</b> | <b>4</b>   | <b>459,745</b> | <b>0</b>            | <b>0</b>   | <b>12</b>        | <b>683,825</b> | <b>271</b>       | <b>31,794,102</b> |

\*Multi-Development



**PC141501-2 BUILDINGS AND WORKS ASSOCIATED WITH A MILK PROCESSING FACILITY AND REDUCTION IN CAR PARKING REQUIREMENTS AT 91-149 FOREST STREET, COLAC (PP235/2013-1)**

|             |                                    |           |            |
|-------------|------------------------------------|-----------|------------|
| AUTHOR:     | Ian Williams                       | ENDORSED: | Jack Green |
| DEPARTMENT: | Sustainable Planning & Development | FILE REF: | F13/9238   |

**Location:** 91-149 Forest Street, Colac

**Zoning:** Industrial 1 Zone

**Overlay controls:** Environmental Significance Overlay (ES02)  
Land Subject to Inundation Overlay (LSIO)  
Design and Development Overlay (DDO1)

**Proposed Amendments:** Nil

**Purpose:**

This application seeks planning permission for buildings and works comprising the construction of a milk separation plant/milk processing plant at the existing Bulla manufacturing plant.

Consideration of this application by the Planning Committee is required as the height of the processing plant silos would be above eight (8) metres and because a reduction of thirty (30) car parking spaces is required.

**Declaration of Interests**

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

**Summary**

- Planning permission is sought for buildings and works for a milk processing facility/milk separation plant, including silos at the existing Bulla manufacturing plant.
- The proposal would allow for the Bulla premises to receive whole milk directly from the region's dairy farmers. Processing of the whole milk would take place on site, with the aim being to ultimately supply all skim milk and a proportion of cream for the existing manufacturing plant, as well as providing an additional skim milk supply to meet expected growth in demand in the region.
- The proposed building would have a height ranging from 7.5m – 8.3m, with central silos increasing in height to 15.5m (which includes a 1.2m high handrail).
- The proposal also seeks a permit for a reduction in car parking provision from the Planning Scheme requirement of thirty (30) car parking spaces.
- Two (2) objections have been received to the proposal. The concerns raised relate to noise and lights, the fact that landscaping previously proposed has not been undertaken, and the speed limit on Hearn Street.

- The application was referred to the EPA, Barwon Water, and Council's Infrastructure and Health departments, none of which raised any objection to the proposal subject to conditions being imposed on any permit issued.
- It is considered that the scale and potential impact of the proposed development would be acceptable and that any potential impacts from the processes taking place could be appropriately ameliorated. Given the nature of the proposed use, it is considered that the proposed reduction in parking is acceptable. As such, it is considered that a permit could reasonably be issued.

### **Background**

The proposed development would allow the Bulla premises to receive whole milk directly from the region's dairy farmers. The proposal would ensure that Bulla has access to a cost competitive milk supply from local farmers in the surrounding area. The milk would be transported to the plant by tankers and would be processed in a fully enclosed environment. Each tanker would park in one of the three existing tanker unloading bays, where whole milk would be pumped via a proposed pipe bridge to one of the two proposed 150,000L raw milk silos. From the silos the milk would be pumped to the internal processing area of the proposed facility, where it would be pasteurised. The milk would then be transferred to a third 150,000L silo for storage before being pumped to the existing facility. The proposed whole milk processing plant would allow the processing of whole milk on site, ultimately supplying all skimmed milk and a proportion of cream to the existing manufacturing plant, as well as providing an additional skimmed milk supply to meet expected growth in demand in the region.

The applicant has advised that the plant is expected to discharge 20,000L/day of trade waste via the existing Forest Street trade waste treatment plant. The applicant has also advised that the additional 20,000L/day could be accommodated under the current trade waste discharge agreement between Bulla Dairy Foods and Barwon Water.

The history of the site is as follows:

- On 19 March 1999, planning permission was granted for buildings and works for a manufacturing facility (PP99/096).
- On 9 September 2009, planning permission was granted for the construction of two stainless steel storage silos (PP233/2009).
- On 15 November 2011, planning permission was granted for buildings and works comprising a new office and research building and signage (PP187/2011).
- On 30 May 2012, planning permission was granted for an amendment to PP187/2011 to include alterations to the car parking layout and the removal of a crossover (PP187/2011-2).

### **Issues / Options**

Council has the options of:

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

The key issues relating to the proposal are whether the potential visual and other amenity impacts associated with the development would be appropriate in this area, including whether the proposed height above 8m, and the impacts from traffic generation and other activity associated with the proposal, would be acceptable. It is also necessary to consider whether the proposed reduction in car parking could be allowed.

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

**Proposal**

Planning permission is sought for buildings and works associated with the construction of a whole milk processing plant/milk separation plant and a reduction in the car parking rate from that specified in the Planning Scheme. The proposed milk processing plant would be located approximately 85m from the Forest Street frontage and approximately 138m from the Hearn Street frontage.

The proposed building would be approximately 65m in length and 16.4m in width, with a total area of approximately 1055sqm. The proposed building would have a height ranging from 7.5m – 8.3m, with central silos increasing in height to 15.5m (which includes a 1.2m high handrail). The proposed building would contain a boiler room, processing room and ancillary plant. The building would be finished with colorbond walls and roller doors, and zincalume roof. The applicant has advised that the silos are a key component of the separation process and their height/capacity would ensure the ongoing viability of the milk separation process at the site.

The proposal includes a pipe bridge extending from the eastern end of the plant to the existing tanker bay. The pipe bridge would have a width of approximately 2m, a depth of between 1.2m and 1.7m and a maximum height of approximately 8.6m. The proposal also includes the construction of a new hard-standing area on the northern side of the plant to link with the existing roadway constructed as part of the manufacturing building.

The proposed additional plant would not be occupied by staff and would be operated remotely by existing on-site staff. As such, no additional staff would be required. The plant would operate 24 hours a day, 7 days a week.

The applicant has advised that no additional car parking or bicycle facilities are proposed on the site. As such, a reduction of thirty (30) car parking spaces is required. The applicant has also advised that loading and unloading would be within the existing designated areas on site. As ample space is available for loading/unloading, with an existing designated area beside the proposed development, there is no permit trigger for a reduction in loading/unloading facilities.

**Site & Surrounds**

The application site is identified as Lot 2 on LP207690, and is located approximately 2 kilometres south-east of Murray Street. The site, which is located on the corner of Forest Street and Hearn Street, contains the existing Bulla manufacturing facility. The site is located within the Industrial 1 Zone, with land within the Public Park and Recreation Zone to the north. Barongarook Creek is 40m north of the existing Bulla facility. The land to the south and west is within the Rural Living Zone, and land to the south east is within the Farming Zone.

The site has a frontage of approximately 464m onto Forest Street and a frontage of approximately 308m onto Hearn Street. Forest Street and Hearn Street are both single lane, 6.0m wide roads with grass verges. The northern section of this lot is located within an area designated as one of cultural sensitivity.

Planning permission was granted in November 2011 for the construction of a new 2710m<sup>2</sup> Bulla Dairy Foods 'Innovation Centre' building, to be used in association with the existing Bulla manufacturing facility. The building was approved for use in connection with the testing and manufacture of new and emerging food products associated with Bulla.

**Public Notice**

Public notice of the application was given in accordance with Section 52 of the Planning and Environment Act by sending letters to adjoining owners/occupiers and by placing a sign on site. The public notice was undertaken by the applicant. The applicant has provided a Statutory Declaration in relation to the notification. It is considered that the advertising has been carried out in accordance with Council's requirements. At the conclusion of the notification period, two (2) objections had been received. The contents of the objections are summarised as follows:

- a. *The noise and lights from the existing factory is a concern and these issues will be worsened as a result of the proposal.*

In support of the application, the applicant has submitted an Environmental Noise Assessment dated 9 October 2013. The report is relevant to both the existing on site chilled operations plant and the milk separation plant proposed by this application and provides a cumulative noise impact assessment. The noise report is discussed in greater detail later in this report. Relevant permit conditions have been included in the recommendation at the end of this report to ensure the measures specified within the Environmental Noise Assessment (reference Rp001 2013269ML) are undertaken.

It is accepted that lights within the site could potentially be a nuisance for surrounding residences. To address this concern and to provide a visual barrier for the surrounding residential properties, the applicant has proposed additional landscaping towards the western side and along the western boundary of the site. A copy of the landscaping plan has been submitted with the application.

It is considered that subject to compliance with the Environmental Noise Assessment and the provision of the landscaping, the amenity of the surrounding properties would be suitably preserved.

- b. *The previous planning applications approved required tree planting along the western boundary and only half of this was ever planted.*

The applicant has acknowledged that the landscaping approved under the previous permit for the research building has not been undertaken, as it was the applicant's intention to provide a comprehensive landscaping plan for the site incorporating the landscaping required in relation to the research building and additional landscaping to screen the existing industrial buildings. The applicant has accordingly submitted a comprehensive landscaping plan with this application, a copy of which has been sent to the objector. The applicant has also agreed to undertake planting east to west on the site for the length of the northern boundary. It is considered that the landscaping plan submitted within this application would provide a suitable screen to the surrounding residential properties. An appropriate permit condition has been recommended to ensure the landscaping would be completed prior to the commencement of the use of the new building.

- c. *The existing 80km/hr speed limit along Hearn Street should be lowered to 50km/hr for the safety of cyclists and pedestrians.*

Council's Infrastructure Department has advised that the appropriate authority for the variation of speed zones is VicRoads. Variation of speed limits cannot occur directly through the planning process.

Council has recently submitted to VicRoads that the 60km/hr Forest Street speed zone should be extended to a point just past the Hearn Street intersection. VicRoads has consented to this submission and issued a Memorandum of Authorisation to vary the speed limit. Council will erect the new speed zone signs in the near future. Council's Infrastructure Department is also in the process of liaising with VicRoads about reviewing the speed zone in Hearn Street.

### **Referrals**

The application was referred to the Environment Protection Agency (EPA) and Barwon Water under Section 52 of the Planning and Environment Act. EPA is not a Section 55 referral authority in this case, as the proposed development does not require a licence or works approval (or amendment to a licence or works approval) and the proposed development is not within a threshold distance specified in clause 52.10 of the Planning Scheme. The application was also referred internally to Council's Health and Infrastructure Departments. The following are comments relating to referrals:

- The Environment Protection Agency (EPA) has not raised any objection to the application, but has recommended that conditions be included on any permit issued. These have been included in the recommendation at the end of this report.
- Following discussions with the applicant, Barwon Water raised no objection to this application and did not request that any conditions be imposed in the event a permit is issued.
- No objection has been raised to the proposal by Council's Environmental Health Department.
- Council's Infrastructure Department has raised no objection to the proposal, subject to permit conditions which have been included in the recommendation below. Council's Infrastructure Department has advised that the submitted traffic management plan addresses heavy vehicle movements within the site; however it has also noted that the traffic management report does not adequately address all aspects of heavy vehicle implications for the local road network. Additional information is required in relation to existing or pre development heavy vehicle movements, sight lines/road alignment, any potential increase in loading on the local road network and the condition of the site entrances at the Hearn Street/Forest Street intersection. Council's Infrastructure Department also advised that it would be preferred if the Hearn Street entrance was not used for heavy vehicle exit manoeuvres if possible. An appropriate permit condition has been recommended to ensure the submission of a revised traffic impact assessment, to fully address all aspects of the increase in heavy vehicle movements associated with the development.

### **Planning Controls**

The site is located within the Industrial 1 Zone and is covered by the Environmental Significance Overlay (ESO2) (9.1%), the Land Subject to Inundation Overlay (LSIO) (10.3%) and the Design and Development Overlay (DDO1) (92.3%).

A permit is required for the proposed development under clause 33.01-4 of the Industrial 1 Zone and clause 43.02-2 of the Design and Development Overlay. A further requirement for a permit is triggered under the provisions of clause 52.06 (Car Parking) for a reduction of thirty (30) car parking spaces.



a. State and Local Planning Policy Frameworks

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

- Clause 11.05-3 Rural Productivity
- Clause 11.05-4 Regional Planning Strategies and Principles
- Clause 13 Environmental Risks
- Clause 13.04-1 Noise Abatement
- Clause 14.02-2 Water Quality
- Clause 15.01-1 Urban Design
- Clause 15.03-2 Aboriginal Cultural Heritage
- Clause 17.02-1 Industrial Land Development
- Clause 17.02-2 Design of Industrial Development
- Clause 18.01 Integrated Transport
- Clause 19.03 Development Infrastructure
- Clause 21.03-1 General
- Clause 21.03-2 Colac
- Clause 21.04-2 Water
- Clause 21.04-8 Landscape Character
- Clause 21.04-9 Cultural Heritage
- Clause 21.05-3 Manufacturing

The proposal is considered to be consistent with the broader principles of the State and Local Planning Policy Frameworks. The proposal would assist in intensifying and consolidating the existing industrial use, enhancing its long term viability with the existing industrial development on the site. Bulla Dairy Foods is one of the major business employers within Colac and the proposal seeks to support the existing land use.

It is considered that the proposal would promote the sustainable growth and development of regional Victoria within a location where utility, transport, infrastructure and services are available in the most efficient and sustainable manner. It is also considered that the proposal would contribute to the economic well-being of the existing facility and the local dairy community. The proposed development would be sited in the most suitable location to assist the control of noise effects on sensitive land uses adjacent to the site. It is considered that the design and location of the processing plant would be consistent with the existing manufacturing built form on the site.

b. Zone Provisions

The key purpose of the Industrial 1 Zone is:

- *To provide for manufacturing industry, the storage and distribution of goods and associated uses in a manner which does not affect the safety and amenity of local communities.*

Consideration of the following decision guidelines is required in the assessment of the proposal:

- Any natural or cultural values on or near the land
- Streetscape character
- Built form
- Landscape treatment
- Interface with non-industrial areas
- Parking and site access
- Loading and service areas
- Outdoor storage
- Lighting
- Stormwater discharge

The use of the land for industry (manufacturing of milk products) is established at this site and, as such, a requirement for a permit is not triggered for the use under clause 33.01-1.

Under clause 33.01-4, a permit is required to construct a building or construct or carry out works. The proposed development is considered against the provisions of the zone later in this report.

c. Overlay Provisions

i. ESO2 and LSIO

The area of the site covered by the Environmental Significance Overlay (ESO2) and the Land Subject to Inundation Overlay (LSIO) is adjacent to the Barongarook Creek to the north and does not include the location of the buildings and works proposed under this application. In view of this, these overlays do not trigger the requirement for a planning permit.

ii. DDO1

The key purpose of the Design and Development Overlay (DDO1) is:

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

The design objectives of this overlay seek:

- *To ensure that the industrial area on the eastern entrance to Colac is retained for the development of large scale industrial uses on large lots so that views of the lake and the quality of buildings and works do not detract from the landscape character of this entrance to the town.*

Under the provisions of clause 43.02-2, a permit is required to construct a building and carry out works. Applications should incorporate the following matters in respect to plot ratio, setbacks and lot sizes:

- *All buildings and works are to be set back 20 metres from the road frontage and only landscaping, visitor car parking and access ways is to be located within the setback area.*
- *All staff parking and loading bays are to be located to the side or rear of any buildings.*

- *The plot ratio for buildings and works is not to exceed 40% of the site area.*
- *Buildings should not exceed a height of 8 metres above natural ground level.*
- *Landscaping is to be provided in accordance with a landscape plan approved to the satisfaction of the responsible authority. The landscape plan is to provide a range of trees, shrubs and ground cover to create a 'garden' appearance for the development. Landscaping is to be completed within 6 months of the development or works being constructed.*

The proposal is considered against the provisions of DDO1 later in this report.

d. Particular Provisions

i. Clause 52.06 - Car Parking

The purpose of this clause is:

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

Prior to a new use commencing, the floor area or site area of an existing use being increased, or an existing use being increased by the measure specified in Column C of Table 1 in clause 52.06-5 for that use, the car parking spaces required under clause 52.06-5 must be provided on the land or as approved under clause 52.06-3 to the satisfaction of the responsible authority.

Clause 52.06-5A specifies that, where a use of land is not specified in the table to clause 52.06-5 or where a car parking requirement is not specified for the use in another provision of the planning scheme or in a schedule to the Parking Overlay, before a new use commences or the floor area or site area of an existing use is increased, car parking spaces must be provided to the satisfaction of the responsible authority.

Under the provisions of clause 52.06, the car parking requirement for industry is 2.9 car spaces to each 100sqm of net floor area. The proposal is considered against the provisions of clause 52.06 later in this report.

ii. Clause 52.07 – Loading and Unloading

The purpose of this clause is:

- *To set aside land for loading and unloading commercial vehicles to prevent loss of amenity and adverse effect on traffic flow and road safety.*

This clause specifies that no building or works may be constructed for the manufacture, servicing, storage or sale of goods or materials unless space is provided on the land for loading and unloading vehicles as specified in the accompanying table (area 27.4sqm, length 7.6m, width 3.6m, height clearance 4.0 m). A permit may be granted to waive the requirement if the land area is insufficient and adequate provision is made for loading and unloading vehicles to the satisfaction of the responsible authority.

As noted above, ample space is available on the site, including a designated area adjacent to the proposed development, and as such, there is no permit trigger for waiving loading/unloading requirements in this case.

iii. Clause 52.10 - Uses with Adverse Amenity Potential

The purpose of this clause is:

- *To define those types of industries and warehouses which if not appropriately designed and located may cause offence or unacceptable risk to the neighbourhood.*

The threshold distance referred to in the table to this clause is the minimum distance from any part of the land of the proposed use or buildings and works to land (not a road) in a residential zone, Capital City Zone or Docklands Zone, land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre. The threshold distance for the manufacture of milk products is 300m. There is no note attached to this use.

Under the provisions of clause 66, proposals to use land for an industry or warehouse for a purpose listed in the table to Clause 52.10 shown with a Note 1, or if the threshold distance would not be met, must be referred to the Environmental Protection Authority under Section 55 of the Planning and Environment Act.

As noted above, the EPA is not a Section 55 referral authority in this case, as the proposed development does not require a licence or works approval (or amendment to a licence or works approval) and the proposed development is not within a threshold distance specified in clause 52.10 of the Planning Scheme.

The proposed development would be located within 300m of vacant land in the Rural Living Zone and more than 350m from the nearest dwellings in the Residential 1 Zone. It should be noted that the Rural Living Zone is classified as a 'rural zone' rather than a 'residential zone'.

The application was referred to the EPA under section 52 of the Act. The EPA recommended that conditions be imposed on any permit issued. These have been included in the recommendation below.

iv. v. Clause 52.34 – Bicycle Facilities

The purpose of this clause is:

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

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

For an industrial use there is a requirement for one (1) bicycle space to each 1000sqm of net floor area for employees.

## **Consideration of the Proposal**

### Buildings and Works

The buildings and works proposed under this application are required to facilitate further industrial activities at this site. It is considered that the proposed building would be suitably recessed from both Forest Street and Hearn Street (85m and 138m respectively), towards the rear of the existing facility and behind the existing industrial built form. It is considered that the proposed materials, height, bulk, mass and position of the proposed building and silos would be acceptable on the lot, and it is noted that the development would be surrounded by other buildings and structures that are typical of the industrial complex. The proposed building (excluding silos) would have a height of approximately 8.3m, which would be consistent with the existing research building. The silos would be higher than any of the existing structures on the land; however it is considered that these would be recessed a suitable distance from the site boundaries. In view of this, the proposed built form and interface with the existing buildings on the site is considered to be acceptable. The proposal would not result in buildings and works exceeding 40% of the total site area.

The proposal would maintain the locations of the existing site accesses via Forest Street and Hearn Street, with the loading area located to the rear of the existing buildings. The proposal would not have a material impact on the existing visitor car parking and access ways through the site.

A significant landscaping screen towards the west end of the site was proposed under planning permit PP187/2011 to assist in screening the development from the neighbouring dwellings within Fulton Street. This landscaping, which has not yet been established (and which under the conditions of the permit does not have to be established until 4 years after the date the permit was issued), would be implemented as part of the landscaping plan submitted for the current application, which would extend the band of proposed landscaping along the site's western boundary. The applicant has also confirmed that additional landscaping (east to west) would also be undertaken. Landscaping approved within the car park as part of permit PP187/2011 would also be carried out as part of the landscaping, but this component would not be required to be done through the conditions of this permit – only the landscaping on the western boundary from the older permit would be required to be implemented through the current permit conditions (to ensure it is done in a more timely manner due to the need for it to screen the proposed works).

It is considered that the proposed buildings and works would be of a suitable scale and location to ensure that views of the lake and the landscape character would be preserved.

### Car Parking

Under the provisions of clause 52.06, the car parking requirement for industry is 2.9 car spaces to each 100sqm of net floor area. Under the provisions of clause 52.05, the proposed milk processing plant would have a requirement of 30 additional on-site car spaces. Within submissions made with the application, the applicant has advised that the proposed building would contain machinery and would not be occupied by staff, being operated remotely by existing site staff.

In support of the application, the applicant has submitted a '*traffic impact analysis*' from Cardno dated 14 October 2013. The submitted report confirms that the milk processing plant would operate as an extension to the existing facility and, as such, no additional staff parking would be required. The report also notes that significant car parking is currently provided towards the west and southern sections of the site in the form of 153 car spaces. This is considered to be in excess of the 52 car spaces previously required under planning permit PP187/2011. The submitted report concludes that there is sufficient on site car parking.

Council's Infrastructure Department has considered the proposed reduction in car parking and no objection has been raised subject to the inclusion of permit conditions which have been included in the recommendation at the end of this report.

In view of the above, it is considered that the proposed reduction in car parking is acceptable.

#### Loading and Unloading

The applicant has advised that the loading and unloading of trucks would occur within the existing receiving bay. The proposed facility would share the existing manufacturing plant tanker reception and loading facilities, with an overhead pipe gantry connecting the manufacturing plant tanker reception area to the whole milk processing plant. No additional vehicular access points to the site are proposed, with all milk tankers continuing to circulate clockwise around the manufacturing plant, entering the site from Forest Street via the southern crossover and departing to Forest Street via the northern crossover. As such, it is considered that no additional on-site loading facilities are required to support the proposed development. It should also be noted that there is sufficient area adjacent to the proposed milk processing plant to accommodate additional loading/unloading facilities should the need arise in the future.

#### Traffic Impact

The applicant has advised that the existing manufacturing plant currently receives eight (8) tanker deliveries per day. The applicant has advised that by 2018 deliveries are expected to peak at eighteen (18) per day, resulting in a potential total of 36 milk tanker movements in and out per day. The applicant has advised that the additional vehicular movements on Forest Street would remain within the daily capacity for a sealed two-lane rural road, with the additional movements having no material impact on the operation of Forest Street and the surrounding road network.

Council's Infrastructure Department has considered the proposed impact of the additional vehicular movements and no objection has been raised.

#### Uses with Adverse Amenity Potential

The table to clause 52.10 specifies the minimum separation distance from specified zones, uses and overlays. The site is not adjacent to a Capital City Zone or Docklands Zone, land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre. The table to clause 52.10 for the manufacture of milk products sets a buffer distance of 300m from the nearest residential zoned land. Whilst there is land in the Rural Living Zone (which is classified as a 'rural zone') within the 300m threshold distance, the closest residential properties in a 'residential zone' are located in the Residential 1 Zone more than 350m from the proposed development.

The proposed milk manufacturing building would be located approximately 153m from the western site boundary. Given the existing landscaping which acts as a suitable buffer, it is considered that the proposed separation distance of 153m would be substantial enough to prevent any significant discernible impact on nearby residential areas which are more than the 300m threshold distance specified in clause 52.10 from the location of the proposed development. The application was referred to the Environmental Protection Authority (EPA), which has not raised any objection to the application but suggested permit conditions. These have been recommended within this report.

With regard to potential odour concerns associated with the milk manufacture, the applicant has advised that the milk would be processed in a contained environment and no odour would be generated. The proposed boiler stack from the milk separation plant would expel natural gas in quantities which it is not considered would affect the local air quality.

Council's Health Department has considered the application and has not raised any objection to the proposal.

### Amenity

As part of the application submissions, the applicant included an Environmental Noise Assessment (reference RP001 2013269ML) dated 9 October 2013. The report is relevant to both the existing on site chilled operations plant and the milk separation plant proposed under this application and provides a cumulative noise impact assessment. It should be noted that other adjacent industry, notably the AKD timber processing mill, are also significant contributors to noise in the area.

The report identifies that the nearest residential properties adjacent to the application site are 25 J Barry's Road (to the east), 165 Forest Street (to the south) and 19 Fulton Street (to the west). EPA publication 1411 *'Noise from Industry in Rural Victoria'* (NIRV) provides an explanation on setting recommending levels for an industrial site in Rural Victoria. The report results indicate that there is currently non-compliance by up to 6dBA at the nearest affected residential properties. The property to the east at 25 J Barry's Road would be in compliance with the site noise limits owing to the distance from the plant. The report adds that the construction of the milk separation plant would be likely to have little impact on the noise levels at 19 Fulton Street and would reduce overall plant noise owing to the shielding of existing mechanical plant. The report recommends a number of noise mitigation measures to the existing facility and these are outlined within the report and included within drawing No. REGCOL-L-169, and include acoustic louvre's, noise attenuators, ceiling and roof upgrades, improvement of acoustic door performance and addition of noise screens. Proposed Condition 4 would require these measures to be undertaken.

The report also adds that Bulla must manage truck movements so that no more than two arrivals and one departure occurs in any thirty minute period during the SEPP N-1 (State Environment Protection Policy - Control of Noise from Commerce, Industry and Trade) night time period (i.e. before 7am each morning). A permit condition addressing this matter has been included in the recommendation at the end of this report to ensure the measures specified within the Environmental Noise Assessment (reference Rp001 2013269ML) are undertaken.

Also of concern is the potential amenity impact of lights from within the Bulla site to neighbouring and nearby residential properties. It is considered that a suitable level of landscaping towards the western side and along the western boundary of the site would assist in screening the existing lights from the existing residential properties in Fulton Street.

### Bicycle Facilities

As part of the planning permission dated 15 November 2011 for buildings and works comprising a new research building and signage (PP187/2011) the applicant provided ten (10) bicycle spaces on the site, which was in excess of the two (2) required at the time. In view of this, it is considered that there is adequate on site provision to meet the single bicycle parking space required by the current application and therefore a permit is not required for a waiver of bicycle parking.

### Cultural Heritage

The works proposed under this application would be located towards the southern end of the site, to the south of the area identified as being culturally sensitive. Section 43 of the Regulations states that *“the construction of a building or the construction or carrying out of works on land is not a high impact activity if it is for or associated with a purpose for which the land was being lawfully used immediately before the commencement day”* (i.e. 28 May 2007). The use of the land for manufacturing has been on-going on this site prior to 28 May 2007 and, as such, a Cultural Heritage Management Plan or referral to Aboriginal Affairs Victoria is not considered to be required.

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

#### **A Planned Future**

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

#### *Our Goal:*

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

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

There are no financial implications arising from this report.

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

There are no risk management or compliance implications arising from this report.

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

There are no environmental or climate change implications arising from this report. The applicant has advised that the plant is expected to discharge 20,000L/day of trade waste via the existing Forest Street trade waste treatment plant. The applicant has further advised that the additional 20,000L/day can be accommodated under the current trade waste discharge agreement between Bulla Dairy Foods and Barwon Water. The application was referred to Barwon Water, which raised no objection to the proposal.

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

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

### **Conclusion**

The proposed buildings and works are considered acceptable in the context of the surrounding development. It is not considered that the proposal would cause any significant detriment to the amenity of any residential properties. The proposal would assist in intensifying and consolidating the existing industrial use, and support an important industry in Colac's economy. The design of the plant is considered to be consistent with the existing manufacturing built form on this site.



**Attachments**

Nil

**Recommendation(s)**

***That Council's Planning Committee resolves to issue a Notice of Decision to Grant a Planning Permit for Buildings and Works Comprising the Development of a Milk Processing Facility and a Reduction in Car Parking at 91-149 Forest Street Colac subject to the following conditions:***

**Endorsed Plans**

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

**Landscaping**

- 2. Within three (3) months of the date of this permit, a revised landscape plan must be prepared and submitted to the Responsible Authority for approval. The landscape plan must be generally in accordance with the plans submitted with the application reference LA-1F but modified to show east-west planting for the length of the northern boundary of CA183 Parish of Colac.***
- 3. Within six (6) months of the date of this decision, or by such later date as is approved by the Responsible Authority in writing, the landscaping along the western boundary of the site shown on the endorsed plans (reference area 'Plan 1') and the east-west planting for the length of the northern boundary of CA183 must be completed to the satisfaction of the Responsible Authority. The landscaping must thereafter be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.***

**Amenity**

- 4. The milk processing plant hereby permitted must be constructed and operated in accordance with the submitted 'Environmental Noise Assessment' Report by Marshall Day Acoustics (ref: RP001 2013269ML, dated 09 October 2013), to the satisfaction of the Responsible Authority.***
- 5. Within 6 months of the completion of the works associated with the noise mitigation measures required under this permit, the applicant must submit to the Responsible Authority an additional Environmental Noise Assessment which demonstrates compliance with the recommended noise levels of Noise from Industry in Regional Victoria (NIRV; EPA Publication 1411, 2011). Should the report not demonstrate suitable compliance, then appropriate measures to achieve compliance to the satisfaction of the Responsible Authority must be undertaken within one month of the submission of the report, or within such other timeframe as is agreed in writing by the Responsible Authority.***
- 6. Any external lighting on the development hereby permitted must be designed, baffled and located so as to prevent any adverse effect on adjoining land, to the satisfaction of the Responsible Authority.***

7. *The development hereby permitted must be managed so that the amenity of the area is not detrimentally affected through the emission of noise, artificial light, vibration, smell, fumes dust, waste water or waste products.*
8. *All buildings and works must be maintained in good order and appearance, to the satisfaction of the Responsible Authority.*

#### **Traffic Impact Assessment**

9. *Within 3 months of commencement of works on site, a revised traffic impact assessment which fully addresses all aspects of the increase in heavy vehicle movements associated with this development must be submitted to the Responsible Authority for approval. Once approved, the assessment will form part of the permit.*
10. *Works/traffic management measures recommended in the traffic impact assessment endorsed under condition 9, whether within or external to the site, must be implemented within 6 months of completion of the development.*

#### **Stormwater**

11. *Prior to the commencement of works on site, a stormwater management plan for the development hereby permitted must be submitted to and approved by the Responsible Authority. The plan must make use of stormwater detention. Once approved, the plan will form part of the permit. Any works required under this plan must be implemented to the satisfaction of the Responsible Authority prior to the completion of the development.*

#### **Waste**

12. *Any waste water/effluent generated by the processes operating in the development hereby permitted must be dealt with in accordance with Environment Protection Authority and Barwon Water guidelines.*

#### **EPA conditions**

13. *Offensive odours must not be discharged beyond the boundaries of the premises.*
14. *Noise emitted from the premises must not exceed the recommended levels as set out in Noise from Industry in Regional Victoria (NIRV; EPA Publication 1411, 2011) or any document amending that publication.*
15. *Sediment traps or similar, must be installed to prevent the transportation of sediment, litter and waste oil, grease and detergents from vehicles to the stormwater system.*
16. *A secondary containment system must be provided for liquids which, if spilt, are likely to cause pollution or pose an environmental hazard, in accordance with the EPA Publication 347 Bunding Guidelines 1992 (or any document amending that publication).*

**Expiry**

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

- a) The development is not commenced within two (2) years of the date of this permit.**
- b) The development is not completed within four (4) years of the date of this permit.**

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

**Notes**

- 1. Dairy Safe Victoria is the inspection authority for dairy food processing. As such, the relevant department should be contacted prior to the commencement of any works.**
- 2. Please quote reference number 66-07005 in all communication between the developer and Barwon Water.**

~~~~~\ ~~~~~

PC141501-3

**CAR PARK, PLAYGROUND AREA, BEER GARDEN,
TAKEAWAY FOOD AND INCREASED LICENSED AREA
ASSOCIATED WITH AN EXISTING HOTEL, DISPLAY OF
SIGNAGE, WAIVER OF LOADING REQUIREMENTS, AND
REDUCTION IN THE CAR PARKING REQUIREMENT AT 2-4
STATION STREET, FORREST (PP110/2013-1)**

| | | | |
|-------------|---------------------------------------|-----------|------------|
| AUTHOR: | Ian Williams | ENDORSED: | Jack Green |
| DEPARTMENT: | Sustainable Planning
& Development | FILE REF: | F13/4343 |

Location: 2-4 Station Street, Forrest

Zoning: Township Zone

Overlay controls: Bushfire Management Overlay (BMO)

Proposed Amendments: Nil

Purpose:

This application seeks planning permission for the construction of a car park, the use and development of land for a beer garden (retrospective), the use of part of the existing hotel for a takeaway food outlet (retrospective), an increase in the licensed area, the construction of an ancillary playground area (retrospective), the display of signage (part retrospective), the waiver of the loading and unloading requirements, and a reduction of the car parking requirement.

Declaration of Interests

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

Summary

- This planning application has a number of related elements. Retrospective permission is sought for the use and development of a beer garden to the rear of the existing hotel, the use of part of the existing hotel as a takeaway food premises, the construction of a playground and the display of signage. Planning permission is also sought to construct a proposed car park, for a reduction of car parking from that required by the Planning Scheme and for the waiver of loading and unloading requirements. In addition, it is proposed to slightly alter the licensed area. As noted, the works are partially retrospective, with some elements completed.
- The key considerations in this case relate to the potential impact of the uses and developments that form the subject of this application on the amenity of neighbouring properties and the character of the area as a whole, taking account of the fact that the use of the land for a hotel is established.
- Six (6) objections have been received to the application. The objections relate primarily to the signage and the potential impacts from the car park and beer garden.

- It is not considered that the location of the car park and the use of part of the land as a beer garden associated with the established hotel use would be significantly detrimental to the amenity of neighbouring properties subject to permit conditions.

The beer garden, which is on a part of the site already covered by the liquor licence issued by the Victorian Commission for Gambling and Liquor Regulation (VCGLR), is approximately 20m from the nearest residential property.

- Whilst the application would result in the creation of a car park adjacent to a residential property, it is noted that this area should already have been formed into a car park under conditions imposed on an earlier planning permit. It is also considered appropriate that a use, such as the established hotel, provides on-site parking for patrons and staff. Proposed landscaping should help to ameliorate impacts from the car park.
- The reduction in parking is considered acceptable and no objections have been raised by Council's Infrastructure Department to the proposal. It is considered that the proposed provision of on-site parking would be to the maximum capacity of the site, and that the provision of on-site parking for the hotel would be beneficial to the area. The waiver of loading/unloading requirements is also considered acceptable.
- The takeaway food outlet is contained within the footprint of the existing hotel and it is not considered that allowing this use to continue would have a detrimental impact on the level of amenity for immediate and surrounding properties subject to permit conditions.
- The increase in the licensed area would be relatively small, primarily taking in decks to the front and side of the existing building. The area of land in which the beer garden has been created is already licensed. It is not considered that the alterations to the license would materially affect residential properties in the area.
- The signage, whilst relatively large, is considered acceptable on this established hotel and normal for such a business. The playground is also considered acceptable in terms of the character and amenity of the area.
- The CFA has considered the proposal and no objection has been raised subject to permit conditions. These have been included in the recommendation at the end of this report.
- Given the lawful use of the site, and the comments about the uses and development outlined above, it is considered that a Notice of Decision to Grant a Permit could reasonably be issued in this case.

Background

On 8 April 1997, planning permission was granted for the redevelopment of the existing hotel at the application site (ref. PP052/1997). Amended plans were approved on 2 October 1997. The works associated with that redevelopment were undertaken and the hotel has been fully operational since approximately 1998. The endorsed plans included provision for 23 car parking spaces to the rear, on Lot 1: TP178828, adjacent to 6 Station Street. The car parking component was not completed as part of this permit; however the parking area adjacent to Barwon Street has been used informally by patrons.

This application was submitted to Council following discussions with Council's Planning Enforcement Officer, who had received enquiries from nearby residents about dust from the car park (which is partially constructed), and noise from the use of the beer garden by patrons.

Issues / Options

Council has the option of:

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

The key issues in this case are whether the use and development sought by this application would be acceptable in terms of amenity impacts on adjacent residential properties and the character of the area as a whole, and whether the proposed reduction in car parking and waiver of the loading bay requirements could reasonably be allowed.

It is recommended that Option a) is supported.

Proposal

Planning permission is sought for the following:

Car Park

The application proposes the construction of a car park, with two distinct sections. The lower car parking area, which would be accessed via a new crossover from Station Street, would cater for eighteen (18) cars and would be finished in bitumen. A further seven (7) spaces would be provided in a parking area finished in gravel accessed off Barwon Street. A total of twenty five (25) car spaces would therefore be provided on the site. The car parking areas within the site would be separated by a retaining wall approximately 0.8m – 1.2m high.

The applicant proposes landscaping along the Station Street frontage and adjacent to the southern boundary, which is shared with 6 Station Street. The applicant has advised that no vegetation is required to be removed to facilitate the location of the car park.

Use of Land for a Beer Garden

The application also seeks retrospective permission for the use and development of an area to the rear of the existing building as a beer garden. An existing shed was removed to facilitate the creation of this beer garden. As noted, this work has already been undertaken and the use of the beer garden has commenced. The beer garden is located on a separate title to the hotel building (Lot 1 TP178828). The proposed car park would be located on the same title as the beer garden.

It is proposed that the beer garden would operate the same hours as the hotel – i.e. Sunday 10am to 11pm, Good Friday and Anzac Day 12pm to 11pm, and 7am to 11pm on any other day. It should be noted that the existing liquor licence approved by the Victorian Commission for Gambling and Liquor Regulation (VCGLR) already includes this beer garden area to the rear of the hotel within the licensed area.

The beer garden has recently has been enclosed by a wall with glazing above, to a combined height of approximately 1.8m. That enclosure does not form part of the current application, as it postdates the submission and advertising of this application. Following an enforcement investigation, a separate planning application has been requested for this unauthorised structure.

Increase in Licensed Area

The number of patrons allowed within the premises by the current liquor licence is 55 patrons within the lounge area, 49 patrons within the bar area and 69 patrons within the beer garden. This has been confirmed through the submission of a copy of the liquor licence with the application.

A copy of the plan attached to the liquor licence has separately been obtained from the VCGLR. Whilst the plan issued by the VCGLR generally corresponds with the licenced area identified under this application (and already includes the beer garden), the application 'red line' plan shows that it is proposed to extend the licence to include a deck at the front (north side) of the hotel, a deck along the east side of the hotel and an undercover storage area on the western side of the building (which the applicant has advised would be used to store barrels in the future). The 'red line' area would also be amended to exclude the takeaway outlet, which is currently within the licensed area. Patron numbers would be consistent with those allowed by the liquor licence.

Takeaway Food Premises

The application also seeks retrospective permission for a takeaway food premise, which is located internally within the existing building, on the northern side facing onto Henry Street. The takeaway offers sandwiches, pasties, cakes, fish and chips, soup, pizza, tea, coffee and cold drinks. It is proposed that the takeaway food premises would be open between the following hours - Sunday 10am to 11pm, Good Friday and Anzac Day 12pm to 11pm, and 7am to 11pm on any other day. No external delivery service is proposed as part of the takeaway food premises. The applicant has also advised that no additional signage is proposed for the takeaway component.

Playground Area and Other Works

In addition, the application seeks retrospective permission for a children's playground area fronting Henry Street. The playground area, which has an area of approximately 7.3m by 5.9m, has been built and is enclosed by a 1.5m high steel fence. The playground is used by the children of patrons visiting the hotel and contains a timber children's climbing house with plastic slide to an approximate height of 3.1m by 2.7m long.

The application also seeks a permit for works to the south elevation of the building, including new timber windows and doors from the internal seating area to the beer garden. A wood store (approximately 3.9m x 3.2m by 2m high) is also proposed on the west elevation.

The applicant has advised that, following the removal of the rear shed, the storage area associated with the hotel would be located within the existing undercover area towards the northern side of the hotel.

Signage

The application also seeks a permit for the display of additional signage on the north and south elevations, one of which has already been erected, on the roof of the building. The signage is constructed in colorbond white sheet with the venue logo '*The Wonky Donkey*'. The signs are 9.6m wide by 1-1.5m high and are non-illuminated.

Site & Surrounds

The site is located on the corner of Station Street, Henry Street and Barwon Street. Barwon Street is approximately 4.5m wide and 400m long and is an unsealed road which provides access to existing residential properties from Henry Street in the north to Blundy Street in the south. Henry Street and Station Street are both sealed roads, approximately 9m wide.

The site contains an existing single-storey hotel, previously known as the '*Terminus Hotel Forrest*' and now rebranded as '*The Wonky Donkey*'. The application site comprises two separate lots (Lot 18 LP3174 and Lot 1 TP178828). Lot 18 contains the hotel and deck to the front facing Henry Street.

Lot 1 is located to the south and would provide the area for the beer garden and car park. Part of Lot 1 fronting Barwon Street is utilised for car parking for nine (9) cars, although these spaces have not been formed and this operates on an informal basis.

The existing hotel has a 'General Licence'. This licence allows for a maximum capacity of 55 patrons in the lounge area, 49 patrons in the bar area and 69 patrons within the beer garden (total 173). The trading hours specified under the licence are Sunday 10am to 11pm, Good Friday and Anzac Day 12 noon to 11pm, and 7am to 11pm on any other day.

The township of Forrest is located at the intersection of Colac-Forrest Rd and Birregurra-Forrest Rd, approximately 33km south of Colac. The existing township comprises approximately 142 lots, ranging in size from 300sqm to 3.9ha. The town is well serviced by a range of community facilities including a public hall, recreation reserve, primary school, police station, maternal and child health centre, and hotel. The town centre is focused around Grant Street and includes a general store, café, microbrewery and accommodation providers. The Forrest Caravan Park, hotel (the subject of this application) and police station are located to the east of Grant Street in the town's main residential precinct. The town is currently undergoing a transitional period as it moves away from a reliance on the timber industry and embraces its emerging role as a tourist destination based around the natural beauty of the Otways and a network of world class mountain bike trails.

Public Notice

Public notice of the application was given in accordance with Section 52 of the Planning and Environment Act by sending letters to adjoining owners/occupiers and by placing a sign on site. The public notice was undertaken by the applicant. The applicant has provided a Statutory Declaration in relation to the notification. It is considered that the advertising has been carried out in accordance with Council's requirements. At the conclusion of the notification period, seven (7) objections had been received. One of these has since been withdrawn due to the construction of a fence, leaving six (6) objections to the application. The basis of the objections is summarised as follows:

- a) *The nature and colour of the 'Wonky Donkey' logo and sign is inappropriate and inharmonious with the environment and not in keeping with the aesthetic of the town and may lead to other similar signs.*

The application seeks a permit to display additional signage on the north and south elevations. The signage is constructed in colorbond white sheet, displaying the venue logo 'The Wonky Donkey'. The signs are 9.6m wide by 1-1.5m high and are non-illuminated. On balance, it is not considered that the signage detracts from the character and appearance of the property, but rather is acceptable in the context of the use of the land for a hotel which is expected to have an appropriate level of signage. Appropriate permit conditions relating to the display and maintenance of the signage are included in the recommendation at the end of this report.

- b) *It is outrageous that a recognisable ABC Children's Television program and book would be used in association with the sale and consumption of alcohol and the comic character of a donkey holding a beer and axe are inappropriate and detrimental to the children of Forrest and will encourage underage drinking.*

The content of the signage is not considered to be offensive. The association of the premises with a Children's Television program is not a valid planning objection to this application.

- c) *The sign is tacky, too big and ugly and the level of signage is highly visible, excessive and inappropriate within the township.*

In the context of the commercial use of the site as a hotel, on balance it is not considered that the level of signage is excessive. The signs are located at low level on the roof of the premises and provide a level of advertising not dissimilar to any of the surrounding commercial premises within the township of Forrest.

- d) *The use of the beer garden and car park will result in a reduction in privacy for the residents of 8 Station Street and will result in an increase in noise levels for residential properties.*

The liquor licence issued by the Victorian Commission for Gambling and Liquor Regulation (VCGLR) already covers the use of beer garden. There are no specific hours of use relating to the beer garden; however, the liquor licence restricts the opening hours of the hotel to 11pm on any given day and the number of patrons allowed within the beer garden to 69 patrons. The location of the beer garden is approximately 20m from the closest residence at 6 Station Street and approximately 44m from 8 Station Street. Subject to a permit condition restricting the use of this area to align with the opening of the hotel (11pm on any day), it is considered that residential amenity would be preserved. Consideration has been given as to whether additional vegetation planting should be included along the southern and western side boundaries of the proposed beer garden; however it is considered that any additional planting could potentially prevent natural surveillance of these areas by patrons.

- e) *The proposal should include a suitable acoustic fence along the boundary between the car park and the adjacent properties.*

The applicant has not included the provision of an acoustic fence along the southern boundary. The applicant has included extensive planting along the boundaries of the car park. It is considered that additional planting would suitably assist in softening/screening noise from the car park.

- f) *The proposed development appears to cover all areas on site designated for effluent. Clarification should be provided on how the hotel will deal with waste.*

Council's Environmental Health Department has advised that historically the existing hotel has been allowed to discharge chlorinated excess effluent to the stormwater channel. The Environmental Health Department has advised that, whilst this practice is clearly undesirable, the hotel benefits from consistency of use to continue the practice.

The current proposal is expected to increase effluent disposal on site. Council's Environmental Health Department has suggested that the applicant could utilise the foliage around the car parking area and investigate the provision of a holding tank to allow effluent to be stored and released during less demanding times. It is recommended that this matter be addressed through a condition on any permit issued.

- g) *Clarification should be provided on whether the proposed takeaway will become a bottle shop.*

There is no proposal before Council to use the area of the takeaway as a bottle shop. Further planning approval would be required and any application would be assessed on its merits.

- h) *Reference was made to outdoor taps in the beer garden.*

The applicant has advised that there are no beer taps in this area

- i) *To my knowledge there has been no planning permit displayed and no letters sent to people that will be affected by this outdoor area (i.e. the beer garden).*

As noted above, advertising has been undertaken with a sign displayed on site and neighbours notified by letter.

Referrals

In accordance with Section 55 of the Planning and Environment Act, the application was referred to the Country Fire Authority (CFA). The application was also referred to VicPolice and the Victorian Commission for Gambling and Liquor Regulation (VCGLR) under Section 52 of the Planning and Environment Act. In addition, the application was referred internally to Council's Environmental Health, Building and Infrastructure departments. A summary of the responses received is provided below:

- The CFA has not raised any objection to the proposal subject to permit conditions, which have been included in the recommendation at the end of this report.
- The VCGLR has not responded to Council on this application.
It should be noted that there is only a statutory requirement to refer applications to the VCGLR if a hotel, tavern or nightclub is to operate after 1am, and also that the VCGLR will be required to assess any proposed alterations to the licence under separate legislation. This hotel would not operate after 11pm and therefore a decision can reasonably be taken on this application without a referral response from VCGLR.
- VicPolice has not raised any objection to the application.
- Council's Environmental Health Department raises no objection to the permit being granted. A condition requiring the applicant/owner to appropriately address the increase in effluent disposal on site has been included in the recommendation at the end of this report.
- Council's Infrastructure Department has not objected to the application subject to permit conditions, which have been included in the recommendation at the end of this report.

Planning Controls

The site is located within the Township Zone (TZ) and is covered by the Bushfire Management Overlay (BMO).

A permit is required under the following provisions of the Planning Scheme.

- Clause 32.05-1 Use for Takeaway Food Premises – Township Zone
- Clause 32.05-1 Use for Beer Garden – Township Zone
- Clause 32.05-8 Buildings and Works (Section 2 Use) – Township Zone
- Clause 44.06-1 Buildings and Works – Bushfire Management Overlay
- Clause 52.05 Advertising Signs
- Clause 52.06 Reduction of Car Parking
- Clause 52.07 Waiver of Loading and Unloading Facilities
- Clause 52.27 Licensed Premises

a. State and Local Planning Policy Frameworks

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

- Clause 11 Settlement
- Clause 15 Building Environment and Heritage
- Clause 17 Economic Development
- Clause 21.03-1 General
- Clause 21.03-7 Smaller Townships
- Clause 21.05-4 Tourism

The proposal is considered to be consistent with the broader principles of the State and Local Planning Policy Frameworks. The proposal seeks to upgrade and improve an existing commercial use within the established township of Forrest.

b. Zone Provisions

The key purpose of the **Township Zone (TZ)** is:

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

Consideration of the following decision guidelines is required in the assessment of the application:

- *The protection and enhancement of the character of the town and surrounding area including the retention of vegetation.*
- *The availability and provision of utility services, including sewerage, water, drainage, electricity, gas and telecommunications.*
- *In the absence of reticulated sewerage, the capability of the lot to treat and retain all wastewater in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970.*
- *The design of buildings, including provision for solar access.*
- *The need for a verandah along the front or side of commercial buildings to provide shelter for pedestrians.*
- *Provision of car parking and loading bay facilities and landscaping.*

Under clause 32.05-1 a permit is required to use the land for a takeaway food premises and to use the land for a beer garden.

Whilst there is a hotel on the application site, it should be noted that the site comprises two titles. Whilst a previous permit allowed car parking on the lot on which the beer garden is located, and on which the proposed car park would also be located (and the beer garden area has already been licensed by VCGLR), no permit has been issued for the use of this land as a beer garden.

Under clause 32.05-8 a permit is required to construct a building or construct or carry out works for a use in Section 2 of clause 32.05-1.

c. Overlay Provisions

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

- *To assist to strengthen community resilience to bushfire.*
- *To identify areas where the bushfire hazard requires specified bushfire protection measures for subdivision and buildings and works to be implemented.*
- *To ensure that the location, design and construction of development considers the need to implement bushfire protection measures.*
- *To ensure development does not proceed unless the risk to life and property from bushfire can be reduced to an acceptable level.*

Under clause 44.06-1, a permit is required to construct a building or construct or carry out works associated with a retail premises ('hotel' and 'takeaway' are both included 'food and drink premises', which is nested in 'retail premises').

d. Particular Provisions

i. Clause 52.06 Car Parking

The purpose of this clause is:

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

Prior to a new use commencing, the floor area or site area of an existing use being increased, or an existing use being increased by the measure specified in Column C of Table 1 in clause 52.06-5 for that use, the car parking spaces required under clause 52.06-5 must be provided on the land or as approved under clause 52.06-3 to the satisfaction of the responsible authority.

Clause 52.06-5A specifies that, where a use of land is not specified in the table to clause 52.06-5 or where a car parking requirement is not specified for the use in another provision of the planning scheme or in a schedule to the Parking Overlay, before a new use commences or the floor area or site area of an existing use is increased, car parking spaces must be provided to the satisfaction of the responsible authority.

Under the provisions of Clause 52.06, the car parking requirement for a hotel is 0.4 car spaces to each patron permitted. A food and drink premises has a rate of 4 car spaces to each 100sqm of leasable floor area.

ii. Clause 52.07 – Loading and Unloading

The purpose of this clause is:

- *To set aside land for loading and unloading commercial vehicles to prevent loss of amenity and adverse effect on traffic flow and road safety.*

This clause specifies that no building or works may be constructed for the manufacture, servicing, storage or sale of goods or materials unless space is provided on the land for loading and unloading vehicles (area 27.4sqm, length 7.6m, width 3.6m, height clearance 4.0 m). A permit may be granted to waive the requirement if the land area is insufficient and adequate provision is made for loading and unloading vehicles to the satisfaction of the responsible authority.

iii. Clause 52.05 - Advertising Signs

The purpose of this clause is:

- *To regulate the display of signs and associated structures.*
- *To provide for signs that are compatible with the amenity and visual appearance of an area, including the existing or desired future character.*
- *To ensure signs do not contribute to excessive visual clutter or visual disorder.*
- *To ensure that signs do not cause loss of amenity or adversely affect the natural or built environment or the safety, appearance or efficiency of a road.*

The site is identified as Category 3 within the Planning Scheme, being a 'high amenity area', which seeks to ensure that signs are orderly, of good design and do not detract from the appearance of the building on which a sign is displayed or the surrounding area. A Business Identification Sign is Category 2, and triggers a requirement for a planning permit.

iv. Clause 52.20 - Convenience Restaurant and Takeaway Food Premises

There is no permit trigger under this clause, which provides the following decision guidelines for assessing applications relating to convenience restaurants and takeaway food premises.

Decision guidelines

Before deciding on an application to use land for a convenience restaurant or take-away food premises or to construct a building or construct or carry out works associated with a convenience restaurant or take-away food premises, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- *Any policy in this scheme relating to convenience restaurants or take-away food premises.*
- *Whether the location is appropriate for a convenience restaurant or take-away food premises having regard to:*
 - *Amenity of the neighbourhood.*

- Proximity of the land to non-residential uses and zones.
- Effect of the use on heritage and environment features.
- Capacity of the land to contain significant off-site effects.
- Access to land in a Road Zone.
- The suitability of the land for a residential use.
- The effect on the amenity or character of the street or neighbourhood having regard to:
 - Massing and proportions of any building.
 - Ground floor height above ground level.
 - Ceiling heights.
 - Roof form and pitch.
 - Facade articulation.
 - Window and door proportions.
 - Building features including verandahs, towers, eaves, parapets and decorative elements.
 - Building materials, patterns textures and colours.
- Whether the site layout and the design of buildings, noise attenuation measures, landscaping, car parking, vehicle access lanes, loading bays, rubbish bins, plant and equipment, lights, advertising signs, drive through facilities and playgrounds are designed to prevent significant loss of amenity to adjoining land due to noise, emission of noise, emission of light or glare, loss of privacy, litter or odour.
- Whether any special measure may be necessary to protect the amenity of adjoining land in residential use, including buffer planting, noise attenuation measures and litter collection arrangements.
- The adequacy of traffic measures to:
 - Provide safe pedestrian movement.
 - Achieve safe, efficient vehicle movement on site and access to and egress from the land.
 - Avoid disruption to traffic flow on land in a Road Zone.
 - Prevent inappropriate use of local residential streets.
- The adequacy of car parking, loading and drive through queuing spacing to accommodate customers at peak periods and employee requirements on the land.

v. Clause 52.27 – Licensed Premises

The purpose of this clause is:

- To ensure that licensed premises are situated in appropriate locations.
- To ensure that the impact of the licensed premises on the amenity of the surrounding area is considered.

Permit required

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

- A licence is required under the Liquor Control Reform Act 1998.
- A different licence or category of licence is required from that which is in force.
- The hours of trading allowed under a licence are to be extended.
- The number of patrons allowed under a licence is to be increased.

- *The area that liquor is allowed to be consumed or supplied under a licence is to be increased.*

This application proposes to alter the licensed area to include two decks and exclude the takeaway area. The beer garden area is already covered by the liquor license issued by the VCGLR.

vi. Clause 52.34 - Bicycle Facilities

The purpose of this clause is:

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

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

For a hotel there is a requirement for one (1) bicycle space to each 25sqm of bar floor area available to the public, plus one (1) bicycle space to each 100sqm of lounge floor area available to the public for employees. These requirements are the same for visitors.

For a takeaway food premises there is a requirement for one (1) bicycle space to each 100sqm of net floor area for employees. The requirements for visitors of takeaway premises are one (1) bicycle space to each 50sqm of net floor area.

Consideration of the Proposal

The various elements of the current application are considered below.

Car Park

It should be noted that a car park has previously been approved in the proposed location under planning permit ref. PP052/1997, albeit the layout was not as currently proposed under this application. The proposed location of the car park is considered to be acceptable in the context of the primary use of the land for a hotel and would provide twenty-five (25) car parking spaces. It is not considered that works associated with the car park, including the bitumen sealing, the retaining wall and planting, would be harmful to the character and appearance of the property and the surrounding area as a whole. Rather it is considered that this aspect of the proposal would be a type of development normally associated with a hotel and that it would complement the existing use.

Consideration must also be given to any potential associated amenity impacts on surrounding residential properties as a result of the location of the car park; in particular, the immediate neighbour at 6 Station Street. Car and patron noise is likely to be increased within the proposed car park location as a result of increased activity in this area. However, it is considered that, subject to additional planting around the southern boundary to assist in softening/screening the noise as proposed by the applicant, the location of the car park would not be so detrimental to the amenity of neighbouring properties as to warrant a refusal of the application.

Parking Reduction

As noted above, it is proposed to provide twenty five (25) car parking spaces on the site.

The existing hotel has been operating from this site since approximately 1998. Condition 8 of the original permit required twenty three (23) car parking spaces to be provided on the site for the hotel use. The car parking spaces associated with this permit were not formed; however the area designated under the endorsed plans for the provision of nine (9) car spaces along Barwon Street has been utilised for car parking, along with five (5) on street spaces at the front of the premises on Henry Street. These five spaces are not within the title boundary, whilst the spaces adjacent to Barwon Street were partially on the site and partly within the road reserve.

Under the current car parking provisions set out within clause 52.06, a hotel has a car parking rate of 0.4 spaces to each patron permitted. The current General Licence issued by the VCGLR specifies that the total number of patrons permitted on the premises is 173 (55 patrons in the lounge area, 49 patrons in the bar area, and 69 patrons within the beer garden area that forms the subject of this application). This number of patrons would result in a total car parking requirement of sixty nine (69) spaces.

However, as noted above, the use of the hotel (excluding beer garden area) was allowed with a required provision of 23 parking spaces. Under the 'Transitional Arrangements' in clause 52.06-11, it is stated that *'the requirements of Clause 52.06 do not apply to any use or development of land that is undertaken in accordance with....a planning permit that was issued before 5 June 2012'*. As noted above, the permit for the use of the land was issued on 8 April 1997 and the use has been operational since this date, albeit the required level of car parking had not been provided.

In assessing the current application, it is considered reasonable to have regard to the fact that to be "in accordance with" the 1997 planning permit, 23 spaces should have been provided on the site for the hotel.

In terms of the uses and development proposed by the current application, under the provisions of the existing liquor licence (which already covers the area of the site in which the beer garden is located) the beer garden would be allowed to accommodate 69 patrons – the beer garden therefore has a car parking requirement of 27 spaces.

The application also includes the use of the land for a food and drink premise (takeaway food premises). Under the provisions of clause 52.06, a food and drink premises has a rate of 4 car spaces to each 100sqm of leasable floor area. The leasable floor area identified for the takeaway food premises is 18.8sqm, which does not require any additional car parking.

Taking into account the 1997 permit requirement to provide 23 parking spaces, plus the requirement for 27 spaces generated by the current application, the site has a requirement for 50 spaces. On this basis, the total parking reduction sought by this application is 25 spaces.

It is accepted the proposed provision of 25 spaces on the site is the maximum the site could reasonably accommodate, and that this on-site provision would address the historic deficit resulting from the non-compliance of the 1997 permit and also help to cater for the beer garden that forms the subject of this application.

In support of the current application for a reduction in parking, the applicant has noted that Henry Street and Station Street have provision for 31 on-street car spaces.

Council's Infrastructure Department has considered this application and no objection has been raised to the proposal subject to permit conditions.

Given the lack of objection from the Infrastructure Department, the level of on-site car parking provision proposed, the fact that no further parking could be accommodated on site, and the fact that it would be beneficial for the hotel use to provide on-site for parking for patrons and staff, it is considered that the proposed reduction of parking could be allowed and would be likely to result in less parking pressure on surrounding streets.

Loading and Unloading

The applicant has advised that previous hoteliers managing the premises have undertaken loading and unloading from within the car parking area and from Station Street when required. This is considered to remain acceptable. Council's Infrastructure Department has raised no objection to this aspect of the proposal and, as such, it is considered that the waiver of loading and unloading requirements can be accepted.

Beer Garden

The current application includes the use of part of Lot 1 TP178828 as a beer garden. The beer garden is located on a separate title to the hotel building and has not previously been granted a planning permit for this use.

It has, however, been confirmed that the beer garden area is covered by the liquor licence issued by VCGLR, and this area of land is allowed to accommodate 69 patrons. The area used as a beer garden is immediately adjacent to the rear of the hotel.

The works associated with the beer garden forming part of this application (and excluding the unauthorised beer garden enclosure which will be assessed under a separate application) are not considered to be harmful to the character and appearance of the existing hotel and the surrounding area as a whole. As noted earlier in this report, the beer garden is already in use.

It is, however, also necessary to consider the potential increase in noise associated with the use of the land as a beer garden. As noted earlier in this report, the liquor licence issued by VCGLR already covers the beer garden area. There are no specific hours of use listed for the beer garden; however, the liquor licence restricts the opening hours of the hotel to 11pm on any given day and the number of patrons allowed within the beer garden is restricted to 69 patrons.

The applicant has advised that the noise levels associated with the use of the beer garden would be typical of noise associated with a hotel within a small rural town.

The location of the beer garden is approximately 20m from the closest residence at 6 Station Street. In this location, and subject to a permit condition restricting the use of this area to align with the opening of the hotel (11pm on any day), it is considered that residential amenity would be preserved. Consideration has been given to whether additional vegetation planting should be included along the southern and western side boundaries of the proposed beer garden; however it is considered that any additional planting would prevent natural surveillance of these areas by patrons.

Takeaway Food Premises

The application includes the use of 18.8sqm of the existing hotel building as a takeaway food outlet. The takeaway use has already been started, and is located towards the north western side of the hotel. The application proposes that the takeaway would be open between the hours of Sunday 10am to 11pm, Good Friday and Anzac Day 12 noon to 11pm and 7am to 11pm on any other day, which would mirror the hours of the existing hotel and those set out within the current liquor licence issued by the VCGLR. The takeaway service does not include, or propose, any delivery service.

The distance from the nearest residential premises on Barwon Street is approximately 33m. In view of this and subject to appropriate conditions restricting the hours of opening until 11pm, it is considered that the use of the land for a takeaway food outlet would not have a detrimental impact on the level of amenity for immediate and surrounding properties and, as such, would not require any additional buffer planting adjacent to the proposed takeaway use to reduce noise levels.

Playground

The playground area has been constructed and is located towards the front of the building, facing onto Henry Street. This area is enclosed by a fence. The playground equipment comprises a cubby house with slide. It is not considered that the location of the playground or height/type of equipment is harmful to the character and appearance of the premises or wider area and, as such, in this location the playground is considered to be acceptable.

Given the distance from the nearest residential properties, which are approximately 40m to the west, and the car noise associated with activity on the adjacent street, it is considered that any noise associated with children playing within the designated area would not be significantly harmful to the amenity of the surrounding area.

Advertising Signs

The site is identified as Category 3 within the Planning Scheme, being a '*high amenity area*', which seeks to ensure that signs are orderly, of good design and do not detract from the appearance of the building on which a sign is displayed or the surrounding area. A Business Identification Sign is Category 2, which requires a permit. The additional two signs (one of which is already displayed) would be located at roof level on the north and south elevations. The signage would not be illuminated and would not project above the highest part of the roof. It is not considered that the signage would detract from the character and appearance of the property, but is considered to be acceptable with the use of the land. Appropriate permit conditions have been recommended within this report.

The applicant has advised that no additional signage is proposed in association with the takeaway food component. An appropriate note for any permit issued has been included in the recommendation at the end of this report.

Bicycle Facilities

The application includes any additional floor area or floor area, in the form of the beer garden. Under the provisions of clause 52.34 of the Planning Scheme, there is a requirement for 12 bicycle spaces.

The takeaway service occupies an area of 18.8sqm which does not trigger a requirement for any bicycle provision.

Whilst bicycle parking has not been proposed, it is considered that provision should be made particularly having regard to the fact that Forrest is a destination for cyclists. It is considered that this can be addressed by requiring the submission of an amended plan showing the requisite provision, as there is adequate on site area to accommodate bicycle parking spaces.

Bushfire

The applicant has submitted a Bushfire Management Statement dated August 2013. The application has been referred to the CFA, which has not raised any objections to this permit subject to the inclusion of permit conditions which have been recommended within this report.

Effluent

Council's Environmental Health Department has considered this application and has advised that historically the existing hotel has been allowed to discharge chlorinated excess effluent to the stormwater channel. The Environmental Health Department has advised that, whilst this practice is clearly undesirable, the hotel benefits from consistency of use to continue the practice. Whilst this may be the case for the existing hotel (excluding the unauthorised developments and uses), it is considered reasonable to consider the potential increase in effluent disposal that would result from an expansion of that use.

It is expected that effluent disposal would increase as a result of the uses and developments that form the subject of this application. Council's Health Department has advised that the applicant should utilise the foliage around the car parking area and investigate the provision of a holding tank to allow effluent to be stored and released during less demanding times. It is considered reasonable to impose a condition requiring details of measures to address the increase in effluent disposal on site that would result from this application in the event a permit is issued.

Cultural Heritage

The site is not located within an area of cultural sensitivity and, as such, a Cultural Heritage Management Plan is not required for the works proposed under this application.

Council Plan / Other Strategies / Policy A Planned Future

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

Our Goal:

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

Financial & Other Resource Implications

This proposal raises no financial or resourcing implications for Council for the consideration of the planning application.

Risk Management & Compliance Issues

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

Environmental Consideration / Climate Change

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

Communication Strategy / Consultation Period

Public notice of the application was required, as noted earlier in the report.

Conclusion

The proposal is considered acceptable in the context of the surrounding development. It is not considered that the proposal would cause any significant detriment to the amenity of the surrounding residential properties. The proposal would assist in intensifying and consolidating the existing land use.

Attachments

Nil

Recommendation(s)

That Council's Planning Committee resolves to Issue a Notice to Grant a Planning Permit for the construction of car park, use and development of land for a beer garden, use of part of the land for a takeaway food outlet, increase in licensed area, construction of an ancillary playground area, display of two business identification signs, waiver of the loading and unloading requirements, and reduction in the car parking requirement at 2-4 Station Street, Forrest (PP110/2013-1) at 2-4 Station Street, Forrest (PP110/2013-1) subject to the following conditions:

Amended plans

- 1. Within six months of the date of this permit, 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) The provision of 12 bicycle spaces in accordance with clause 52.34 of the Planning Scheme***
 - b) The removal of the annotation of the street car parking spaces.***

Endorsed plans

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

Consolidation

- 4. Within three (3) months of the date of this permit, Lot 18 LP: 3174 and Lot 1 TP178828 Parish of Yaughar must be consolidated under the provisions of the Subdivision Act 1988 to the satisfaction of the Responsible Authority.***

Hours of Operation

- 5. The beer garden must only be used by patrons of the premises between the hours of:***

- **Sunday 10am to 11pm.**
 - **Good Friday and Anzac Day 12 noon to 11pm.**
 - **On any other day 7am to 11pm.**
6. **The takeaway food premises must only be open to customers between the hours of:**
- **Sunday 10am to 11pm.**
 - **Good Friday and Anzac Day 12 noon to 11pm.**
 - **On any other day 7am to 11pm.**

Beer Garden Patron Numbers

7. **No more than 69 patrons may use the beer garden at any one time.**

Amenity

8. **Within three (3) months of the date of this permit, an Amenity Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. All activities forming part of the use must comply with the endorsed plan. The plan must include:**
- (a) **staffing and other measures which are designed to ensure the orderly arrival and departure of patrons;**
 - (b) **signage to be used to encourage responsible off-site patron behaviour;**
 - (c) **the training of staff in the management of patron behaviour;**
 - (d) **staff communication arrangements;**
 - (e) **measures to control noise emissions from the premises;**
 - (f) **litter management.**
9. **No external sound amplification equipment or loudspeakers are to be used for the purpose of announcement, broadcast, playing of music or similar purpose.**
10. **External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the Responsible Authority.**

Landscaping

11. **Within one (1) month of the date of this permit, a landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The landscaping plan must be generally in accordance with the landscape concept plan dated 6 October 2013 prepared by Guy Holman (Job No. 092013, sheets 8 and 9 of 10), except that the landscape plan must show additional planting to provide greater screening of the car park area particularly from nearby residential properties.**
- All species selected must be to the satisfaction of the Responsible Authority.**

12. ***Within three (3) months of the date of this permit, the landscaping works shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority. The landscaping must thereafter be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.***

Car Park and Access

13. ***Within three months of the date of this permit, the car parking areas must be constructed in accordance with the endorsed plans. The bitumen car park must be line-marked to indicate each parking space and the gravel car park must have each space clearly designated in accordance with the layout shown on the endorsed plan.***

Car parking spaces and the access lane must be kept available for these purposes at all times.

14. ***Prior to the construction of the bitumen car park, access from Station Street must be constructed in accordance with the endorsed plans to the satisfaction of the Responsible Authority. The redundant vehicular crossing to Station Street must be reinstated to match the adjacent nature strip, to the satisfaction of the Responsible Authority.***
15. ***Prior to the construction of the car parking areas, detailed sections of the retaining wall to the east of proposed car spaces 19-25, which must be designed by a suitably qualified engineer, must be submitted to and approved by the Responsible Authority. The retaining wall must be constructed and maintained in accordance with the approved plans.***

Signage

16. ***The signage hereby permitted must not be illuminated by external or internal light except with the written consent of the Responsible Authority.***
17. ***All signage must be constructed and maintained to the satisfaction of the Responsible Authority.***

Stormwater runoff

18. ***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.***

Effluent

19. ***Within three months of the date of this permit, details of measures to address the increased effluent disposal required because of increased patron numbers must be submitted to the Responsible Authority for approval. In the event that any revisions are required to the measures proposed, these must be submitted to the Responsible Authority within one month of the date of any such request being made. The approved effluent disposal measures must be implemented within one month of the approval being issued, or by such later time as agreed in writing by the Responsible Authority, and must thereafter continue to be implemented in accordance with the approved details.***

CFA conditions

Static Water Supply

20. ***Prior to the completion of works, a static water supply must be provided on the land and must meet all of the following requirements:***
- a) ***The water supply must have a minimum capacity of 10,000 litres that is maintained solely for fire fighting purposes.***
 - b) ***The water supply must be stored in an above ground water tank constructed of concrete, steel or corrugated iron.***
 - c) ***The water supply must be located within 60 metres of the outer edge of the building (including any obstructions).***
 - d) ***The water supply outlet/s must be attached to the water tank and must face away from the building if located less than 20 metres from the building to enable access during emergencies.***
 - e) ***All pipework between the water supply and the outlet/s must be a minimum of 64mm nominal bore.***
 - f) ***All fixed above-ground water pipelines and fittings must be of non-corrodible and non-combustible materials.***
 - g) ***The water supply must:***
 - i. ***Be located so that fire brigade vehicles are able to get to within 4 metres of the water supply outlet.***
 - ii. ***Incorporate an additional 64mm (minimum) gate or ball valve and 64mm (fixed size), 3 threads per inch, male fitting to suit a CFA coupling.***
 - iii. ***Incorporate a vortex inhibitor or additional water must be provided to ensure that the volume of water available is not restricted by a vortex. Refer to Section 5 of AS.2419 for requirements for vortex inhibitors.***
 - iv. ***Incorporate an additional ball or gate valve to provide access to the water by the occupant of the building.***
 - h) ***The water supply outlet must not be obstructed by vegetation, buildings, fences or other structures.***
 - i) ***All below-ground water pipelines must be installed to at least the following depths:***
 - i. ***Subject to vehicle traffic: 300mm***
 - ii. ***Under dwellings or concrete slabs: 75mm***
 - iii. ***All other locations: 225mm***

- j) *The water supply must be readily identifiable from the building or appropriate signage must be provided which:*
 - i. *Has an arrow pointing to the location of the water supply.*
 - ii. *Has dimensions of not less than 310mm high and 400mm long.*
 - iii. *Is red in colour, with a blue reflective marker attached.*
 - iv. *Is labelled with a 'W' that is not less than 15cm high and 3cm thick.*

Mandatory Condition – Maintenance of Bushfire Mitigation Measures

21. *The bushfire mitigation measures forming part of this permit or shown on the endorsed plans, including those relating to construction standards, defensible space, water supply, and access, must be maintained to the satisfaction of the responsible authority and the relevant fire authority on a continuing basis. This condition continues to have force and effect after the development authorised by this permit has been completed.*

Expiry

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

- a) *The development and/or use has not commenced within two years of the date of this permit.*
- b) *The development is not completed within four years of the date of this permit.*

23. *The signage element of this permit will expire if the signage hereby permitted is not completed within two years of the date of this permit.*

Notes

- 1. *The Responsible Authority may extend the periods referred to in conditions 22 and 23 if a request is made in writing before the permit expires, or within six (6) months afterwards, or if the request for the extension of time is made within 12 months after the permit expires and the development started lawfully before the permit expired.*
- 2. *A building permit is also required for the buildings and works hereby permitted.*
- 3. *Any additional signage displayed on the building may require additional planning permission. Contact Council's Planning Department prior to erecting any additional signs on or adjacent to the building to establish whether a planning permit is required.*
- 4. *The CFA recommends consideration being given to having a non-combustible base under the playground equipment to reduce the risk of fire from ember attack, should a fire happen in the area. This is due to the playground being next to a timber deck that is attached to the building.*

~~~~~\ ~~~~~