

MINUTES of the *PLANNING COMMITTEE MEETING OF THE COLAC-OTWAY SHIRE COUNCIL* held at COPACC Meeting Rooms on 15 January 2014 at 10.30am to 10.40am and on 29 January 2014 from 10.30am to 11.20am at the COPACC Meeting Rooms, Colac.

1. OPENING PRAYER

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

AMEN

2. PRESENT

Cr Lyn Russell (Mayor)
Cr Frank Buchanan
Cr Brian Crook
Cr Michael Delahunty
Cr Stephen Hart
Cr Chris Smith
Cr Terry Woodcroft
Rob Small, Chief Executive Officer
Jack Green, General Manager Sustainable Planning and Development
Colin Hayman, General Manager Corporate & Community Services
Carmen Lawrence, Manager Organisation Support & Development
Adam Lehmann, Acting General Manager Infrastructure & Service
Doug McNeill, Manager Planning & Building
Blaithin Butler, Statutory Planning Coordinator
Bronwyn Keenan, Executive Officer Sustainable Planning & Development
Carole Redlich, Acting Executive Officer Sustainable Planning & Development

3. APOLOGIES

Nil

4. MAYORAL STATEMENT

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

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

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

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

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

Cr Michael Delahunty:	Buildings and Works Associated with a Milk Processing Facility and Reduction in Car Parking requirements at 91-149 Forest Street, Colac (PP235/2013-1)
Nature of Disclosure:	Direct Interest
Type of Indirect Interest:	Section 77B
Nature of Interest:	Tendered for Geo Technical Investigation and Report

6. VERBAL SUBMISSIONS FROM APPLICANTS/OBJECTORS

Nil

7. CONFIRMATION OF MINUTES

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

Resolution

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

CARRIED 7 : 0

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**

Planning Committee Sustainable Planning and Development

PC141501-1 PLANNING & BUILDING STATISTICAL REPORT

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

Recommendation(s)

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

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**Resolution**

**MOVED Cr Frank Buchanan seconded Cr Terry Woodcroft**

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

**CARRIED 7 : 0**

**Planning Committee Sustainable Planning and Development**

***Having declared a conflict of interest Cr Michael Delahunty left Council Chambers at 10.36 am***

|                            |                                                                                                                                                        |
|----------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------|
| Cr Michael Delahunty:      | Buildings and Works Associated with a Milk Processing Facility and Reduction in Car Parking requirements at 91-149 Forest Street, Colac (PP235/2013-1) |
| Nature of Disclosure:      | Direct Interest                                                                                                                                        |
| Type of Indirect Interest: | Section 77B                                                                                                                                            |
| Nature of Interest:        | Tendered for Geo Technical Investigation and Report                                                                                                    |

***Cr Michael Delahunty returned to the Council Chambers at 10.40am.***

***ADJOURNMENT - MOVED Cr Stephen Hart seconded Cr Frank Buchanan that:***

Council adjourn the meeting to 29 January 2014 at 10.30am at COPACC to allow all applicants and objectors to be notified that the respective items 2 and 3 are to be considered and to invite their attendance.

***CARRIED 7: 0***

**The meeting was adjourned at 10.40am.**

## Planning Committee Sustainable Planning and Development

The Planning Committee meeting adjourned on 15 January 2014 at 10.40am and resumed at 10.30am on 29 January 2014 at the COPACC Meeting Rooms, Colac.

### 8. 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**

### 9. PRESENT

Cr Lyn Russell (Mayor)  
Cr Frank Buchanan  
Cr Brian Crook  
Cr Michael Delahunty  
Cr Stephen Hart  
Cr Chris Smith  
Cr Terry Woodcroft  
Rob Small, Chief Executive Officer  
Jack Green, General Manager Sustainable Planning and Development  
Carmen Lawrence, Acting General Manager Corporate & Community Services  
Adam Lehmann, Acting General Manager Infrastructure & Service  
Doug McNeill, Manager Planning & Building  
Blaithin Butler, Statutory Planning Coordinator  
Katrina Kehoe, Economic Development Officer  
Carole Redlich, Acting Executive Officer Sustainable Planning & Development

### 10. APOLOGIES

Nil

### 11. DECLARATION OF INTEREST

Cr Michael Delahunty arrived at 10.38am and declared a conflict of interest. Cr Michael Delahunty left Council Chambers at 10.38am.

|                            |                                                                                                                                                        |
|----------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------|
| Cr Michael Delahunty:      | Buildings and Works Associated with a Milk Processing Facility and Reduction in Car Parking requirements at 91-149 Forest Street, Colac (PP235/2013-1) |
| Nature of Disclosure:      | Direct Interest                                                                                                                                        |
| Type of Indirect Interest: | Section 77B                                                                                                                                            |
| Nature of Interest:        | Tendered for Geo Technical Investigation and Report                                                                                                    |

**12. VERBAL SUBMISSIONS FROM APPLICANTS/OBJECTORS**

|                     |                        |                               |
|---------------------|------------------------|-------------------------------|
| <b>PP235/2013-1</b> | <b>Robert Cox</b>      | <b>Objector</b>               |
| <b>PP235/2013-1</b> | <b>James Downey</b>    | <b>Applicant</b>              |
| <b>PP110/2013-1</b> | <b>Shelley Fanning</b> | <b>On behalf of Applicant</b> |

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)

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

### Original Recommendation

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.

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Amended Resolution

MOTION - MOVED Cr Chris Smith seconded Cr Frank Buchanan:

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 and north-south planting along the extent of the Fulton Street frontage.
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'), the east-west planting for the length of the northern boundary of CA183, and the planting along the Fulton Street frontage 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.**

CARRIED 6 : 0

Cr Michael Delahunty returned to Council Chambers at 11.08am

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 |

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 Yaugher 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.

Planning Committee Sustainable Planning and Development

- 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.

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**MOVED Cr Chris Smith seconded Cr Frank Buchanan**

**Amended Resolution**

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 Yaugher 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 six 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.

**CARRIED 7 : 0**