

## **PLANNING COMMITTEE MEETING**

# **AGENDA**

**11 MARCH 2015**

**at 10:30 AM**

**COPACC Meeting Rooms**



### *Our Vision*

Council will work together with our community to create a sustainable, vibrant future.

### *Our Mission*

Council will work in partnership with our community and other organisations to provide:

- Effective leadership, governance and financial accountability
- Affordable and effective services
- An advocacy and engagement approach to sustainably grow our community

### *Our Values*

Council will achieve its Vision and Mission by acting with:

- Respect
- Integrity
- Goodwill
- Honesty
- Trust

### *Our Strategic Direction*

The four pillars of our Council Plan indicate our key strategic direction for 2013-2017.

An underlying principle in the development of the Council Plan was to more effectively integrate service delivery.

Pillar 1: Good Governance

Pillar 2: A Planned Future

Pillar 3: A Place to Live and Grow

Pillar 4: A Healthy Community and Environment

### *Our Councillors*

Cr Frank Buchanan (Mayor), Cr Brian Crook (Deputy Mayor), Cr Michael Delahunty, Cr Stephen Hart, Cr Lyn Russell, Cr Chris Smith, Cr Terry Woodcroft.



# **Planning Committee Meeting**

## **Welcome**

Welcome to this Meeting of the Colac Otway Shire Council Planning Committee.

Planning Committee meetings are an important way to ensure that your democratically elected representatives are working for you in a fair and transparent way.

The Planning Committee makes decisions on planning permit applications where the proposals are outside of the delegation for decisions by planning officers.

## **About this meeting**

There are a few things to know about today's meeting.

The agenda itemises all the matters to be discussed by the Committee.

Each report is written by a Council officer outlining the purpose of the report, all relevant information and a recommendation. The Committee will consider the report and either accept the recommendation or make amendments to it. All decisions of the Committee are adopted if they receive a majority vote from the Councillors present at the meeting.

A copy of the decision on any planning permit applications determined by the Committee, together with information relating to opportunities for review of these decisions by the Victorian Civil and Administrative Tribunal (VCAT) are circulated to all applicants and objectors after the meeting.

## **Recording of Meetings**

All Council and Committee meetings are audio recorded. 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.

## **Hearing of Submissions**

The proponent and/or submitter may, at the approval of the Chairperson, be given an opportunity to have their views heard by the Planning Committee regarding an item listed on the agenda.

A written request should be received by Council two (2) days prior to the Planning Committee Meeting. The deadline for requests to be heard will close at 5.00pm on the Monday prior to each Meeting.

One speaker on behalf of each party/group will be given the opportunity to be heard within a time restriction of 5 minutes. The applicant will be heard last, after any objectors.

All speakers are to be present at the beginning of the Planning Committee Meeting being held at 10.30am.

When the relevant item is listed for discussion, the Mayor/Chairperson will call your name and ask you to address the Committee.

# **COLAC-OTWAY SHIRE PLANNING COMMITTEE MEETING**

**11 MARCH 2015**

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### **OFFICERS' REPORTS**

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NOTICE is hereby given that the next ***PLANNING COMMITTEE MEETING OF THE COLAC-OTWAY SHIRE COUNCIL*** will be held in COPACC Meeting Rooms on 11 March 2015 at 10.30am.

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## **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 descendants here today.

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

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

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

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

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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 11/02/15.**

**Recommendation**

***That Council confirm the above minutes.***

**OFFICERS' REPORTS**

**Sustainable Planning and Development**

- |            |  |
|------------|--|
| PC151103-1 | PLANNING & BUILDING STATISTICAL REPORT   |
| PC151103-2 | USE AND DEVELOPMENT OF THE LAND FOR INDUSTRY (BEVERAGE PRODUCTION), RESTAURANT, FUNCTION CENTRE, TOURIST ACCOMMODATION, LIQUOR LICENCE AND ADVERTISING SIGNAGE, AND REDUCTION IN CAR PARKING AND BICYCLE FACILITIES AT 35 STATION STREET, FORREST (PP204/2014) |

**Sue Wilkinson**  
**Chief Executive Officer**

**PC151103-1****PLANNING & BUILDING STATISTICAL REPORT**

AUTHOR:	Melanie Duve	ENDORSED:	Doug McNeill
DEPARTMENT:	Sustainable Planning & Development	FILE REF:	F11/2683

**Summary**

The report provides statistics relating to the month of January 2015.

**Planning Statistics**

21 Planning Permit Applications were received for the period 1 January 2015 – 31 January 2015.

19 Planning Permit Applications were considered for the period 1 January 2015 – 31 January 2015.

The February 2015 Planning and Building Statistical Report is not included due to the timing of the meeting relative to the end of February 2015. The February 2015 report will be included in the next Planning Committee Agenda.

**Building Statistics**

The building statistics are updated to January 2015.

**Attachments**

1. Planning & Building Statistical Report for January 2015

**Recommendation(s)**

***That Council's Planning Committee take note of the statistical report for January 2015.***

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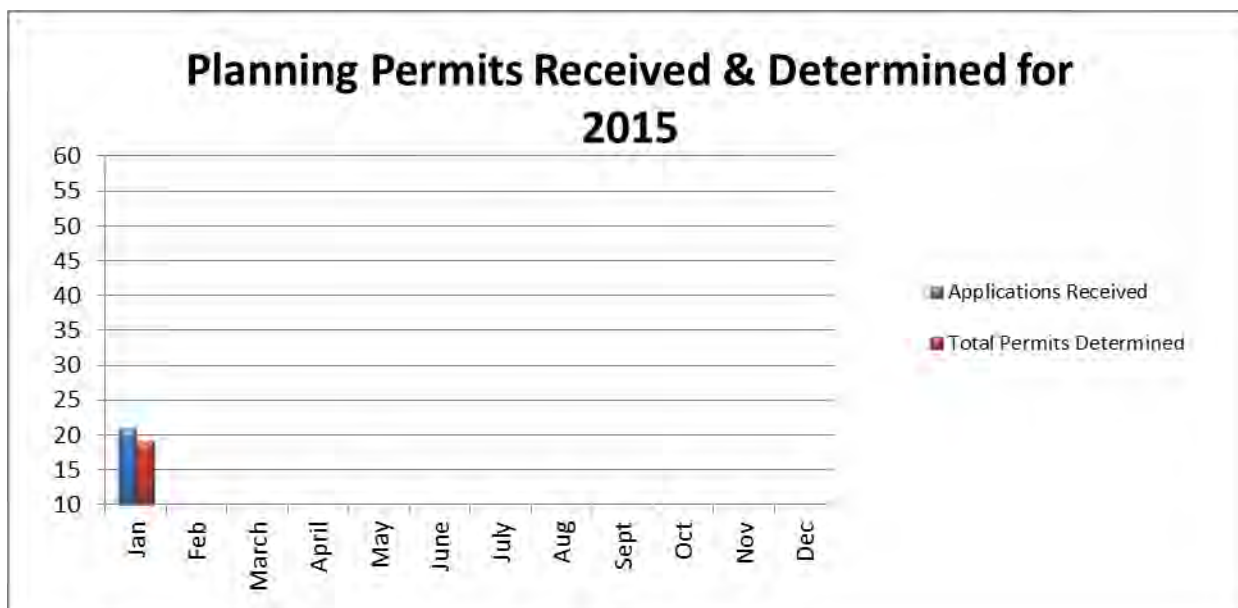
**PLANNING STATISTICAL REPORT – JANUARY 2015 – (DETERMINATIONS)**

| APPLICATION NUMBER | DATE RECEIVED | LOCATION                             | PROPOSAL                                                                                                                                                                                                                         | STATUTORY DAYS | DATE DETERMINED | DETERMINATION AND AUTHORITY           |
|--------------------|---------------|--------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|-----------------|---------------------------------------|
| 16/2012-2          | 15-DEC-14     | 88 STRACHAN STREET<br>BIRREGURRA     | TWO (2) LOT RE-SUBDIVISION                                                                                                                                                                                                       | 29             | 13-JAN15        | PERMIT ISSUED BY DELEGATE – AMENDMENT |
| 161/2012-2         | 8-DEC-14      | 25 MAIN ROAD<br>GELLIBRAND           | USE OF LAND AS A PLACE OF ASSEMBLY AND ASSOCIATED BUILDINGS AND WORKS                                                                                                                                                            | 3              | 13-JAN-15       | PERMIT ISSUED BY DELEGATE – AMENDMENT |
| 282/2013-2         | 12-DEC-14     | 2-14 PRINCES HIGHWAY COLAC EAST      | DISPLAY BUSINESS IDENTIFICATION SIGNAGE (INCLUDING INTERNALLY ILLUMINATED SIGNS)                                                                                                                                                 | 32             | 14-JAN-15       | PERMIT ISSUED BY DELEGATE – AMENDMENT |
| 98/2014-1          | 9-MAY-14      | 15 KOONYA AVENUE WYE RIVER           | CREATION OF A CARRIAGEWAY EASEMENT                                                                                                                                                                                               | 33             | 7-JAN-15        | PERMIT ISSUED BY DELEGATE             |
| 99/2014-1          | 12-MAY-14     | 2 WALLACE STREET BEEAC               | USE OF THE LAND AS A SHOP, WAIVER OF LOADING AND CAR PARKING REQUIREMENTS, BUSINESS IDENTIFICATION SIGNAGE, BUILDINGS AND WORKS INCLUDING NEW VERANDAH, TREE REMOVAL, DEMOLITION AND CONSTRUCTION OF GARAGE AND ASSOCIATED WORKS | 59             | 30-JAN-15       | PERMIT ISSUED BY DELEGATE             |
| 162/2014-1         | 20-AUG-14     | 90-98 WALLACE STREET COLAC           | BUILDINGS AND WORKS ASSOCIATED WITH 24 HOUR DIESEL FUEL STOP (SERVICE STATION), CREATION OF TWO ACCESS POINTS ONTO RDZ1, DISPLAY OF BUSINESS IDENTIFICATION SIGNAGE AND A VARIATION TO THE REQUIREMENTS OF CLAUSE 52.12          | 66             | 7-JAN-15        | PERMIT ISSUED BY DELEGATE             |
| 165/2014-1         | 28-AUG-14     | 380 AIREYS STREET ELLIMINYT          | USE AND DEVELOPMENT OF THE LAND FOR A DWELLING                                                                                                                                                                                   | 118            | 15-JAN-15       | REFUSAL TO GRANT BY DELEGATE          |
| 199/2014-1         | 13-OCT-14     | 2 TOMAHAWK CREEK ROAD PIRRON YALLOCK | BUILDINGS AND WORKS FOR THE CONSTRUCTION OF A GARAGE AND CARPORT                                                                                                                                                                 | 56             | 22-JAN-15       | PERMIT ISSUED BY DELEGATE             |
| 205/2014-1         | 27-OCT-14     | 217-219 GREAT OCEAN ROAD APOLLO BAY  | SUBDIVISION OF THE LAND INTO TWO (2) LOTS AND CREATION OF ACCESS ONTO RDZ1                                                                                                                                                       | 65             | 30-JAN-15       | PERMIT ISSUED BY DELEGATE             |

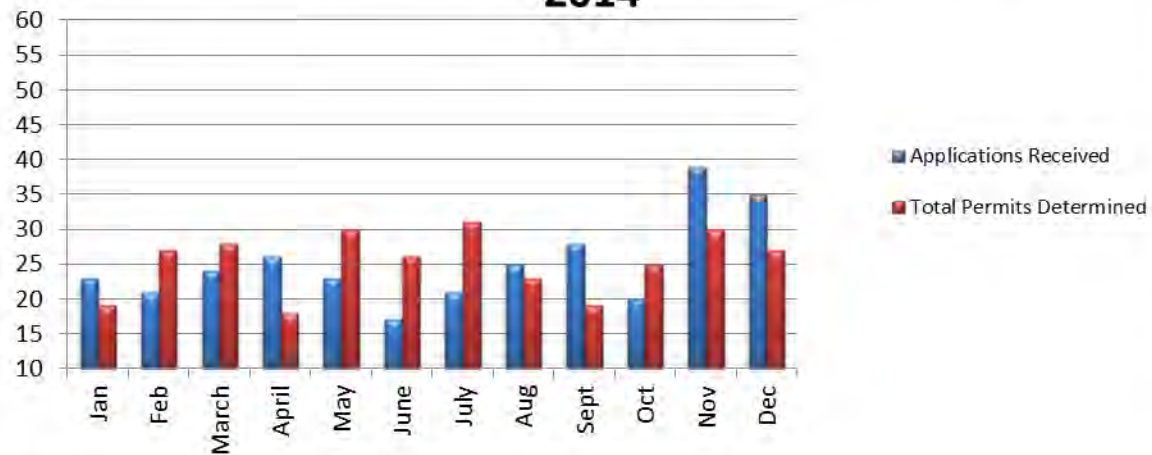
| APPLICATION NUMBER                                        | DATE RECEIVED | LOCATION                                | PROPOSAL                                                                      | STATUTORY DAYS | DATE DETERMINED | DETERMINATION AND AUTHORITY             |
|-----------------------------------------------------------|---------------|-----------------------------------------|-------------------------------------------------------------------------------|----------------|-----------------|-----------------------------------------|
| 209/2014-1                                                | 30-OCT-14     | 680 BIRREGURRA DEANS MARSH ROAD WHOOREL | BUILDINGS AND WORKS COMPRISING CONSTRUCTION OF REPLACEMENT DWELLING           | 49             | 30-JAN-15       | PERMIT ISSUED BY DELEGATE               |
| 217/2014-1                                                | 7-NOV-14      | 275 WARNCOORT BIRREGURRA ROAD WARNCOORT | RE-SUBDIVISION OF THE LAND INTO TWO (2) LOTS                                  | 57             | 30-JAN-15       | PERMIT ISSUED BY DELEGATE               |
| 218/2014-1                                                | 7-NOV-14      | 22 OZONE STREET SKENES CREEK            | BUILDING AND WORKS COMPRISING ALTERATIONS AND ADDITIONS TO EXISTING DWELLINGS | 82             | 28-JAN-15       | PERMIT ISSUED BY DELEGATE               |
| 225/2014-1                                                | 10-NOV-14     | 36 DEHNERTS TRACK BEECH FOREST          | CONSTRUCTION OF FARM BUILDING                                                 | 1              | 21-JAN-15       | PERMIT ISSUED BY DELEGATE               |
| 227/2014-1                                                | 12-NOV-14     | 15 FERRIER DRIVE MARENGO                | CONSTRUCTION OF DWELLING                                                      | 56             | 7-JAN-15        | PERMIT ISSUED BY DELEGATE               |
| 229/2014-1                                                | 20-NOV-14     | 105 CASHINS ROAD KAWARREN               | BUILDINGS AND WORKS COMPRISING CONSTRUCTION OF FARM BUILDING                  | 61             | 20-JAN-15       | PERMIT ISSUED BY DELEGATE               |
| 230/2014-1                                                | 19-NOV-14     | 255 TRASKS ROAD WARNCOORT               | REALIGNMENT OF BOUNDARIES                                                     | 37             | 19-JAN-15       | PERMIT ISSUED BY DELEGATE               |
| 258/2014-1                                                | 4-DEC-14      | 78 STRACHAN STREET BIRREGURRA           | BUILDINGS AND WORKS COMPRISING THE CONSTRUCTION OF A SHED                     | 56             | 30-JAN-15       | PERMIT ISSUED BY DELEGATE               |
| 15/2015-1                                                 | 22-JAN-15     | 18 GELLIBRAND STREET COLAC              | DEMOLISH EXISTING OUTBUILDING AND CONSTRUCT REPLACEMENT OUTBUILDING           | 7              | 29-JAN-15       | PERMIT ISSUED BY DELEGATE               |
| 113/2014-1                                                | 6-AUG-14      | 11 GREAT OCEAN ROAD APOLLO BAY          | TWO (2) LOT SUBDIVISION                                                       | 155            | 08-JAN-15       | NOTICE OF DECISION TO GRANT BY DELEGATE |
| AVERAGE STATUTORY DAYS TO DETERMINE PLANNING APPLICATIONS |               |                                         |                                                                               | 54             |                 |                                         |

## PLANNING STATISTICAL REPORT – JANUARY 2015 (PERMITS NOT REQUIRED, WITHDRAWN AND LAPSED APPLICATIONS)

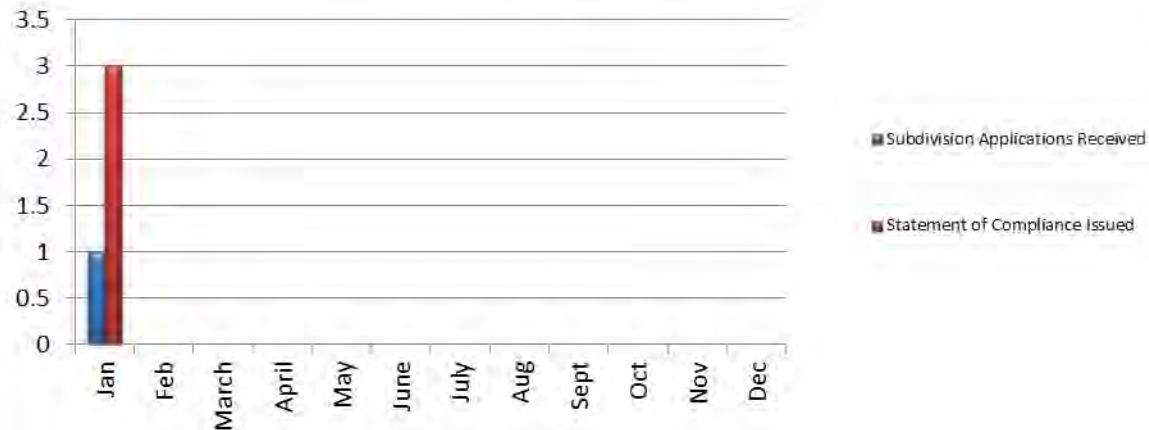
| APPLICATION NUMBER                              | DATE RECEIVED | LOCATION                          | PROPOSAL                                                                                 | STATUTORY DAYS | DATE DETERMINED | DETERMINATION AND AUTHORITY |
|-------------------------------------------------|---------------|-----------------------------------|------------------------------------------------------------------------------------------|----------------|-----------------|-----------------------------|
| 59/2014-1                                       | 17-MAR-14     | 60 MARRINER STREET COLAC EAST     | USE AND DEVELOPMENT OF THE LAND FOR LANDSCAPE GARDEN SUPPLIES AND THE DISPLAY OF SIGNAGE | 1              | 2-JAN-15        | LAPSED                      |
| 95/2014-1                                       | 6-MAY-14      | 5159 GREAT OCEAN ROAD LAVERS HILL | EXCAVATION FOR STORAGE FIRE BUNKER                                                       | 1              | 4-JAN-15        | LAPSED                      |
| TOTAL AVERAGE STATUTORY DAYS (ALL APPLICATIONS) |               |                                   |                                                                                          | 49             |                 |                             |



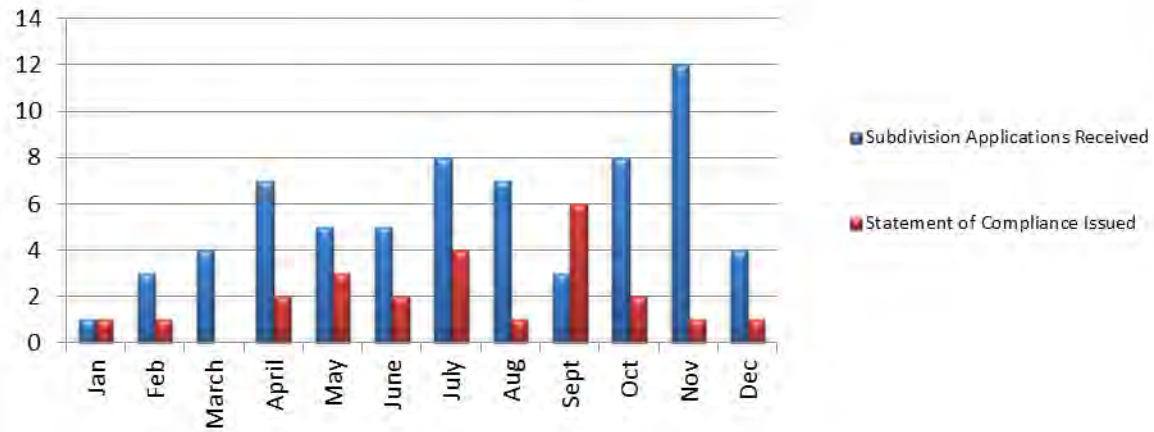
### Planning Permits Received & Determined for 2014



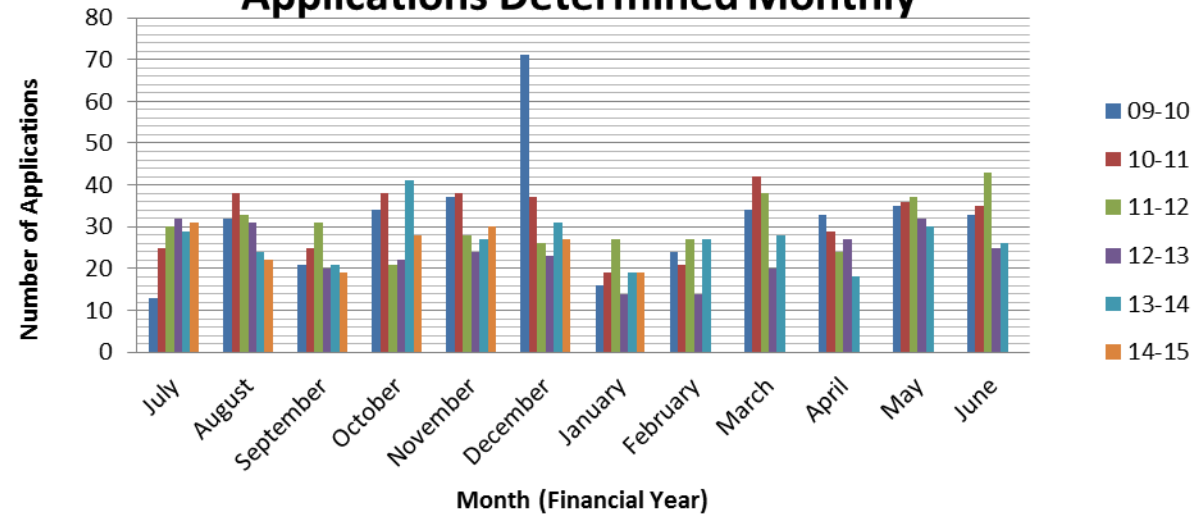
### Subdivision Applications for 2015

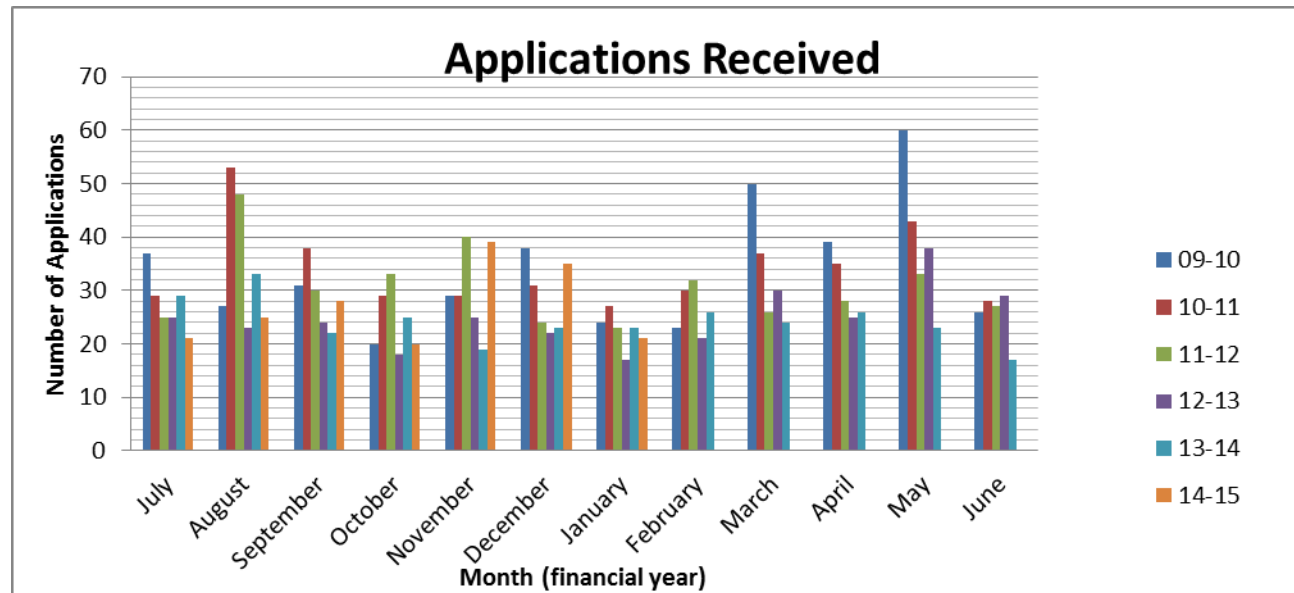


### Subdivision Applications for 2014



### Applications Determined Monthly



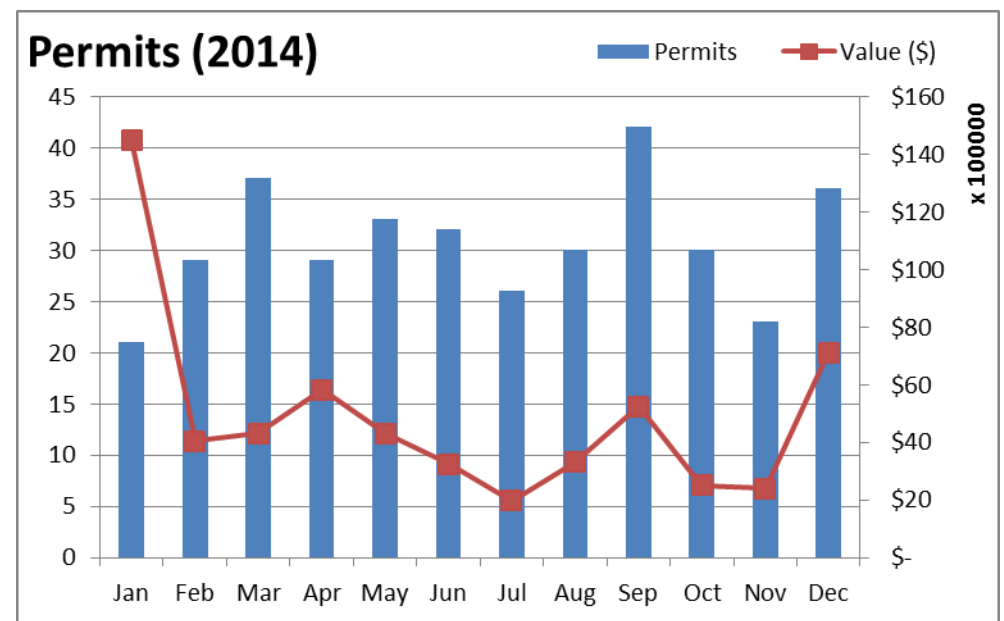
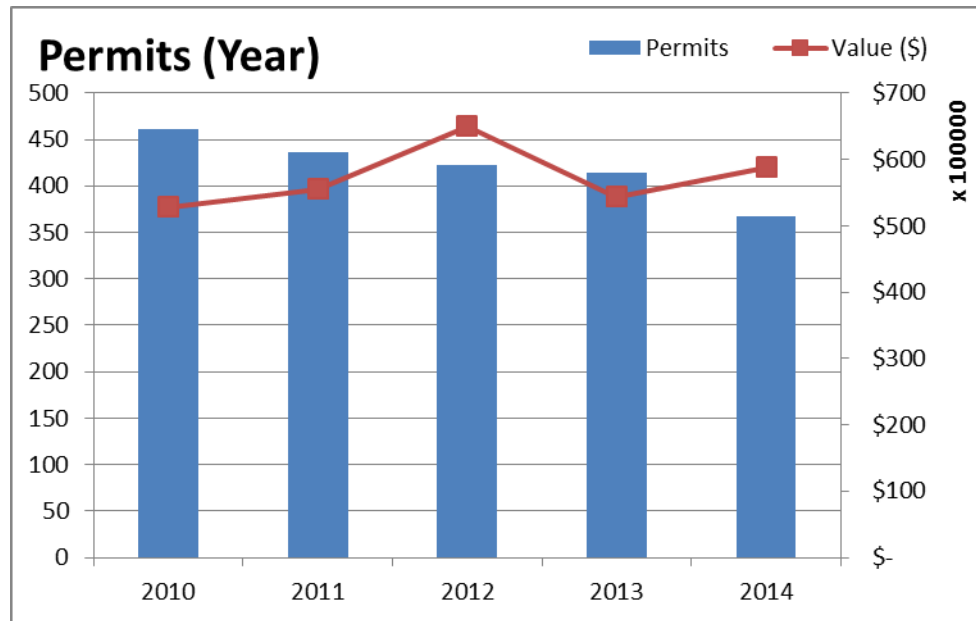


**BUILDING DEPARTMENT REPORT – TOTAL BUILDING PERMITS 2014**

|              | New Dwelling |                     | Domestic (Other) |                    | New Commercial |                    | Commercial (Other) |                    | New Public/Health |                  | Public/Health (Other) |                     | Municipal Totals |                     |
|--------------|--------------|---------------------|------------------|--------------------|----------------|--------------------|--------------------|--------------------|-------------------|------------------|-----------------------|---------------------|------------------|---------------------|
|              | Permits      | Value (\$)          | Permits          | Value (\$)         | Permits        | Value (\$)         | Permits            | Value (\$)         | Permits           | Value (\$)       | Permits               | Value (\$)          | Permits          | Value (\$)          |
| <b>Jan</b>   | 8            | \$3,010,011         | 11               | \$382,778          | 0              | -                  | 0                  | -                  | 1                 | \$90,000         | 1                     | \$11,008,934        | 21               | \$14,491,723        |
| <b>Feb</b>   | 11           | \$3,113,201         | 17               | \$771,757          | 0              | -                  | 0                  | -                  | 0                 | -                | 1                     | \$168,273           | 29               | \$4,053,231         |
| <b>Mar</b>   | 11           | \$3,282,455         | 21               | \$777,205          | 1              | \$178,860          | 1                  | \$21,450           | 2                 | \$36,000         | 1                     | \$25,000            | 37               | \$4,320,970         |
| <b>Apr</b>   | 7            | \$3,544,618         | 18               | \$549,505          | 1              | \$1,369,719        | 0                  | -                  | 1                 | \$178,400        | 2                     | \$175,000           | 29               | \$5,817,242         |
| <b>May</b>   | 12           | \$3,277,138         | 21               | \$1,028,363        | 0              | -                  | 0                  | -                  | 0                 | -                | 0                     | -                   | 33               | \$4,305,501         |
| <b>Jun</b>   | 4            | \$1,387,410         | 23               | \$1,186,674        | 0              | -                  | 3                  | \$36,766           | 1                 | \$80,000         | 1                     | \$550,316           | 32               | \$3,241,166         |
| <b>Jul</b>   | 6            | \$1,185,065         | 17               | \$613,488          | 1              | \$51,140           | 2                  | \$125,000          | 0                 | -                | 0                     | -                   | 26               | \$1,974,693         |
| <b>Aug</b>   | 8            | \$2,175,059         | 17               | \$594,720          | 0              | -                  | 4                  | \$507,349          | 1                 | \$29,531         | 0                     | -                   | 30               | \$3,306,659         |
| <b>Sep</b>   | 9            | \$3,026,338         | 28               | \$1,494,152        | 1              | \$96,000           | 1                  | \$65,000           | 1                 | \$227,937        | 2                     | \$342,390           | 42               | \$5,251,817         |
| <b>Oct</b>   | 5            | \$1,664,412         | 23               | \$506,872          | 0              | -                  | 1                  | \$120,000          | 0                 | -                | 1                     | \$211,640           | 30               | \$2,502,924         |
| <b>Nov</b>   | 9            | \$1,689,169         | 10               | \$336,839          | 0              | -                  | 2                  | \$126,500          | 0                 | -                | 2                     | \$257,000           | 23               | \$2,409,508         |
| <b>Dec</b>   | 10           | \$4,671,240         | 20               | \$401,650          | 0              | -                  | 4                  | \$2,024,000        | 0                 | -                | 2                     | \$13,845            | 36               | \$7,110,735         |
| <b>Total</b> | <b>100</b>   | <b>\$32,026,116</b> | <b>226</b>       | <b>\$8,644,003</b> | <b>4</b>       | <b>\$1,695,719</b> | <b>18</b>          | <b>\$3,026,065</b> | <b>7</b>          | <b>\$641,868</b> | <b>13</b>             | <b>\$12,752,398</b> | <b>368</b>       | <b>\$58,786,169</b> |

**BUILDING DEPARTMENT REPORT – YEARLY COMPARISON**

|             | New Dwelling |              | Domestic (Other) |              | New Commercial |             | Commercial (Other) |             | New Public/Health |             | Public/Health (Other) |              | Municipal Totals |              |
|-------------|--------------|--------------|------------------|--------------|----------------|-------------|--------------------|-------------|-------------------|-------------|-----------------------|--------------|------------------|--------------|
|             | Permits      | Value (\$)   | Permits          | Value (\$)   | Permits        | Value (\$)  | Permits            | Value (\$)  | Permits           | Value (\$)  | Permits               | Value (\$)   | Permits          | Value (\$)   |
| <b>2010</b> | 118          | \$31,103,552 | 284              | \$8,782,882  | 14             | \$1,119,276 | 18                 | \$3,734,679 | 0                 | -           | 27                    | \$8,107,424  | 461              | \$52,847,813 |
| <b>2011</b> | 130          | \$34,883,520 | 259              | \$11,427,948 | 11             | \$4,897,695 | 21                 | \$1,768,619 | 1                 | \$550,000   | 15                    | \$2,041,271  | 437              | \$55,569,053 |
| <b>2012</b> | 112          | \$37,509,600 | 259              | \$9,248,333  | 12             | \$9,024,422 | 22                 | \$2,272,199 | 2                 | \$2,913,411 | 15                    | \$4,057,333  | 422              | \$65,025,298 |
| <b>2013</b> | 113          | \$30,065,304 | 252              | \$11,629,479 | 8              | \$620,000   | 24                 | \$1,526,120 | 7                 | \$3,849,610 | 10                    | \$6,707,886  | 414              | \$54,398,399 |
| <b>2014</b> | 100          | \$32,026,116 | 226              | \$8,644,003  | 4              | \$1,695,719 | 18                 | \$3,026,065 | 7                 | \$641,868   | 13                    | \$12,752,398 | 368              | \$58,786,169 |



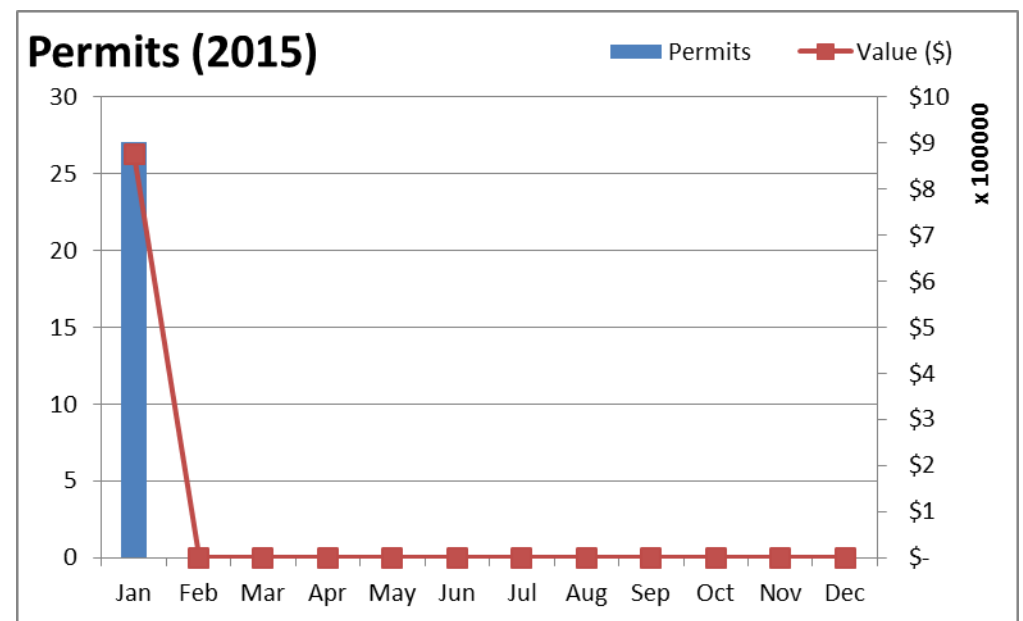
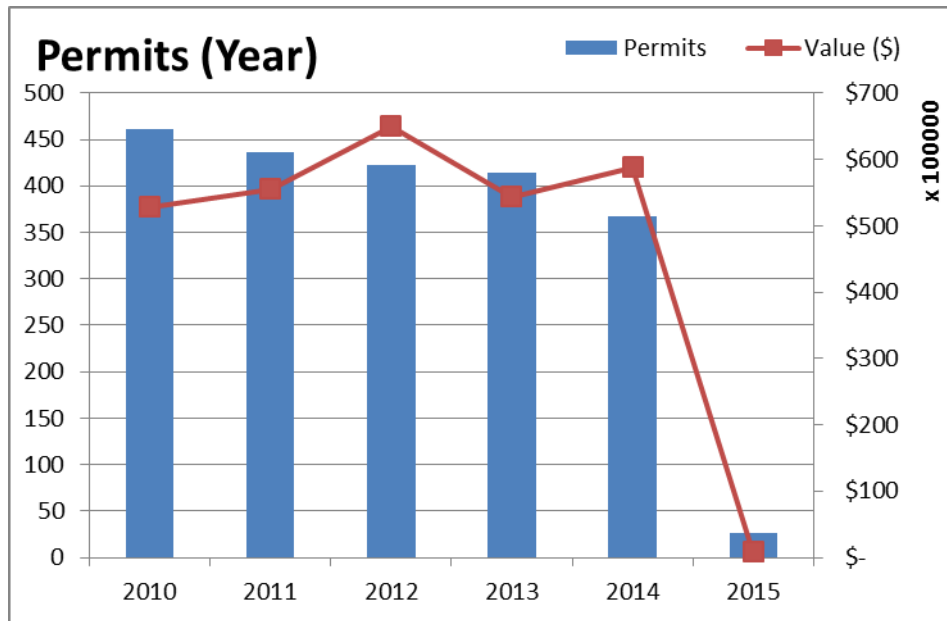


**BUILDING DEPARTMENT REPORT – TOTAL BUILDING PERMITS 2015 (YEAR TO DATE)**

|              | New Dwelling |                  | Domestic (Other) |                  | New Commercial |            | Commercial (Other) |                  | New Public/Health |            | Public/Health (Other) |            | Municipal Totals |                  |
|--------------|--------------|------------------|------------------|------------------|----------------|------------|--------------------|------------------|-------------------|------------|-----------------------|------------|------------------|------------------|
|              | Permits      | Value (\$)       | Permits          | Value (\$)       | Permits        | Value (\$) | Permits            | Value (\$)       | Permits           | Value (\$) | Permits               | Value (\$) | Permits          | Value (\$)       |
| Jan          | 3            | \$411,000        | 20               | \$207,464        | 0              | -          | 4                  | \$257,231        | 0                 | -          | 0                     | -          | 27               | \$875,695        |
| Feb          |              |                  |                  |                  |                |            |                    |                  |                   |            |                       |            |                  |                  |
| Mar          |              |                  |                  |                  |                |            |                    |                  |                   |            |                       |            |                  |                  |
| Apr          |              |                  |                  |                  |                |            |                    |                  |                   |            |                       |            |                  |                  |
| May          |              |                  |                  |                  |                |            |                    |                  |                   |            |                       |            |                  |                  |
| Jun          |              |                  |                  |                  |                |            |                    |                  |                   |            |                       |            |                  |                  |
| Jul          |              |                  |                  |                  |                |            |                    |                  |                   |            |                       |            |                  |                  |
| Aug          |              |                  |                  |                  |                |            |                    |                  |                   |            |                       |            |                  |                  |
| Sep          |              |                  |                  |                  |                |            |                    |                  |                   |            |                       |            |                  |                  |
| Oct          |              |                  |                  |                  |                |            |                    |                  |                   |            |                       |            |                  |                  |
| Nov          |              |                  |                  |                  |                |            |                    |                  |                   |            |                       |            |                  |                  |
| Dec          |              |                  |                  |                  |                |            |                    |                  |                   |            |                       |            |                  |                  |
| <b>Total</b> | <b>3</b>     | <b>\$411,000</b> | <b>20</b>        | <b>\$207,464</b> | <b>0</b>       | <b>-</b>   | <b>4</b>           | <b>\$257,231</b> | <b>0</b>          | <b>-</b>   | <b>0</b>              | <b>-</b>   | <b>27</b>        | <b>\$875,695</b> |

**BUILDING DEPARTMENT REPORT – YEARLY COMPARISON (CURRENT YEAR TO DATE)**

|             | New Dwelling |              | Domestic (Other) |              | New Commercial |             | Commercial (Other) |             | New Public/Health |             | Public/Health (Other) |              | Municipal Totals |              |
|-------------|--------------|--------------|------------------|--------------|----------------|-------------|--------------------|-------------|-------------------|-------------|-----------------------|--------------|------------------|--------------|
|             | Permits      | Value (\$)   | Permits          | Value (\$)   | Permits        | Value (\$)  | Permits            | Value (\$)  | Permits           | Value (\$)  | Permits               | Value (\$)   | Permits          | Value (\$)   |
| <b>2011</b> | 130          | \$34,883,520 | 259              | \$11,427,948 | 11             | \$4,897,695 | 21                 | \$1,768,619 | 1                 | \$550,000   | 15                    | \$2,041,271  | 437              | \$55,569,053 |
| <b>2012</b> | 112          | \$37,509,600 | 259              | \$9,248,333  | 12             | \$9,024,422 | 22                 | \$2,272,199 | 2                 | \$2,913,411 | 15                    | \$4,057,333  | 422              | \$65,025,298 |
| <b>2013</b> | 113          | \$30,065,304 | 252              | \$11,629,479 | 8              | \$620,000   | 24                 | \$1,526,120 | 7                 | \$3,849,610 | 10                    | \$6,707,886  | 414              | \$54,398,399 |
| <b>2014</b> | 100          | \$32,026,116 | 226              | \$8,644,003  | 4              | \$1,695,719 | 18                 | \$3,026,065 | 7                 | \$641,868   | 13                    | \$12,752,398 | 368              | \$58,786,169 |
| <b>2015</b> | 3            | \$411,000    | 20               | \$207,464    | 0              |             | 4                  | \$257,231   | 0                 |             | 0                     |              | 27               | \$875,695    |



**PC151103-2                    USE AND DEVELOPMENT OF THE LAND FOR INDUSTRY (BEVERAGE PRODUCTION), RESTAURANT, FUNCTION CENTRE, TOURIST ACCOMMODATION, LIQUOR LICENCE AND ADVERTISING SIGNAGE, AND REDUCTION IN CAR PARKING AND BICYCLE FACILITIES AT 35 STATION STREET, FORREST (PP204/2014)**

|             |                                    |           |              |
|-------------|------------------------------------|-----------|--------------|
| AUTHOR:     | Helen Evans                        | ENDORSED: | Doug McNeill |
| DEPARTMENT: | Sustainable Planning & Development | FILE REF: | F14/11799    |

**Location:** 35 Station Street Forrest

**Zoning:** Township Zone (TZ)

**Overlay controls:** Erosion Management Overlay Schedule 1 (EMO1)

Bushfire Management Overlay (BMO)

Part Land Subject to Inundation Overlay (LSIO)

**Proposed Amendments:** Nil

**Purpose:**

This application seeks planning permission to use and develop the land at 35 Station Street, Forrest for industry (beverage production/brewery), a restaurant, a function centre and non-self-contained tourist accommodation. A permit is also sought for a liquor licence, advertising signage, and a reduction in car parking and bicycle facilities. Planning Committee consideration is required as the application has received more than four objections, and also due to the reduction in 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**

- The application site is located in the Township Zone, on the eastern side of Station Street, and is subject to a Bushfire Management Overlay (BMO), Erosion Management Overlay (EMO1) and partially by a Land Subject to Inundation Overlay (LSIO).
- The proposed use and development of the land includes the provision of a 120 seat restaurant, an 80 seat function area, 20 two bedroom cabins (with each cabin capable of accommodating 6 people), and craft beer production, which is currently conducted at the Forrest Brewery located at 26 Grant Street, Forrest. The peak amount of beer to be produced is up to 300,000 litres of beer per annum.

- The main brewery building would be developed by re-modelling, and ultimately extending, the existing disused sawmill building to create a brewing area at the northern end, a function room, bar and eatery at the southern end, with a deck and terrace proposed on the eastern side. In addition, 20 cabins are proposed in the eastern section of the site.
- It is proposed to provide 90 car spaces onsite; however the application also seeks a reduction in the car parking requirement of 27 spaces.
- It is proposed to provide 24 bicycle spaces adjacent to the restaurant area and car park. Clause 52.34 (Bicycle Facilities) provisions also require showers, change rooms and bicycle compounds. The applicant seeks a waiver of the bicycle compound requirements.
- Permission is sought for a Winemakers and Brewers liquor licence covering all buildings and most of the site, excluding the access and parking areas and the vegetated perimeter. The proposed licensed hours would range between 7am and 11pm daily.
- Permission is also sought to display business identification signage on the west and east elevations of the main building, together with the company logo on the west elevation. A sign at both the main and delivery entrances is also proposed.
- Five objections to the application have been received. The main reasons for objecting were amenity, parking, traffic, drainage, and noise. A mediation meeting, attended by the applicants, their representative, the objectors and Council officers, was held on Tuesday 24 February 2015.
- The site is located in an area of cultural heritage sensitivity; however a Preliminary Cultural Heritage Study submitted with the application concluded that the site has been subject to significant ground disturbance due to the previous use of the land. A Cultural Heritage Management Plan was therefore not required.
- The proposal is considered to be generally consistent with the purposes of the zone and with overlay requirements, and would be a positive benefit to the local economy. It is considered that potential impacts on the amenity of surrounding residents and the area generally could be appropriately managed. It is therefore considered that the application could reasonably be allowed and it is recommended that a permit be issued.

### **Background**

The site was previously used as a timber sawmill, until its closure and partial demolition in 2003. The current owner purchased the land mid-2012, with the aim of creating a brewery in a disused building on the site, together with associated hospitality and accommodation facilities on the land. The owners of the site currently operate the Forrest Brewery from 26 Grant Street Forrest and have done so since 2011.

Council officers in the Environment and Community Safety Department had earlier investigated the potential of the land to be used as a Neighbourhood Safer Place (NSP) after it had been identified as a potential site for this purpose by a multi-agency group. It was determined this was not feasible however.

### **Cultural Heritage**

This site is located in an area of cultural heritage sensitivity and the proposed activity is considered to be a high impact activity.

Given this, a mandatory Cultural Heritage Management Plan (CHMP) would normally be required. However a report submitted with the application from Ecology and Heritage Partners dated 30 September 2014, stated that:

*“The proposed development is a high impact activity under the Aboriginal Heritage Regulations 2007. The study area is located within a legislated area of cultural heritage sensitivity.*

*However, it is the finding of this assessment that previous development of the entire property is consistent with the definition of significant ground disturbance caused by cut and fill activities to create levelled terraces upon which to construct a sawmill operation. As such the cultural sensitivity of the study area is voided and the following Regulation applies:*

*Regulation 23(2):*

*If part of a waterway or part of the land within 200 m of a waterway has been subject to significant ground disturbance, that part is not an area of cultural heritage sensitivity.*

*Given r. 23(2) applies to the study area a mandatory Cultural Heritage Management Plan under the Aboriginal Heritage Act 2006 is not required to issue a planning permit for the development.*

*Furthermore no Aboriginal artefacts have been identified within the study area and it is considered unlikely that Aboriginal cultural heritage material will be present in the study area.”*

Aboriginal Affairs Victoria was consulted as part of the application process, but did not respond. It is therefore considered that this assessment is reasonable and that a decision can be made on this application without the need for a Cultural Heritage Management Plan.

### **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 application are whether the proposal is acceptable in terms of the proposed use and development, having regard to the character and amenity of the area, and whether the proposed provision of 90 car parking spaces would be adequate. Key issues for consideration include potential impacts on amenity from noise and general disturbance, traffic generation and movements, parking, odours, waste management, management of wastewater and potential drainage issues. It is considered that these matters can be appropriately addressed through permit conditions and it is recommended that Option a) is supported for the reasons outlined in this report.

### **Proposal**

The application seeks a permit for the use and development for a brewery, restaurant, function centre, tourist accommodation, Winemakers and Brewers liquor licence, display of Business Identification signage, and a reduction of car parking and bicycle facilities. The main brewery building would be developed by re-modelling the existing sawmill building to create a brewing area at the northern end, a function room, bar and eatery at the southern end, a deck and terrace on the eastern side and 20 eco-cabins in the eastern section of the site.

### Use and Development for Industry (Beverage Production)

In terms of the industrial component, the application seeks permission for the use and development of a brewery/craft beer production within the existing building, together with an extension to the northern end of the building. In Stage 1, it is proposed to re-model the existing shed to create a brewing room at the northern end and a function room, bar and restaurant at the southern end. In Stage 2, within three years of the commencement of trading, it is proposed to extend the brewing room.

The initial brewing room would be 303.9m<sup>2</sup> in area and the extension proposed would be an additional 290.8m<sup>2</sup>, providing a total brewing room of 594.7m<sup>2</sup>. A loading bay would be provided north of the brewing room.

The brewing room would be used for the production of craft beer; this low impact industrial facility would be the primary function of the site. The brewery area would include the fermenting vessels, brew kettle and serving vessels, and associated cold and hop storage. The peak amount of beer to be produced would be up to 300,000 litres of beer per annum. The proposed hours of brewing would be 8am-6pm seven days per week. It is expected that five staff would be employed for this function. All despatch and deliveries for the brewing component of this proposal would be conducted Monday to Friday between 8am and 6pm.

### Use and Development for Restaurant and Function Centre

The proposed use and development of the land includes the provision of a 120 seat licensed restaurant and an 80 seat function area. The restaurant, kitchen, mezzanine and function area (631m<sup>2</sup>) would form the hospitality component ancillary to the brewery, with an outdoor decking and terrace area (of 322m<sup>2</sup>). These activities would be conducted in the existing building, at the southern end adjacent to the proposed brewing room. The decking and terrace area would be provided at the rear (east) of the building, overlooking the valley and proposed accommodation buildings.

The proposed function room would cater for functions, or inside dining during inclement weather. The operating hours of the restaurant and function area would be between 8am and midnight seven days per week, with the function area being used intermittently dependent on demand. All despatch and deliveries for the restaurant and function centre components of this proposal would be conducted Monday to Friday after 8am.

### Use and Development for Tourist Accommodation

A permit is also sought for the use and development of tourist accommodation. The proposal seeks the development of 20 two bedroom cabins, with each cabin capable of accommodating 6 people. The cabins would be set back 9m from the northern boundary and 11m from the eastern boundary. The cabins would be provided in 10 mirror-image duplexes, spread in a semi-circle around the eastern boundary of the site. The proposed cabins are designed with a master bedroom (two people), a second bedroom (bunk beds for four people) and a bathroom and deck. Each duplex would be joined in the middle by a timber deck. The cabins would not be self-contained (no kitchen facilities), thereby encouraging guests to use eating opportunities available in Forrest. The cabins would be constructed in hardwood shiplap cladding with cement sheet cladded recesses, colorbond roofing and timber decking. The cabins would have a floor area not greater than 10.6m x 4.8m x 4.15m high (not exceeding 5m above ground level, including stilts). Bicycle racks would also be provided at each cabin.

Licensed Premises

Permission is also sought for a Winemakers and Brewers liquor licence covering all buildings and surrounding area within the site. Access and parking areas, and the vegetated perimeter, would be excluded from the licensed area. The proposed licensed hours would be between 7am and 11pm daily.

The proposed licensed hours would be the same as those on the current licence held at the existing brewery/café at 26 Grant Street. Those hours are:

## Sales to unlicensed persons\*

Sunday, Anzac Day and Good Friday

between 10am and 11pm

Any other day

between 7am and 11pm

## On-premises (liquor that is not the licensee's product)

Sunday

between 10am and 8pm

Anzac Day (Sunday)

between 10am and 8pm

Anzac Day and Good Friday (Monday to Saturday)

between 12 noon and 11pm

Any other day

between 7am and 11pm

\*An unlicensed person is a person who does not hold a liquor license, i.e. the general public. Under Forrest Brewery's Wine and Beer producer's license, they are permitted to sell wholesale beer to a person that holds a liquor license during the hours specified in the license but are not permitted to sell liquor to the general public during these hours.

Reduction of Car Parking facilities

It is proposed to provide 90 car spaces onsite; however the applicant also seeks a permit for a reduction in the car parking requirement of 27 spaces.

Forty-seven car spaces would be provided between the main entrance of the site and the restaurant, 14 spaces would be provided around the truck delivery turntable, 22 car spaces would be provided to the east of the restaurant area and 7 car spaces would be provided adjacent to the cabin accommodation.

The car parking and accessways would be constructed in cement stabilised crushed rock.

Reduction of Bicycle Facilities

It is proposed to provide 24 bicycle spaces adjacent to the restaurant area and car park. Clause 52.34 provisions also require showers, change rooms and bicycle compounds. The applicant seeks a waiver of the bicycle compound requirements.

As noted earlier in this report, bicycle spaces are also proposed for each accommodation unit.

Advertising Signage

Permission is sought for the display of business identification signage on the west and east elevations, together with the company logo on the west elevation. A sign at both the main and delivery entrances is also proposed.

The word 'brewery' is proposed on the west and east elevations at the northern end of the building. Each sign would be 3m x 7m (21m<sup>2</sup>), painted on the building in white. It is proposed to illuminate these signs by inground uplights from dusk to midnight. Another proposed sign includes the words 'Forrest Brewing Company' painted in white, together with the logo at the southern end on the western (front) elevation.

This sign would have dimensions of 1.4m x 3.6m (5.04m<sup>2</sup>) and would also be illuminated with wall-mounted bar spot lights from dusk until midnight.

Two other signs would be located at the main entrance and deliveries entrance. These would consist of painted timber panels (single sided) - 2m x 1m in dimension, flush to the ground, and again up lit from dusk to midnight. They are intended to provide the following information:

- Main Entrance –  
Logo: Forrest Brewing Company  
Words: Brewery – Eating Place – Function Centre – Accommodation - Parking
- Deliveries Entrance –  
Logo: Forrest Brewing Company  
Words: Deliveries Accepted Mon – Friday 8am – 6pm.

In total, 51m<sup>2</sup> of signage is proposed.

### Associated Works

Truck access, vehicle turning circle and a hops plantation would be established in the upper northern section. The delivery/truck access would be separate to the main entrance. This area is also identified as being an overflow car park associated with the function space.

As the effluent/waste disposal is expected to be greater than 5000 litre per day, an EPA works approval is required for the treatment of the effluent/waste.

It is proposed to retain the existing kiln furnace as a feature of the site. Landscaping would be maintained/established around the perimeter and throughout the site.

### **Site & Surrounds**

Forrest is an important settlement for the Colac-Otway region. It has a unique position in the Otways, being within an accessible distance to multiple regional centres, surrounded by the Otway National Park, placed on a main route to a number of key coastal settlements, and host to a range of retail, commercial, educational and civic facilities.

Forrest is located 32.6km from the Colac Otway Shire's largest settlement (Colac) and is placed at the foothills of the Otways, approximately 161km from Melbourne and 76km from Geelong.

The application site is 2.34ha in area and contained in 2 titles. The land abuts Station Street, on the western boundary of both lots. The Station Street road reserve sits more than 1 metre higher than the subject site. The site slopes down to the east. There are some 'terraces' on the site and it is identified in the application that these are formed by cut and fill.

The submitted Preliminary Cultural Heritage Study describes the site as follows:

*"The land appears to have been terraced into two flat landforms at different levels during its previous sawmill development. These terraces appear to have been formed by cut and fill, taking fill from the higher side and depositing on the lower side, then levelled to form uniformly flat surfaces.*

*The first level (Terrace 1) is approximately 1.5m below the level of the road, whilst the second level (Terrace 2) is approximately 2m below the level of Terrace 1.*



*On the eastern side of the block, the land falls sharply onto the lower-lying Barwon River floodplain, approximately 5-7m below the level of Terrace 2. Terrace 2 continues very close to both the western and southern boundaries where it then falls steeply. It appears that the western and southern edges of Terrace 2 comprise fill material from the cut and fill."*

A number of concrete slabs still exist on the ground (on both terraces), together with the dilapidated shedding on the site. The shedding is currently used for storage, is not secure and is located on Terrace 1.

An existing cylindrical iron furnace (kiln) is also located on Terrace 1 (and is proposed to be retained).

Timber stacking poles located along the northern boundary are also proposed to be retained, together with the dam in the northeast corner of the site.

An existing concrete building located in the northern section of Terrace 2, which was previously used as a kiln, would also be retained. Concrete drying supports are still present in the open-fronted building.

Land to the west is primarily used for residential purposes, with a coffee/bike shop located at 38 Station Street. The adjoining land to the south and east is used for grazing purposes. To the north is the Forrest Caravan Park, including the public tennis courts and playground area.

Very little vegetation exists on the site; however the boundaries are vegetated, including the Station Street frontage.

### **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 the site on the Station Street frontage. The public notice was undertaken by Council. At the conclusion of the notification period, five objections had been received.

The five objections were received from adjoining landholders to the south, east and west of the subject site, and another resident at Hennigan Crescent.

The applicant provided a written response to address the objector's concerns and this was circulated to all objectors prior to a mediation meeting attended by objectors, the applicants and their representative, and Council officers on 24 February. Three local residents, who had submitted two of the objection letters, attended and were provided an opportunity to discuss the proposal with the applicant. No objections were withdrawn following the mediation.

The objections are summarised as follows:

- a. *The application is seeking reduced parking when there is space available onsite for adequate parking.*

### **Comment**

At the time the objection was received, it was proposed to provide only 67 spaces onsite; however an amended plan was submitted on 27 January 2015 showing 90 onsite spaces. The applicant submitted a Traffic Report as part of the application, justifying how 90 spaces would be appropriate. This is discussed further in the 'Particular Provisions – Car Parking' section of this report.

*b. Excessive noise – from industry, music, patrons, traffic, heating/cooling fans*

Comment

The applicant has submitted a Neighbourhood Amenity Risk Assessment, which considers the likely impacts of noise on the surrounding properties. The applicant also subsequently confirmed that the venue would have some live music, and provided a written response to Clause 52.43 (Live Music and Entertainment Noise).

Clause 52.43 provides controls and requirements about live music and entertainment noise, including where this is associated with uses such as a food and drink premises, and function centres. Should the application be allowed, it is recommended that a condition requiring the submission and approval of an Amenity Management Plan be included on any permit issued. This would then be endorsed as part of the permit. This Amenity Management Plan would be based on the submitted Neighbourhood Amenity Risk Assessment (dated 29 January 2014 [sic] and January 2015) and the requirements of Clause 52.43. The Amenity Management Plan would also have to have regard to recommended permit conditions addressing compliance with SEPP N1 (Control of Noise from Industry, Commerce and Trade) and SEPP N2 (Control of Music Noise from Public Premises), acoustic controls within the building, controls over amplified music/speaker system etc. outside the building, all of which seek to reduce any potential noise impact from any permitted activities conducted onsite.

*c. Increased vehicular traffic and danger to cyclists*

Comment

A Traffic and Parking Assessment submitted with the application estimates that the maximum traffic generation would be approximately 220 trips per day, with 22 movements in the peak hour period in the evening. Council's infrastructure Department has accepted this assessment, and considers that Station Street could easily accommodate traffic generated by the development and that the access and egress would be well positioned and unlikely to cause any traffic issues. It is acknowledged that this development would increase traffic movements; however Station Street is adequately designed for this increase and has an appropriate speed limit, subject to typical road safety requirements.

*d. Heritage value of Station Street*

Comment

The applicants have indicated that they propose to retain some of the heritage features of the site - namely the cylindrical iron furnace (kiln) located on Terrace 1, timber stacking poles located along the northern boundary, the dam in the northeast corner and an existing concrete building located on the northern section of Terrace 2 that was previously used as a kiln. It is proposed to retain the existing vegetation along the front of the site and maintain the use of corrugated steel, glass and timber in the main building.

*e. Concerns with the proximity to the Barwon River, waste water treatment and the potential contamination*

*f. Onsite waste treatment close to house and likely unwanted odours*

Comment

The Environment Protection Authority was consulted on the application, including the treatment of waste from the site. The EPA advised that this proposal is a scheduled activity (Sewerage Treatment, A03) under the *Environment Protection (Scheduled Premises and Exemptions) Regulations 2007* and therefore a Works Approval is required from the EPA. The EPA advised that it does not object to the proposal subject to a permit condition requiring that the applicant obtain a Works Approval from the Environment Protection Authority prior to the commencement of works.

*g. Bushfire risk associated with the site*

Comment

The proposal triggers a requirement for a planning permit under the provisions of the Bushfire Management Overlay. The application was referred to the CFA, which raised no objection subject to conditions relating to defendable space, construction standards, water supply and access being imposed on any permit issued. These have been included in the recommendation at the end of this report.

*h. Concerns in relation to stormwater management*

Comment

This matter was also raised at the mediation meeting, during which it was clarified that the concerns were about stormwater runoff onto 15 Hennigan Crescent. Due to the fall of the land, stormwater runoff naturally flows onto this site. A Surface Water Management Assessment was submitted as part of the application and this document has been reviewed by Council's Infrastructure Department which raised no objection to the principles proposed by this Assessment. Should a permit be granted, it is recommended that a permit condition requiring the submission of a Stormwater Management Plan be included, to ensure that the stormwater runoff is not increased.

*i. Concerns about waste management – littering on surrounding properties*

Comment

This matter was also raised at the mediation meeting, during which it was clarified that the concerns were about rubbish ending up on the neighbouring property due to winds, or patrons incorrectly disposing of containers, etc. Should a permit be granted, it is recommended that a permit condition require the submission of an Amenity Management Plan to address such issues.

*j. Two commercial activities in Station Street; however money spent on Grant Street streetscape*

*k. Impact on the streetscape of leafy trees and small Victorian cottages and charm of Station Street*

Comment

Due to the size of the proposed development, there is very little, if any, opportunity for a development such as this in Grant Street. The application site is zoned Township Zone, which provides for a mix of residential development and a range of commercial, industrial and other uses in small towns in appropriate locations. The Forrest streetscape works undertaken by Council are an important part of the appearance and function of Grant Street and Forrest in general, given the amount of traffic from locals and tourists. These works were also key to providing a safe place for school children to cross Grant Street, as well as providing appropriate surfaces for people of all abilities moving around Grant Street.

Station Street currently has a number of commercial businesses operating from it, such as the hotel, the Caravan Park and bike shop; it is considered that these commercial activities have not detracted from Grant Street or Station Street.

*l. Health issues associated with dust*

Comment

The proposed car parking and loading bay areas would be sealed with cement stabilised crushed rock and it is expected that minimal dust would be generated from this type of material.

*m. Siting of the brewery using the existing building*Comment

The proposal submitted by the applicant must be considered on its merits by the Responsible Authority. Any building, whether old or new, would need to comply with the current relative regulations and legislation.

*n. Hennigan crescent is unsuited to an increase in traffic*Comment

It is unlikely that this proposal would increase traffic to Hennigan Crescent.

*o. Rain garden will be mosquito farm*Comment

The provision of a rain garden is a common approach to the treatment of stormwater in developments of all sizes. The proposed garden would be set away from the neighbouring dwellings.

*p. Excessive hours of operation*Comment

The proposed hours of operation of the restaurant/function area would be generally consistent with the existing brewery/café located at 26 Grant Street Forrest. The differences would be that it would open one hour earlier daily and Sunday trading would be extended from 8pm to midnight. No complaints about noise/operating hours have been recorded against 26 Grant Street. It is not considered that the proposed hours would be excessive for a restaurant/function activity.

*q. Impact on livestock on adjacent property*Comment

It was observed during site inspections that cattle graze on adjacent land. Livestock generally adapt to their surrounds in due course. The proposed accommodation and the embankment would provide separation from the majority of potential noise disturbance that may impact on the livestock. It is considered that any potential disturbance from the proposed accommodation adjacent to the east boundary would not be any different to the potential disturbance from campers in the neighbouring Caravan Park. It is also noted that the accommodation use is one allowed by the zoning of the land.

**Referrals**

In accordance with Section 55 of the Planning and Environment Act, the application was referred to:

- Country Fire Authority, under the provisions of BMO (Determining Referral Authority)
- Corangamite Catchment Management Authority, under the provisions of LSIO (Recommending Referral Authority) and
- Environmental Protection Authority, under the provisions of Clause 66.02-1 and Clause 66.02-7 (Determining Referral Authority)

The EPA, CCMA and CFA did not raise any objection to the proposal, subject to conditions being imposed on any permit issued.

Comments were also sought from Aboriginal Affairs Victoria regarding the aboriginal cultural heritage sensitivity of the site and VicPolice in relation to the proposed liquor licence.

No response was received from Aboriginal Affairs Victoria. Vic Police advised that it has no concerns with the proposal but would be likely to seek a reduced licensed area when the liquor licence application is considered by the Department of Justice.

The application was referred internally to Council's Environment, Infrastructure, Economic Development, Building and Environmental Health departments. No objections have been raised. Conditions were recommended for inclusion on any permit issued, should Council choose to allow this application.

Given the context of the site and the nature of the proposed development, the Landslip Risk Assessment submitted was peer reviewed by a consultant engaged by Council. The consultant raised some concerns with the initial assessment and therefore a revised assessment (dated 18/1/2015) was submitted. Council's consultant concluded that this report was satisfactory and noted that the recommendations contained within the assessment include engineer designed, deep-seated footing systems and engineered designed retaining walls.

The report also noted that further geotechnical investigations may be needed to allow such design to be completed. It is considered very important that these new recommendations be included as permit conditions, and provisions for compliance with these recommendations be put in place.

### **Planning Controls**

A permit is required under the following clauses of the Colac Otway Planning Scheme:

- Clause 32.05 - TZ – use and development of industry (beverage production)
- Clause 32.05 – TZ – use and development of tourist accommodation
- Clause 32.05 – TZ – use and development of a restaurant
- Clause 32.05 – TZ – use and development of a function centre (Place of Assembly)
- Clause 44.01 – EMO1 – buildings and works
- Clause 44.06 – BMO – buildings and works
- Clause 52.05 – advertising signage
- Clause 52.06 – car parking
- Clause 52.27 – liquor licence
- Clause 52.34 – bicycle facilities

#### **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 11.05-4 Regional planning strategies and principles

- Clause 12.02-6 The Great Ocean Road region
- Clause 13.03-1 Use of contaminated and potentially contaminated land
- Clause 13.03-2 Erosion and landslip
- Clause 13.04-1 Noise abatement
- Clause 13.05-1 Bushfire planning strategies and principles
- Clause 15.01-2 Urban design principles
- Clause 17.01-1 Business
- Clause 17.03-1 Facilitating tourism
- Clause 18.02-5 Car parking
- Clause 21.02-2 Land use vision
- Clause 21.03-1 General
- Clause 21.03-7 Forrest
- Clause 21.04-1 Catchment Management
- Clause 21.04-2 Water
- Clause 21.04-5 Erosion
- Clause 21.05-3 Manufacturing
- Clause 21.05-4 Tourism

In general terms, the planning policies described above:

- Support proposals that contribute to the economic development of Forrest whilst also having regard to the environmental constraints, and protection of the broader landscape within which Forrest is located.
- Support high quality tourist and recreation developments that clearly provide linkages to other regional features such as the coast, the natural environment, the built and cultural heritage and specific local experiences.
- Seek to ensure tourist developments are compatible with the immediate area.
- Seek to facilitate the development of a diverse range of accommodation to meet changing visitor needs.
- Seek to encourage the establishment of equipment hire and tour groups to support tourist recreational needs within Forrest.
- Recommend that tourism accommodation proposals and compatible developments in Forrest be considered along Grant Street and outside the northern boundary of the town on land in the Rural Living Zone.

Whilst the current application is not consistent with the last point above, an application must be considered on its merits and the Forrest Structure Plan adopted by Council in August 2011 articulates the preferred development future for Forrest.

Key issues to emerge from the Structure Plan were that:

- *The role of Forrest as an outdoor recreation and tourism destination has been well established over recent years along with an emerging trend for rural lifestyle residential development.*
- *Forrest's tourism functions will continue to play a primary role in the town's growth and development into the future.*
- *There are significant environmental constraints within Forrest including bushfire, flooding and landslip risks that impact on future potential for expansion of the town.*

Objectives listed in Clause 21.03-7 relevant to this application seek:

- *To support Forrest's role within the Otways as a key destination for tourism and recreational pursuits and as a small town with limited potential for residential growth.*
- *To encourage the development of accommodation facilities which contribute to the viability of tourism and recreation-based activities.*
- *To promote Grant Street as the primary location for future commercial activities within Forrest.*
- *To encourage development and activities which add commercial and recreational diversity to the Forrest Township.*
- *To ensure that the various cultural and environmental heritage assets of the township are protected, maintained and continue to be articulated within Forrest's private and public realm.*
- *To ensure new residential and commercial development is responsive to the environmental, biodiversity, conservation and landscape values of the local region.*
- *To ensure that development within Forrest responds to and mitigates any identified bushfire risks.*

The subject site is identified in the Framework Plan for Forrest and described as “*the Old Timber Mill - redevelopment opportunities for accommodation/commercial/industry – no decision made on the use or zoning*”. The Forrest Structure Plan states that:

*‘There is a need to expand the accommodation offer to meet the growing and diverse needs of the tourist population. B&B's, group accommodation and boutique serviced apartments should be on offer in town. Group accommodation would attract large groups including school camps, sports groups etc. This type of accommodation, similar to that in the ski fields, could be co-located with a tourist hire business to cater for recreation needs in one location. A potential site for group accommodation of this nature is the old timber mill site; it is acknowledged this site is included in the future residential land supply equation however it is expected group accommodation development would only have a modest effect on residential supply’.*

Strategies to support this include:

- *Encourage the development of tourist infrastructure including bed and breakfast, group accommodation, farmers markets, rural produce, café, restaurants, eateries and the like.*
- *Investigate opportunities for group accommodation to locate on the old Timber Mill site, adapting any existing buildings as appropriate. This strategy should be facilitated through Council's economic development unit with the private sector.*

### Contamination

The objective of Clause 13.03-1 seeks to ensure that potentially contaminated land is suitable for its intended future use and development, and that contaminated land is used safely. Strategies to deal with potentially contaminated land include requiring applicants to provide adequate information on the potential for contamination to have adverse effects on the future land use, particularly where the subject land is known to have been used for industry, or the storage of chemicals, gas, wastes or liquid fuel, as is the case with this site.

The applicant submitted two reports to deal with the potential contamination of the land. The first report was commissioned in September 2005 by the then owner for the purposes of prospective purchasers seeking to use the land for a sensitive use, namely the development of residential buildings.

The report concluded that soil contamination does exist at levels of concern in four areas. The report recommended further investigation and remediation works be undertaken. A second report, commissioned in May 2014, also recommended that further investigation and remediation works be undertaken.

Council Officers sought advice from Environment Protection Authority (EPA) about contamination. The EPA provided the following response:

*"With regard to this matter our Science Division advise the following:*

*The reports reviewed included:*

- *Phase 2 Site Contamination Assessment Report - Forrest Timber Mill, Station Street, Forrest, Victoria, EnviroRisk Management, September 2005 (EnviroRisk, 2005)*
- *Groundwater Monitoring Event and Conceptual Site Model, Forrest Brewing Company, 35 Station Street, Forrest, VIC, EnviroRisk Management, May 2014 (EnviroRisk, 2014)*

*Based on the information provided and the assessment undertaken at the site there are significant areas of the site that need further assessment of soil and groundwater contamination to determine the potential risk to human health and the environment and to confirm if the site is suitable for the proposed use. The site was used as a Timber Mill, which included treating the timber. Only one groundwater bore has been installed at the site, this is not sufficient to characterise groundwater flow. There is very limited discussion of how the site contamination may interact with the Barwon River, which is on the eastern boundary of the site. It is noted that much of the recommendations from both reports have not been completed. It is recommended that the area currently being used as a Pig Sty be investigated to confirm that it is suitable for such a use given the previous soil contamination in the area.*

*According to Potentially Contaminated Land – General Practice Note (Dept. of Sustainability and Environment, June 2005) (Practice Note), the land use activities including "timber preservation" have a 'high potential' for contamination. On this basis, an environmental audit of the site is recommended."*

The General Practice note states – *"Generally an environmental audit should be provided as early as possible in the planning process. This may not always be possible or reasonable and requiring an environmental audit as a condition of permit may be acceptable if the responsible authority is satisfied that the level of contamination will not prevent the use of the site."*

The applicant was asked to provide an Environmental Audit prior to the determination of this application; however the applicant requested that Council make a decision on the application as submitted stating that:

*"There has been a number of contamination investigations for the site in the past, carried out at significant expense, and all of which (it is understood) reveal a high degree of consistency and understanding with respect to contamination risk at the site.*

*Those provided to the Responsible Authority include:*

- *The Groundwater Monitoring Event & Conceptual Site Model – EnviroRisk (May 2014)*



*· A copy of the Phase 2 Land Contamination Report by EnviroRisk (Sept 2005)*  
*We understand that there is also a Phase 1 Assessment which was undertaken by ATMA in August 2011 (which recommended a Phase 2 Assessment – and which has already been undertaken by EnviroRisk in 2005). In addition, we understand that there was a GHD report commissioned by Colac Otway Shire (which has not been released to the proponent) with respect to environmental assessment.*

*The request for an environmental audit to be undertaken is considered to be onerous, and over and above the level of detail that would be generally required by a Responsible Authority relating to a planning permit application that affects potentially contaminated land.*

*The site is not affected by an Environmental Audit Overlay.*

*An EPA approval will be required for future on-site wastewater treatment.*

*A building permit will ultimately be required for footings, buildings and works.*

*The previously prepared reports provide a level of certainty regarding contamination and groundwater risk.*

*Unless the RA has identified significant contradictory advice and recommendations embedded within these reports, I believe these matters have been exhausted for the purposes of a planning permit application, where recommendations can be translated into permit conditions (without further costly exercises having to be borne by the permit applicant prior to planning certainty being obtained).*

*You may recall that the proponent was very reluctant to provide previous environmental assessments to the Responsible Authority as part of this planning permit application process. However, these were provided to the Responsible Authority for information purposes, and specifically requested not to form part of the planning permit application. Indeed, it was only due to the Responsible Authority referring these documents specifically to the EPA, that the EPA commented on such matters, following the EPA's initial conditional support for the proposal.*

*On the 4 December 2014, we responded to Council accordingly:*

*‘With respect to the recommendations of the Contamination Report and the Groundwater Monitoring Report, the following recommendations/actions undertaken to date are specific site clearing and clean-up undertaken for fire safety and site safety, and asbestos removal undertaken by a licensed asbestos consultant. Additional recommendations, including further sampling & soil remediation detailed are to be undertaken subject to the issuing of a planning permit.’*

*The proponent is fully aware of contamination risk, and the recommendation for remediation works.*

*[Notably: The EnviroRisk Phase 2 report details Grid Patter Sampling & results see Figure 4: Grid Pattern Sampling Locations  
5.3.3 refers to Timber Treatment Chemicals & 5.4.1 refers to Inorganic Contaminants, noting no concerns of further investigation required.]*

*On this basis, we request that this matter progresses as soon as is practicably, and in the absence of an Environmental Audit.”*

It was agreed, given that the referral response from the EPA provided a condition relating to contamination for inclusion on any permit issued, that the application could continue to be processed and that, should a permit be granted, it would be conditional on conducting an Environmental Audit prior to the commencement of works. In effect, the issue of a permit would provide the applicant with the certainty of being able to develop the site subject to contamination being appropriately addressed, rather than having to go to the expense of undertaking such work without a guarantee that the proposed development could go ahead.

b. Zoning

The purpose of the Township Zone is:

- *To provide for residential development and a range of commercial, industrial and other uses in small towns.*
- *To encourage development that respects the neighbourhood character of the area.*
- *To implement neighbourhood character policy and adopted neighbourhood character guidelines.*
- *To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.*

This application seeks permission for multiple uses on this site, namely beverage production, a restaurant, accommodation and a function centre.

These uses have been defined and therefore classified as follows:

**Beverage production** (comes under Industry')

'Industry' is defined as

*Land used for any of the following operations:*

- a) any process of manufacture;*
- b) dismantling or breaking up of any article;*
- c) treating waste materials;*
- d) winning clay, gravel, rock, sand, soil, stone, or other materials (other than Mineral, stone, or soil extraction);*
- e) laundering, repairing, servicing or washing any article, machinery, or vehicle, other than on-site work on a building, works, or land; or*
- f) any process of testing or analysis.*

*If on the same land as any of these operations, it also includes:*

- a) storing goods used in the operation or resulting from it;*
- b) providing amenities for people engaged in the operation;*
- c) selling by wholesale, goods resulting from the operation; and*
- d) accounting or administration in connection with the operation.*

*If Materials recycling, goods resulting from the operation may be sold by retail.*

It is considered that the proposed beverage production is a form of manufacture and therefore is best defined as 'industry'. Industry is a Section 2 (permit required) use provided the following condition is satisfied:

*Must not be a purpose listed in the table to Clause 52.10.*

The 'Particular Provisions' section of this report (Clause 52.10) further discusses the proposed brewery use and its classification.

Clause 32.05-3 (Use for industry and warehouse) requires that the *"use of land for an industry must not adversely affect the amenity of the neighbourhood, including through:*

- *The transport of materials or goods to or from the land.*
- *The appearance of any stored materials or goods.*
- *Traffic generated by the use.*
- *Emissions from the land."*

**Restaurant** is defined as:

*Land used to prepare and sell food and drink, for consumption on the premises. It may include:*

- a) *entertainment and dancing; and*
- b) *the supply of liquor other than in association with the serving of meals, provided that tables and chairs are set out for at least 75% of patrons present on the premises at any one time.*

*It does not include the sale of packaged liquor.*

**Accommodation** is defined as:

*Land used to accommodate persons.*

The type of accommodation proposed does not fit within any lower nested land use terms described within Clause 74 and is therefore best described as accommodation. Whilst the accommodation would meet some of the definition of Group Accommodation (i.e. *land, in one ownership, containing a number of dwellings used to accommodate persons away from their normal place of residence*), the accommodation units cannot be classed as dwellings as they would not be self-contained.

**Function centre** is defined as:

*Land used, by arrangement, to cater for private functions, and in which food and drink may be served. It may include entertainment and dancing.*

Each of these uses described above require planning permission under the provisions of Clause 32.05-1. Any buildings and works associated with a section 2 use (permit required) also require planning permission in accordance with Clause 32.05-8.

Clause 32.05-12 sets the advertising signage requirements in the Township Zone as being Category 3 (High Amenity Areas – Medium Limitation) of Clause 52.05. Signage is discussed in the Particular Provisions Section of this report (Clause 52.05).

### **Assessment**

A permit is required to use land for an industry (beverage production), a restaurant, a function centre and accommodation in the Township Zone. A permit is also required for any buildings and works associated with these uses.

The decision guidelines require the Responsible Authority to consider:

- *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 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, height, setback and appearance of the proposed buildings and works.*
- *The effect that existing uses on adjoining or nearby land may have on the proposed use.*
- *The scale and intensity of the use and development.*
- *The safety, efficiency and amenity effects of traffic to be generated by the proposal.*

Elements of this application are already conducted at 26 Grant Street, from where the existing Forrest Brewery operates. Both 26 Grant Street and the current application site are located in the Township Zone. At 26 Grant Street, a café/restaurant activity is conducted together with the brewing of craft beer. Council has not received any complaints in relation to the current brewing activities conducted at 26 Grant Street Forrest. There is no accommodation at 26 Grant Street.

It is considered that the existing and proposed buildings would be well set back from Station Street, with adequate space around the buildings to be complementary to the character of the Forrest Township. Should this application be allowed, it is considered important that the established vegetation along the property boundaries, particularly the street frontage, is protected during and after construction as this would protect the established streetscape and help address the visual amenity concerns of neighbours.

As the effluent/waste disposal is expected to be greater than 5000 litre per day, an EPA Works Approval is required for the treatment of the effluent/waste. The EPA has been consulted and advised that it has no objection to the proposal subject to a condition requiring a Works Approval prior to the commencement of any works.

The purpose of the Township Zone provides that a range of commercial, industrial and other uses in appropriate locations in small towns should be encouraged to support these towns. Forrest has developed into a town that has, in recent times, built its tourism and economic base through mountain biking and it is considered that this proposed development would support this direction. The development would be discreetly located on the outskirts of the Township Zone and is designed to complement the character of Forrest. Amenity issues are discussed in detail throughout this report. In summary, it is considered that, subject to appropriate conditions controlling landscaping and potential amenity issues to the surrounding neighbourhood, the proposed uses could occur at this site with minimal disturbance.

#### c. Overlays

##### Erosion Management Overlay Schedule 1

The site is partially covered by the Erosion Management Overlay (Schedule 1). The purpose of this overlay is:

- *To protect areas prone to erosion, landslip or other land degradation processes, by minimising land disturbance and inappropriate development.*

A permit is required to construct a building or construct or carry out works under the provisions of Clause 44.01-1.

A Landslip Risk Assessment, carried out by Provincial Geotechnical Pty Ltd, was submitted in response to the Schedule 1 requirements of the Erosion Management Overlay.

In summary, the report concluded that:

*“the risks to property damage are “very high” (for the highest risk hazard) and the risk to life is “intolerable” following the conclusion of a Landslide Risk Assessment for the existing conditions carried out in accordance with Schedule 1 to the Erosion Management Overlay for the Colac-Otway Shire Planning Scheme using the guidelines published by the Australian Geomechanics Society in March 2007. However, implementing the recommended risk mitigation measures will reduce the risks to property damage to “low” and the risk to life to “acceptable”.*

*Based on our assessments of the potential landslide risks, taking into account our recommended mitigation strategy, we conclude that a permit should be granted to allow the proposed development conditional to implementation of the recommendations for risk mitigation presented in this assessment.”*

Due to the complexity of the site, a peer review of the Report was undertaken by a consultant engaged by Council. Generally no issues were identified with the risk to property and the risk to life assessments in the report, however further clarification was required about the risk treatments and remedial measures required at the site. This was conveyed to the applicant and a revised Landslip Risk assessment was submitted (dated 18 January 2015 Reference No. H4072.1). This revised assessment was also peer reviewed by Council's consultant, who advised that the concerns were satisfied and that the recommendations in the report must be included as permit conditions should the application be allowed. Schedule 1 to the EMO includes the requirement to impose a mandatory permit condition to ensure that the approved development is carried out on the site in accordance with the recommendations of the Landslip Risk Assessment. This has been included in the recommendation at the end of this report.

#### Land Subject to Inundation Overlay

A small section in the southeast corner of the site is partially covered by the Land Subject to Inundation Overlay.

A permit is required to construct a building or to construct or carry out works within the LSIO under the provisions of Clause 44.04-1. The applicant advised that no works are proposed within the area subject to the LSIO and the application was referred to CCMA, which confirmed that the proposed works are outside the extent of the flood area.

#### Bushfire Management Overlay

The site is covered by the Bushfire Management Overlay. The purpose of this overlay is:

- *To ensure that the development of land prioritises the protection of human life and strengthens community resilience to bushfire.*
- *To identify areas where the bushfire hazard warrants bushfire protection measures to be implemented.*
- *To ensure development is only permitted where the risk to life and property from bushfire can be reduced.*

The provisions of Clause 44.06-1 state that a permit is required to construct a building or to construct or carry out works associated with, inter alia, the following uses:

- Accommodation
- Industry (which would include beverage production)
- Place of Assembly (which includes function centre)

- Retail premises (which includes restaurant)

As required by the overlay, an application must be referred under Section 55 of the Act to the Country Fire Authority. The CFA reviewed the Bushfire Management Statement submitted and advised that it has no objection to the proposal, subject to conditions. These conditions have been included in the recommendation at the end of this report.

d. Particular Provisions

i. *Clause 52.05 Advertising signs*

The Township Zone specifies that advertising must satisfy Category 3 of clause 52.05 (High amenity areas – Medium Limitation), which seeks to ensure that signs in high-amenity areas are orderly, of good design and do not detract from the appearance of the building on which they are displayed or the surrounding area.

In total 51m<sup>2</sup> of signage is proposed, as detailed in the 'Proposal' section earlier in this report.

Whilst the area of signage may appear large, the bulk of the signage would comprise the large 'brewery' wording, which is to be located on the east and west elevations (42m<sup>2</sup>). The east elevation would not be visible from the public realm. Given the size of the property and the fact that the building is set back from the street and generally screened by existing vegetation, it is considered that signage proposed would be reasonable. It is also considered that the signage proposed at the entrance to the site would be reasonable, to identify the site and provide adequate opportunity for the vehicles to slow down and enter the site.

ii. **Clause 52.06 Car parking**

Clause 52.06-2 includes the following requirements:

*"Before:*

- *a new use commences; or*
- *the floor area or site area of an existing use is increased; or*
- *an existing use is increased by the measure specified in Column C of Table 1 in Clause 52.06-5 for that use,*

*the number of car parking spaces required under Clause 52.06-5 or in a schedule to the Parking Overlay must be provided to the satisfaction of the responsible authority in one or more of the following ways:*

- *on the land; or*
- *in accordance with a permit issued under Clause 52.06-3; or*
- *in accordance with a financial contribution requirement specified in a schedule to the Parking Overlay".*

Clause 52.06-3 states:

*"A permit is required to:*

- *Reduce (including reduce to zero) the number of car parking spaces required under Clause 52.06-5 or in a schedule to the Parking Overlay.*
- *Provide some or all of the car parking spaces required under Clause 52.06-5 or in a schedule to the Parking Overlay on another site.*
- *Provide more than the maximum parking provision specified in a schedule to the Parking Overlay".*

Clause 52.06-1 includes the following requirements:

*“A new use must not commence or the floor area of an existing use must not be increased until the required car spaces have been provided on the land.*

*A permit may be granted to reduce or to waive the number of car spaces required by the table.”*

This application seeks a reduction in the car parking requirement specified in clause 52.06. The application as originally submitted only proposed 67 spaces onsite. Changes were subsequently made to the site plan to provide additional car parking following the public notification of the application. Whilst there is adequate room on the site to provide the required amount of car parking, the applicant now proposes to provide 90 car spaces onsite and seeks a reduction of 27 parking spaces.

The following table provides details of the required, and proposed, parking provision:

| Use           | Rate in Clause 52.06-5                                                                                                                                                                                                                       | Planning scheme | Applicant          | Reasonable requirement                                                                                                                                                                                                                                                                                                                                                                          |
|---------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|--------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Accommodation | 'Accommodation' is not specifically listed in clause 52.06 and therefore Council needs to be satisfied that sufficient car parking is provided for the accommodation use. The applicant has applied the motel rate of 1 car space per cabin. | 20              | 10                 | 20<br><br>This is considered reasonable; however conservative given that each cabin is capable of accommodating 6 people and a car can carry 5 people. Based on 1 space per room, 20 spaces would be required. The applicant further claims that there would be a strong nexus between the cabins and the restaurant use resulting in a reduced requirement of 10 instead of 20 for the cabins. |
| Brewery       | Industrial use - 2.9 spaces to each 100 sqm of net floor area (595m <sup>2</sup> )                                                                                                                                                           | 17              | 5 (for staff only) | 5                                                                                                                                                                                                                                                                                                                                                                                               |
| Restaurant    | Restaurant use – 0.4 for each patron permitted (120)                                                                                                                                                                                         | 48              | 48                 | 38 (48 less 10 based on estimate that half accommodation guests would eat at restaurant)                                                                                                                                                                                                                                                                                                        |
| Function      | Function centre. There is no specific use of function centre in clause 52.06 and therefore Council needs to be satisfied that sufficient car parking is provided for the function                                                            | 32              | 32                 | 27 (32 less 5 as most functions will be outside brewery operating                                                                                                                                                                                                                                                                                                                               |

|                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |            |           |           |
|----------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|-----------|-----------|
|                                              | centre use. A Place of Assembly, under which 'function centre' is nested, has a rate of 0.3 to each patron permitted – applying this rate would result in a requirement for 24 spaces (based on 80 patrons). The applicant has applied the restaurant rate of 0.4 spaces for each patron permitted. This is considered reasonable, given that the applicant has indicated that the function room would be utilised as a restaurant during inclement weather. Based on 0.4 spaces per patron, 20 spaces would be required. |            |           | hours)    |
| Less any previous credit not provided onsite |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | N/A        | Nil       | Nil       |
| <b>Net parking required</b>                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <b>117</b> | <b>95</b> | <b>90</b> |
|                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |            |           |           |
| Car parking proposed on site                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |            |           | 90        |
| <b>Deficit</b>                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <b>27</b>  | <b>5</b>  | nil       |

In summary, the applicant's traffic report submitted states that 48 spaces should be provided for the restaurant and a further 32 spaces for the function area, together with 10 spaces for the accommodation (halved, on the basis that occupants would utilise the restaurant) and 5 spaces for the brewery staff (deducted as these spaces would become available outside business hours being when the restaurant/function demand would be at its peak). This results in 90 spaces being required during any functions. The traffic report also claims that any shortfall in parking could be provided along Station Street and that this would not unduly impact on other businesses or residences. Based upon the 'reasonable requirement' assessment above and the Traffic Assessment submitted as part of the application (which estimates that the total peak parking maximum demand is expected to be 58 spaces for normal operations, and 90 for special functions), it is considered that the minimum onsite parking that should be provided is 90 spaces. The applicant subsequently submitted amended plans to show 90 car spaces on the site thus resulting in an overall reduction of 27 car spaces based on the statutory requirement.

Providing 90 spaces onsite would also reduce the reliance on street car parking, thereby addressing objectors' concerns and reducing the potential impact on the amenity of the locality. The parking would be provided in a number of locations therefore not impacting on the overall development.

Given the location of the site within the Township Zone and its proximity to existing residences, it is recommended that the entire parking area, truck access area and loading bay (i.e. not including the eco cabin area) be sealed to prevent potential loss of amenity to neighbouring properties. The seal may be any type that prevents dust creation to the satisfaction of the Responsible Authority. The applicant has proposed a cement stabilised granitic gravel, which is considered acceptable.



It is considered that the provision of 90 car spaces onsite would be adequate for the development proposed by this application and that the reduction of 27 car spaces could reasonably be allowed.

**iii. Clause 52.07 Loading and Unloading of Vehicles**

Clause 52.07 seeks 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 loading bay of 260.4m<sup>2</sup> is proposed to the northwest of the building, adjacent to the brewing room. Service vehicles would enter/exit the site via the most northern property entrance and manoeuvre the vehicles around the turning area adjacent to the proposed loading bay. The proposed loading bay would be greater than the area specified in Clause 52.07. The loading bay would be constructed in a cement stabilised crushed rock and would be conveniently located adjacent to the building. It is considered that the loading area provisions would be satisfied.

**iv. Clause 52.10 - Uses with Adverse Amenity Potential**

The land is located within the Township Zone. ‘Brewery’ is not a defined land use term pursuant to Clause 74 (Definitions) of the Planning Scheme. The proposed land use is considered to come under ‘Industry’, which includes:

*“Land used for any ....process of manufacture.”*

The table of uses in Clause 32.05-1 of the Township Zone provides that “*Industry (other than Transfer Station and Refuse Disposal)*” is a section 2 use (permit required), subject to the condition that it “*must not be a purpose listed in the table to clause 52.10*”.

Clause 52.10 of the Scheme provides threshold distances for uses with adverse amenity potential. The purpose of Clause 52.10 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 definitions in Clause 52.10 states:

*“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.*

*NOTE 1 of the table: The threshold distance is variable, dependent on the processes to be used and the materials to be processed or stored.”*

The table in Clause 52.10 contains three columns - Column 1 describes the ‘Type of Production, Use or Storage (Purpose)’; Column 2 prescribes the ‘Threshold Distance’ for each purpose in column 1 and Column 3 refers to ‘Notes’.

The applicant submitted legal advice (dated 7 February 2014) about whether the use of the brewery is prohibited under Clause 52.10, or if a planning permit can be issued. The advice concluded as follows:

*“..... the Responsible Authority has a discretion to determine the relevant threshold separation distance, being the minimum distance from any part of the land of the proposed use to land (not a road) in a residential zone.*

*Where adjacent land is also in the Township Zone or other residential zone, if the relevant decision maker determines the relevant threshold is any distance other than zero, the use will be prohibited.*

### **Next steps**

*Council may determine the relevant threshold distance, dependent on the processes to be used and the materials to be processed or stored. In this case, the nearest land in a residential zone is on the western side of Station Street.*

*Council must be satisfied that the proposed use is appropriately designed and located so as not to cause offence or unacceptable risk to the neighbourhood. Accordingly the applicant should provide evidence or material with the application that enables Council to be satisfied that the proposed use will not cause offence or unacceptable risk to those neighbours. In our view, offence may be caused by odour, dust, noise and the like.*

*The Applicant should identify in its application the basis upon which it asserts that the threshold distance is zero in the circumstances and, if satisfied of this fact, the Council may proceed to determine the application.”*

Council officers subsequently liaised with the EPA, which advised that the current guideline ‘Recommended Separation Distances for Industrial Residual Air Emissions’ (EPA publication 1518, March 2013) does not provide a recommended separation (or ‘buffer’) distance for a brewery and, as such, there is no minimum separation requirement. The EPA also noted that the recommended separation distance for beverage manufacturing currently listed in clause 52.10, which was based on an earlier EPA publication, is a discretionary site-specific decision. In addition, the EPA verbally advised that current brewing processes mean that breweries can potentially locate near sensitive uses without detriment caused by the manufacturing process.

Based on this advice, Council can consider an application proposing a zero threshold distance. The acceptability of such a threshold distance is dependent on an assessment of the information submitted with the planning application. Council required, as part of the application submission, a report by a qualified consultant which details the processes proposed at the new brewery, including details of the materials to be stored, and also an assessment of the potential impacts and outlines any mitigation measures that could be applied.

An Amenity Impact Risk Assessment by Envirorisk dated September 2014 report was submitted as part of the application in response to the above. The Assessment:

- describes the various components of the brewing process and associated activities
- describes buffer distances and comparison with other sites
- describes a risk assessment against each stage of production considering both the impact and control methods

- provides site specific buffer distance and recommendations for each amenity risk

The report includes a comparison to 'Little Creatures' in Swanston Street, Geelong. Little Creatures is within an Industrial Zone and adjacent to a Residential Zone. It is also noted that the Forrest Brewery is proposing 300,000 litres of beer as opposed to the estimated 20,000,000 litres per year produced by 'Little Creatures'. Officers contacted the City of Greater Geelong during the processing of this application and have been advised that no complaints have been received about the brewery activity at this development.

Table 2 within the report provides the Amenity Protection Risk Matrix. The only concern in the matrix relates to the treatment of production wastewater for the brewery activity (alone); however it is considered necessary to amend this report to reflect the proposed treatment of wastewater for the whole development, including the restaurant, function centre and accommodation. In the table below, it is estimated that 4500L/day for the production waste water treatment; however wastewater treatment for all activities proposed on the land would exceed 5000L/day, resulting in the requirement for an EPA Works Approval.

TABLE 2: Amenity Protection Risk Matrix (Brewery)

| Amenity Risk  | Required Buffer      | Assessors Comments                                                                                                                                                                                                                                             | Recommendations                                                                                                                                                                                                                                                                                                                                                                                                                   |
|---------------|----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Odour         | Nil                  | Production type odours from venting of vats and vessels.<br><br>Should be restricted to cooking type odour unless hygiene practices deteriorate. Unlikely to occur in an owner/operated food production facility.                                              | <ul style="list-style-type: none"> <li>- Passive venting of vessels.</li> <li>- Appropriate controls over production and hygiene practices to negate waste build-up.</li> <li>- Locate production facility as far a practical away from Station Street as further risk control.</li> </ul>                                                                                                                                        |
| Odour         | Minimal <sup>1</sup> | Standard septic with surge tank and treatment as required for 4500L/ day production waste water treatment                                                                                                                                                      | <ul style="list-style-type: none"> <li>- Waste water treatment system installed and operated as per EPA Code of practice – Onsite Wastewater Management, 2013 specifications</li> </ul> <p>(1 Note: The suitability of the site soil conditions for waste water treatment needs to be established. If a treatment facility is required. Buffers of around 25 m are recommended in EPA guidelines for mechanical type plants.)</p> |
| Odour/ Vector | Nil                  | Control over effluent risk will mitigate odour and vector amenity risk.<br><br><i>Separation distances area specified at:</i><br><ul style="list-style-type: none"> <li>&gt;100m from designated waterway</li> <li>&gt;30m from minor drainage line</li> </ul> | As per EPA Code of practice – Onsite Wastewater Management, 2013 specifications.                                                                                                                                                                                                                                                                                                                                                  |
| Dust          | Nil                  | Activities represent a low dust environment.                                                                                                                                                                                                                   | <ul style="list-style-type: none"> <li>- Roadways to be sealed.</li> <li>- Grounds to be maintained.</li> <li>- Deliveries of raw materials to warehouse in bags.</li> </ul>                                                                                                                                                                                                                                                      |
| Noise         | Nil                  | Day period operations and deliveries/ despatch, coupled with indoor positioning of any noisy equipment restrict nuisance potential.                                                                                                                            | <ul style="list-style-type: none"> <li>- Production and deliveries restricted to day only.</li> <li>- Deliveries and product despatch restricted to day period (i.e. 7am – 6pm), Monday to Friday.</li> </ul>                                                                                                                                                                                                                     |

| Amenity Risk | Required Buffer | Assessors Comments                             | Recommendations                                                                                                                              |
|--------------|-----------------|------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------|
| Light        | Nil             | Considerate design of any outdoor lighting.    | <ul style="list-style-type: none"> <li>• Sensor switches to turn lights off.</li> </ul>                                                      |
| Visual       | N/A             |                                                | <ul style="list-style-type: none"> <li>• Appropriate screening from production area and colour and aesthetic design of buildings.</li> </ul> |
| Site Traffic | Nil             | Day period operations for deliveries/ despatch | <ul style="list-style-type: none"> <li>• Provision of on-site delivery area and parking for staff.</li> </ul>                                |

The EPA regulations and Works Approval should ensure an acceptable outcome. Should the application be allowed, it is recommended that a permit condition require the submission of a revised Amenity Impact Risk Assessment providing for wastewater treatment in accordance with the EPA regulations and Works Approval. Based on this advice, it is considered that a zero threshold distance is acceptable and therefore an application for the use of the land for an industry (beverage production) can be considered.

**v. Clause 52.17 Native Vegetation**

The applicant submits that no vegetation removal is proposed as part of this development.

**vi. Clause 52.27 Licensed Premises**

Clause 52.27 seeks:

- *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.*

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.

Before deciding on an application, in addition to the decision guidelines in Clause 65, the Responsible authority must consider, as appropriate:

- *The impact of the sale or consumption of liquor permitted by the liquor licence on the amenity of the surrounding area.*
- *The impact of the hours of operation on the amenity of the surrounding area.*
- *The impact of the number of patrons on the amenity of the surrounding area.*
- *The cumulative impact of any existing licensed premises and the proposed licensed premises on the amenity of the surrounding area.*

Permission is sought for a Winemakers and Brewers liquor licence covering all buildings and most land within the application site, excluding access parking and perimeter areas. This is the type of licence that the applicant currently holds at 26 Grant Forrest Street, trading as Forrest Brewing Company.

This type of licence replaces the former vigneron's licence and authorises the supply of:

- *the licensee's own product to any other licensee at any time and at any place (wholesale)*
- *the licensee's own product to the public from the licensed premises for both on and off-premises consumption*

- *any liquor, including the licensee's own product, from the licensed premises for on-premises consumption*
- *the licensee's own product to a person who makes an off-premises request (for example, orders by way of email, telephone, facsimile transmission, internet or other electronic communication)*
- *the licensee's own product from an additional retail premises for consumption away from the licensed premises.*

The applicant initially sought permission to licence the whole site (2.3ha) including the car parking, cabins and garden areas. Under the provisions of this type of licence, "the licensee may supply liquor that is the licensee's product on the license premises in accordance with the license for consumption off the licensed premises". Therefore the applicant seeks to sell beer to be consumed anywhere within the property and also seeks a whole of site license, to prevent the additional expense and administration of 'temporary licenses' each time a function is held outdoors.

The licensed hours sought are the same as the existing licence held at 26 Grant Street. Those hours, as specified in the submitted application, are:

*Sales to unlicensed persons*

*Sunday, Anzac Day and Good Friday*

*between 10am and 11pm*

*Any other day*

*between 7am and 11pm*

*On-premises (liquor that is not the licensee's product)*

*Sunday*

*between 10am and 8pm*

*Anzac Day (Sunday)*

*between 10am and 8pm*

*Anzac Day and Good Friday (Monday to Saturday)*

*between 12 noon and 11pm*

*Any other day*

*between 7am and 11pm*

The application was referred to VicPolice, which advised that there had been contact with the applicant and there were no issues with the planning permit. However VicPolice advised it would seek a reduction in the 'redline area' when the liquor licence application is received. Consequently, the applicant has reduced the proposed licensed area to exclude the car parking and vehicle movement area located west of the restaurant and brewing room, and also to exclude the outer perimeter of the site identified on the plan for revegetation.

***vii.Clause 52.34 - Bicycle Facilities***

Clause 52.34 seeks:

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

Clause 52.34-1 includes the following requirements:

*"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.*

*Where the floor area occupied by an existing use is increased, the requirement for bicycle facilities only applies to the increased floor area of the use."*

Clause 52.34-2 states:

*“A permit may be granted to vary, reduce or waive any requirement of Clause 52.34-3 and Clause 52.34-4.”*

Clause 52.34-3 provides detail for the required bicycle facilities:

*“Tables 1, 2 and 3 to this clause set out the number and type of bicycle facilities required. Bicycle facilities are required if the use is listed in column 1 of the table. The number of bicycle facilities required for a use is the sum of columns 2 and 3 of the tables.*

*A bicycle space for an employee or resident must be provided either in a bicycle locker or at a bicycle rail in a lockable compound.*

*A bicycle space for a visitor, shopper or student must be provided at a bicycle rail.”*

24 Bicycle Spaces are shown on the site plan (received on 27 January 2015) to the front of the restaurant and therefore adequate bicycle spaces would be provided. This clause also requires that *a bicycle space for an employee must be provided either in a bicycle locker or at a bicycle rail in a lockable compound*. The applicant does not propose to provide a lockable compound/locker, stating that the lockers/compounds would be unsightly. A waiver of the requirement to provide the compound/lockers is therefore sought, with the proposal instead being to provide racks where both employees and patrons would be able to lock their bicycles.

Table 2 to Clause 52.34-3 (Showers) seeks to ensure that if 5 or more employee bicycle spaces are required, 1 shower for the first 5 employee bicycle spaces, plus 1 to each 10 employee bicycle spaces thereafter are provided.

The proposal has a requirement of 10 bike spaces for employees; therefore 1 shower would be required. A shower would be provided in the mezzanine area on the floor plan submitted.

Table 3 to Clause 52.34-3 (Change Rooms) seeks to ensure that 1 change room or direct access to a communal change room to each shower is provided. It notes that the change room may be a combined shower and change room. A combined shower/change room is shown in the mezzanine area on the floor plan submitted.

It is considered that, whilst not all requirements of this clause have been satisfied, it would be reasonable to waive the requirements of lockable compounds/lockers for the employee bicycles, as it is proposed to provide opportunity to secure their bicycles to a rack provided. Should the application be allowed, it is recommended that a permit condition specify the design of the bicycle spaces and racks as per the requirements of this Clause.

#### **viii. Clause 52.43 Live Music And Entertainment Noise**

Clause 52.43 seeks:

- *To recognise that live music is an important part of the State’s culture and economy.*
- *To protect live music entertainment venues from the encroachment of noise sensitive residential uses.*
- *To ensure that noise sensitive residential uses are satisfactorily protected from unreasonable levels of live music and entertainment noise.*

- *To ensure that the primary responsibility for noise attenuation rests with the agent of change.*

This clause applies to an application required under any zone of this scheme to use land for, or to construct a building or construct or carry out works associated with:

- *a live music entertainment venue.*
- *a noise sensitive residential use that is within 50 metres of a live music entertainment venue.*

*Definitions In this clause are:*

- *'live music entertainment venue' means:*
  - *a food and drink premises, nightclub, function centre or residential hotel that includes live music entertainment*
  - *a rehearsal studio*
- *'noise sensitive residential use' means a boarding house, dependent person's unit, dwelling, nursing home, residential aged care facility, residential village or retirement village.*

Clause 52.43-3 advises that the following requirements are to be met:

*"A live music entertainment venue must be designed, constructed and managed to minimise noise emissions from the premises and provide acoustic attenuation measures that would protect a noise sensitive residential use within 50 metres of the venue.*

*A noise sensitive residential use must be designed and constructed to include acoustic attenuation measures that will reduce noise levels from any:*

- *indoor live music entertainment venue to below the noise limits specified in State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2 (SEPP N2).*
- *outdoor live music entertainment venue to below 45dB(A), assessed as an Leq over 15 minutes."*

*For the purpose of assessing whether the above noise standards are met, the noise measurement point may be located inside a habitable room of a noise sensitive residential use with windows and doors closed (Schedule B1 of SEPP N2 does not apply).*

*A permit may be granted to reduce or waive these requirements if the responsible authority is satisfied that an alternative measure meets the purpose of this clause."*

### **Assessment**

The decision guidelines of this clause require the responsible authority to consider:

- *the extent to which the siting, layout, design and construction minimise the potential for noise impacts.*
- *whether existing or proposed noise sensitive residential uses will be satisfactorily protected from unreasonable live music and entertainment noise.*
- *whether the proposal adversely affects any existing uses.*

The distance from the front of the building that is to be converted into the restaurant/function centre to the front boundary of the neighbouring properties is estimated to be 58 metres.

Whilst arguably this Clause does not apply as the closest dwelling is over 50 metres away, it is considered that the principles and noise attenuation measures described can assist Council in addressing the concerns raised with noise from the proposed development. The applicant has acknowledged the requirements of Clause 52.43, and anticipates conditions consistent with the requirements of Clause 52.43.

It is considered that the live amplified music could be permitted within the building. However, it is recommended that a permit condition preventing any amplification of music, speakers, etc. at any time outside the building be imposed, to significantly reduce the potential for detriment to the neighbourhood amenity.

### **Consideration of the Proposal**

It is considered that the proposal would provide an acceptable outcome against the purpose of the Township Zone. The development would be suitably designed and located on the site, being recessed from the street frontage behind the existing vegetation so as not to visually dominate the existing character of the area or the streetscape. It is considered that the materials, bulk, mass and position of the proposed building would be acceptable, given the front setback proposed and the fact the building would be partially screened by existing vegetation and proposed plantings on the site. The proposed access, parking and loading arrangements are also considered acceptable. Permit conditions would ensure that potential amenity impacts (lighting, emissions, drainage etc.) would be appropriately managed. Permit conditions provide for an extended time frame, longer than the standard time to commence works, given that an Environmental Audit has the potential to delay the commencement of buildings and works.

Development that has occurred in Forrest over the last five to seven years has boosted Forrest as a key tourist destination, coupled with the increase in interest for mountain biking in Forrest.

It is considered that the proposal could reasonably be allowed in light of relevant State and local planning policies, as it would help consolidate Forrest's commercial and tourism base, assist long term viability for the businesses remaining in Forrest and support existing associated tourist-related businesses. The proposal would also promote the development and sustainability of a small regional Victorian town with limited growth potential.

### **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.

The 'Forrest Mountain Bike Trails Strategic Plan' is another key document which seeks to ensure the township of Forrest continues to be economically sustainable into the future. The plan includes the following actions which support the current proposal:

- **2.2.6 Accommodation**  
*Council to continue to actively support local MTB friendly accommodation development opportunities.*
- **2.2.10 Future Economic Growth and Township development**  
*Continue to provide support for commercial activities that support this emerging trend, including MTB industry, bed and breakfast accommodation, food and beverage outlets, the microbrewery and other comparable industries for employment opportunities in the town.*



**Financial & Other Resource Implications**

There are no financial implications arising from this report.

**Risk Management & Compliance Issues**

The contamination of the land will need to be appropriately addressed prior to the commencement of development. Any permit issued will need to include an appropriately worded condition requiring an environmental audit to be undertaken.

**Environmental Consideration / Climate Change**

The contamination of the land will need to be appropriately addressed prior to the commencement of development. Any permit issued will need to include an appropriately worded condition requiring an environmental audit to be undertaken.

**Communication Strategy / Consultation Period**

Community consultation in the form of public notification has been undertaken as part of this assessment process. A mediation meeting was also arranged, which was attended by the applicants and their representative, objectors and Council officers.

**Conclusion**

The proposal is considered acceptable, having regard to the fact that the land is suitably zoned for this type of development. The site is located within an established township area, but on the outskirts, providing some separation from the majority of residential properties. The proposed use and development would add to employment opportunities available in Forrest and consolidate the strong bicycle tourism base, as well as offering accommodation and business activity in Forrest. It is considered that, subject to the conditions in the recommendation below, the concerns raised in the objections can be addressed and that the proposal would not cause any significant detriment to the character of the area or the amenity of the surrounding properties. It is therefore recommended that a Notice of Decision to Grant a Permit be issued.

**Attachments**

1. Application for Planning Permit
2. Site map
3. Design and detailed maps
4. Neighbourhood Amenities Statement

**Recommendation(s)**

***That Council's Planning Committee resolves to issue a Notice of Decision to Grant a Planning Permit for the Use and Development of the Land for Industry (Beverage Production), Restaurant, Function Centre, Tourist Accommodation, Liquor Licence and Advertising Signage, and Reduction in Car Parking and Bicycle Facilities at 35 Station Street, Forrest subject to the following conditions:***

***Amended plans***

1. ***Prior to commencement of development, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application, but modified to show:***
  - a. ***Details of all proposed signage, including elevations, siting, dimensions, content, and details of lighting for the signage.***

- b. An amended Traffic Management Plan to address the increased on-site car parking proposed since the original submission of the application.*
- c. A floor plan showing not more than 200 seats for combined restaurant/function area.*
- d. A site layout plan showing vehicle access to the car parking area located east of the hospitality area, and the location of any onsite waste water treatment areas.*
- e. A revised Amenity Impact Risk Assessment reviewing the amenity protection risk controls and recommendations in relation to the treatment of waste water consistent with the EPA Works Approval, including Table 2: Amenity Protection Risk Matrix (Brewery).*

**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.*
- 4. The area in which liquor is allowed to be consumed or supplied under a licence, as shown on the endorsed plans, must not be altered without the written consent of the Responsible Authority.*

**Environmental Audit**

- 5. Prior to the commencement of works, a Certificate of Environmental Audit or a Statement of Environmental Audit indicating that the site is suitable for the uses hereby permitted must be submitted to the Responsible Authority.*
- 6. Prior to commencement of any of the uses hereby permitted on the site, any conditions of the Statement of Environmental Audit or Certificate of Environmental Audit must be complied with to the satisfaction of the Responsible Authority. Written confirmation of compliance must be provided by a suitably qualified environmental professional or other suitable person acceptable to the Responsible Authority. In addition, sign off must be in accordance with any requirements in the Statement conditions regarding verification of works.*

**EPA Works Approval**

- 7. The proponent must apply for and be issued with a works approval from the Environment Protection Authority with respect to the use and development for Industry (Beverage Production), restaurant, function centre and tourist accommodation prior to any works beginning.*

**Consolidation of Land**

- 8. Prior to commencement of any of the uses hereby permitted, Lot 1 TP160507F (Volume 9193 Folio 351) and Lot 1 TP435188P (Volume 10661 Folio 517) must be consolidated under the provisions of the Subdivision Act 1988 to the satisfaction of the Responsible Authority, and a copy of the new title must be submitted to the Responsible Authority.*

**Patron Numbers**

- 9. No more than 200 patrons may be present in the restaurant/function area at any one time unless otherwise approved in writing by the Responsible Authority.*

**Hours of Operation**

10. *The restaurant and function area hereby permitted must operate only between the hours of 8am to midnight.*
11. *The licensed hours, during which liquor may be served, sold and consumed on the premises, are limited to:*

**Sales to unlicensed persons**

|                                          |                              |
|------------------------------------------|------------------------------|
| <b>Sunday, Anzac Day and Good Friday</b> | <b>between 10am and 11pm</b> |
| <b>Any other day</b>                     | <b>between 7am and 11pm</b>  |

**On-premises (liquor that is not the licensee's product)**

|                                                      |                                 |
|------------------------------------------------------|---------------------------------|
| <b>Sunday</b>                                        | <b>between 10am and 8pm</b>     |
| <b>Anzac Day (Sunday)</b>                            | <b>between 10am and 8pm</b>     |
| <b>Anzac Day and Good Friday (Monday - Saturday)</b> | <b>between 12 noon and 11pm</b> |
| <b>Any other day</b>                                 | <b>between 7am and 11pm</b>     |

**Delivery Times**

12. *Deliveries to and from the site (including waste collection) must only take place on Monday to Friday inclusive between 8am and 6pm.*

**Landslip Risk**

13. *The approved development must be carried out on the site in accordance with the recommendations of the Landslip Risk Assessment (Provincial Geotechnical Pty Ltd Report No. H4072.1 dated 18/1/2015) or any Geotechnical Practitioner engaged to review the assessment submitted with the application.*

**Environmental Management Plan**

14. *Prior to commencement of the development hereby permitted, an Environmental 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. The Environmental Management Plan must include:*
- a. *procedures to ensure that no significant adverse environmental impacts occur as a result of the development and use*
  - b. *identification of possible risks of operational failure and response measures to be implemented, including, but not limited to, the following:*
    - **Water Quality, Stormwater and Erosion Control**
    - **Site Waterway Management**
  - c. *an annual review or audit to the satisfaction of the Responsible Authority, with any consequential changes to the plan submitted to and approved by the Responsible Authority.*

**Car Parking**

15. *A minimum of 90 car spaces must be provided onsite to the satisfaction of the Responsible Authority.*

**Car Park Construction**

16. *Prior to the commencement of any of the uses hereby permitted, the areas set aside for the parking of vehicles and access lanes, as shown on the endorsed plans, must be:*

- a. **Constructed;**
- b. **Properly formed to such levels that they can be used in accordance with the plans;**
- c. **cement stabilised or similar treatment;**
- d. **drained;**
- e. **marked to indicate each space;**
- f. **clearly marked to show the direction of traffic along access lanes and driveways;**

**to the satisfaction of the Responsible Authority.**

17. **The access and parking areas must be constructed, and drained to prevent diversion of flood or drainage waters, and maintained in a continuously usable condition to the satisfaction of the Responsible Authority.**
18. **Car spaces, access lanes and driveways must be kept available for these purposes at all times.**

#### **Loading and Unloading**

19. **The loading and unloading of goods from service vehicles must only be carried out on the land within the designated loading bay and must not disrupt the circulation and parking of vehicles on the land, to the satisfaction of the Responsible Authority.**
20. **The loading bay must remain free for the purpose of loading and unloading at all times.**

#### **Stormwater Management and Drainage**

21. **Prior to the commencement of development, a stormwater management plan demonstrating that the site will be developed so that there is no overall net increase to stormwater runoff over the property boundaries must be submitted to and approved by the Responsible Authority. The site must be developed in accordance with the principles set out in the Surface Water Management Assessment prepared by Spire dated 21/10/14. The plan must also demonstrate that the stormwater runoff will be discharged in a non-destructive manner. When approved, the plan will be endorsed and form part of the permit.**
22. **The site must be developed and managed to ensure there is no stormwater pollution through the contamination of runoff by chemicals, sediments, wastes or pollutants in accordance with 'Best Practice Environmental Management Guidelines for Stormwater Management and Construction Techniques for Sediment Pollution Control' (EPA) at any time during construction or operation, to the satisfaction of the Responsible Authority.**

#### **Bicycle Facilities**

23. **Prior to the commencement of the use hereby permitted, provision must be made for bicycle racks onsite to accommodate a minimum of 24 bicycles. Bicycle racks must be designed, constructed and located in accordance with clause 52.34 (Bicycle Facilities) of the Colac Otway Planning Scheme and must be to the satisfaction of the Responsible Authority.**

***Amenity Management***

24. ***Prior to the commencement of development, an acoustic report by a qualified practitioner, demonstrating that the proposed development will achieve compliance with clause 52.43 (Live Music and Entertainment) of the Colac Otway Planning Scheme, must be submitted to and approved by the Responsible Authority. Any required sound attenuation measures, and/or any ongoing management of the uses, identified in the submitted report must be implemented in accordance with the approved details to the satisfaction of the Responsible Authority.***
25. ***Prior to commencement of any of the uses hereby permitted, 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. The Amenity Management Plan must be generally in accordance with the submitted Neighbourhood Amenity Statement dated 24/11/2014 and revised on 29/01/2015. All activities forming part of the use must comply with the endorsed plan. The plan must include but not be limited to:***
- 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 and ensure compliance with:***
    - State Environment Protection Policy SEPP N1 (Control of Noise from Industry, Commerce and Trade);***
    - State Environment Protection Policy SEPP N2 (Control of Music Noise from Public Premises);***
    - Outdoor live music entertainment venue to below 45dB(A), assessed as an Leq over 15 minutes, in accordance with the submitted application;***
  - f. no external sound amplification equipment or loudspeakers outside the buildings to be used for the purpose of announcement, broadcast, playing of music or similar purpose at any time;***
  - g. waste/litter management, addressing both ongoing litter management on a regular basis and management arrangements when functions take place;***
  - h. managing neighbourhood expectations during exceptional events/functions***
  - i. measures to control emission of artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.***
26. ***The use and development must be managed so that the amenity of the area is not detrimentally affected, through the implementation of the endorsed Amenity Management Plan.***
27. ***Prior to the commencement of use of the restaurant/function centre, an acoustic review by a qualified practitioner, demonstrating compliance with clause 52.43 (Live Music and Entertainment) of the Colac Otway Planning Scheme, must be submitted to the Responsible Authority.***

**Soundproofing**

28. *All external plant and equipment must be acoustically treated or placed in soundproof housing to reduce noise to a level satisfactory to the Responsible Authority.*

**Security Alarms**

29. *All security alarms or similar devices installed on the land must be of a silent type in accordance with any current standard published by Standards Australia International Limited and must be connected to a security service.*

**External Lighting**

30. *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.*

**Tree Protection**

31. *Prior to the commencement of any works onsite, a tree protection fence must be erected around the established vegetation along the frontage of the site (including within the road reserve abutting the site) at a radius of 3 metres from the base of the trunks to define a 'Tree Protection Zone'. The fence must be constructed of chain mesh or similar to the satisfaction of the Responsible Authority. The tree protection fence must remain in place until construction is completed.*
32. *No trenching, soil excavation, storage or dumping of equipment, tools or waste, and no vehicular or pedestrian access, is to occur within the tree protection area.*

**Landscape Plan**

33. *Prior to commencement of the development, 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 19/01/2015 prepared by Spire, except that the plan must show:*
- a. a survey (including botanical names) of all existing vegetation to be retained*
  - b. buildings and trees (including botanical names) on neighbouring properties within three metres of the boundary*
  - c. details of surface finishes of car parks, pathways and driveways in accordance with proposed layout plan dated 21/01/2015*
  - d. a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, sizes at maturity, and quantities of each plant*
  - e. landscaping and planting within all open areas of the site*

*All species selected must be to the satisfaction of the Responsible Authority.*

34. *Prior to occupation of the development, or by such later date as is approved by the Responsible Authority in writing, 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.*

**Signage**

35. *Any signage lighting must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land and/or adjacent roads/streets.*
36. *The signage may only be illuminated between the hours of dusk and midnight to the satisfaction of the Responsible Authority.*
37. *All signage must be maintained to the satisfaction of the Responsible Authority.*

**CFA conditions****Bushfire Management Plan**

38. *The bushfire mitigation measures forming part of this permit or shown on the endorsed plans, including those relating to construction standards, defendable space, water supply and access, must be maintained to the satisfaction of the responsible authority on a continuing basis. This condition continues to have force and effect after the development authorised by this permit has been completed.*
39. *Before the development starts, an amended bushfire management plan which is generally in accordance with drawing No. 300079-BMS-V2, dated 30/9/2014 must be submitted to and endorsed by the Responsible Authority. The plan must show the following bushfire mitigation measures, unless otherwise agreed in writing by the CFA and the Responsible Authority:*

**a. Defendable space**

*The whole of the complex site will be managed as defendable space.*

**Accommodation Units**

*Eastern Aspect - Show an area of defendable space for a distance of 11mts/or to the property boundary whichever is the lesser.*

**Brewery/Restaurant Complex**

*Southern Aspect - Show an area of defendable space for a distance of 19mts or to the property boundary whichever is the lesser.*

*where vegetation (and other flammable materials) will be modified and managed in accordance with the following requirements:*

- *Grass must be short cropped and maintained during the declared fire danger period.*
- *All leaves and vegetation debris must be removed at regular intervals during the declared fire danger period.*
- *Within 10 metres of a building, flammable objects must not be located close to the vulnerable parts of the building.*
- *Plants greater than 10 centimetres in height must not be placed within 3m of a window or glass feature of the building.*
- *Shrubs must not be located under the canopy of trees.*
- *Individual and clumps of shrubs must not exceed 5 sq. metres in area and must be separated by at least 5 metres.*
- *Trees must not overhang or touch any elements of the building.*
- *The canopy of trees must be separated by at least 5 metres.*
- *There must be a clearance of at least 2 metres between the lowest tree branches and ground level.*

**b. Construction standards**

**Nominate a minimum Bushfire Attack Level of:-**

**Accommodation Units**

**BAL - 29 that the buildings will be designed and constructed.**

**Brewery/Restaurant Complex**

**Northern, Eastern and Western Aspects - BAL - 29 that the building will be designed and constructed.**

**Southern Aspect - BAL - 40 that the building will be designed and constructed.**

**c. Water supply**

**Show a minimum of 20,000 litres of effective water supply for fire fighting purposes which meets the following requirements:**

- **Is stored in an above ground water tank constructed of concrete or metal.**
- **All fixed above-ground water pipes and fittings required for fire fighting purposes must be made of corrosive resistant metal.**
- **Is located on the Northern boundary of the site adjacent to the truck access and turning circle off Station St.**

**The water supply must also:**

- **Incorporate a ball or gate valve (British Standard Pipe (BSP) 65mm) and coupling (64mm CFA 3 thread per inch male fitting).**
- **The outlet/s of the water tank must be within 4m of the accessway and be unobstructed.**
- **Be readily identifiable from the building or appropriate identification signage to the satisfaction of CFA must be provided.**

**d. Access**

**Show the access for fire fighting purposes which meets the following requirements:**

- **Curves must have a minimum inner radius of 10m.**
- **The average grade must be no more than 1 in 7 (14.4 per cent) (8.1 degrees) with a maximum of no more than 1 in 5 (20 per cent) (11.3 degrees) for no more than 50m.**
- **Have a minimum trafficable width of 3.5m of all-weather construction.**
- **Be clear of encroachments for at least 0.5m on each side and 4m above the accessway.**
- **Dips must have no more than a 1 in 8 (12.5 per cent) (7.1 degrees) entry and exit angle.**
- **Incorporate a turning area for fire fighting vehicles close to the building**

**e. Accommodation Unit Separation**

**There shall be at least 6 mts separation between each of the duplex units or fire rated walls on each of the duplex units where there is less than 6mts separation, as per the requirements of the BCA.**



**Expiry**

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

- a) The development within four years of the date of this permit.**
- b) The development is not completed and/or use has not commenced within six 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. This permit does not authorise the commencement of any building works. Prior to commencement of the development, it will be necessary to apply for and obtain building approval.**
- 2. The premises must comply with all relevant State Legislation relating to environmental health matters and, in particular, the Health (Eating House and Food Premises) Regulations 1984. Trading must not commence until the approval of Council's Environmental Health Officer has been obtained and the registration of the property under the Food Act 1984 has been completed.**
- 3. Prior to commencement of the development, an application to undertake works within the road reserve must be submitted to and approved by the Council.**
- 4. The provision and/or consumption of liquor must not commence until such time as a Liquor Licence has been obtained, pursuant to the Liquor Control Reform Act 1988 (as amended).**
- 5. The CFA strongly recommends that the understorey vegetation on the property outside the required defendable space continues to be managed in a minimum fuel condition, particularly during the fire danger period. In addition, the CFA has advised that 20,000 litres is the minimum quantity of static water that would be acceptable for fire fighting purposes. The CFA recommends additional quantities of water to ensure that there are adequate reserves of water available.**

~~~~~\ ~~~~~



Planning Enquiries  
Phone: 03 5232 9400  
Web: <http://www.colacotway.vic.gov.au>

Office Use Only

Application No.:

Date Lodged: / /

## Application for Planning Permit

If you need help to complete this form, read [How to complete the Application for Planning Permit form](#).

Any material submitted with this application, including plans and personal information, will be made available for public viewing, including electronically, and copies may be made for interested parties for the purpose of enabling consideration and review as part of a planning process under the *Planning and Environment Act 1987*. If you have any concerns, please contact Council's planning department.

Questions marked with an asterisk (\*) are mandatory and must be completed.

If the space provided on the form is insufficient, attach a separate sheet.

Clear Form

### The Land

1 Address of the land. Complete the Street Address and one of the Formal Land Descriptions.

Street Address \*

|                          |             |                          |
|--------------------------|-------------|--------------------------|
| Unit No.:                | St. No.: 35 | St. Name: STATION STREET |
| Suburb/Locality: FORREST |             | Postcode: 3230           |

Formal Land Description \*  
Complete either A or B.

This information can be found on the certificate of title.

|                       |                      |                                   |   |   |                         |
|-----------------------|----------------------|-----------------------------------|---|---|-------------------------|
| A                     | Lot No.: 1 & 1       | <input type="radio"/> Lodged Plan | <input checked="" type="radio"/> Title Plan | <input type="radio"/> Plan of Subdivision | No.: 435188P<br>160507P |
| OR                    |                      |                                   |   |   |                         |
| B                     | Crown Allotment No.: | Section No.:                      |   |   |                         |
| Parish/Township Name: |                      |                                   |   |   |                         |

If this application relates to more than one address, please click this button and enter relevant details.

Add Address

### The Proposal

You must give full details of your proposal and attach the information required to assess the application. Insufficient or unclear information will delay your application.

2 For what use, development or other matter do you require a permit? \*

If you need help about the proposal, read:

*How to Complete the Application for Planning Permit Form*

... and a waiver associated with the provision of bicycle compounds and lockers.

3 Estimated cost of development for which the permit is required \*

Select the focus of this application and describe below:

OTHER

USE AND DEVELOPMENT FOR BEVERAGE PRODUCTION (CRAFT BEER), ANCILLARY (LICENSED) RESTAURANT AND FUNCTION CENTRE, TOURIST ACCOMMODATION (AND ASSOCIATED CAR PARKING DISPENSATION LIQUOR LICENSING & ADVERTISING).

Provide additional information on the proposal, including: plans and elevations; any information required by the planning scheme, requested by Council or outlined in a Council planning permit checklist; and if required, a description of the likely effect of the proposal.

Cost \$ LESS THAN \$7M

You may be required to verify this estimate.

Insert '0' if no development is proposed (eg. change of use, subdivision, removal of covenant, liquor licence)


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BY: .....

## Existing Conditions

- ④ Describe how the land is used and developed now \*  
eg. vacant, three dwellings, medical centre with two practitioners, licensed restaurant with 80 seats, grazing.

VACANT / DERELICT TIMBER SAWMILL.

 Provide a plan of the existing conditions. Photos are also helpful.

## Title Information


- ⑤ Encumbrances on title \*

If you need help about the title, read:

[How to complete the Application for Planning Permit form](#)

Does the proposal breach, in any way, an encumbrance on title such as a restrictive covenant, section 173 agreement or other obligation such as an easement or building envelope?

- ☐ Yes. (If 'yes' contact Council for advice on how to proceed before continuing with this application.)  
☐ No  
☒ Not applicable (no such encumbrance applies).



 Provide a full, current copy of the title for each individual parcel of land forming the subject site. (The title includes: the covering 'register search statement', the title diagram and the associated title documents, known as 'instruments', eg. restrictive covenants.)

## Applicant and Owner Details

- ⑥ Provide details of the applicant and the owner of the land.

**Applicant \***




The person who wants the permit.

|  |             |  |
|--|-------------|--|
| Name:  |             |  |
| Title:  | First Name: | Surname:   |
| Organisation (if applicable): M BRADSHAW & S BRADSHAW P/L                                  |             |  |
| Postal Address:  |             |  |
| Unit No.:  | St. No.:    | St. Name:  |
| Suburb/Locality:   |             | State:  Postcode: |

Where the preferred contact person for the application is different from the applicant, provide the details of that person.

Contact person's details \*

Same as applicant (If so, go to 'contact information') ☐

|   |                     |   |
|---|---------------------|---|
| Name:   |                     |   |
| Title: MR  | First Name: MATTHEW | Surname: PAYNE  |
| Organisation (if applicable): SPIRE AUSTRALIA P/L   |                     |   |
| Postal Address:   |                     |   |
| Unit No.:   | St. No.: LEVEL 2    | St. Name: 10 MOORABOOL ST  |
| Suburb/Locality: GEELONG  |                     | State: VIC  Postcode: 3226 |

Please provide at least one contact phone number \*

Contact information

|                          |                                   |
|--------------------------|-----------------------------------|
| Business Phone: 52496810 | Email: matthew.payne@spire.com.au |
| Mobile Phone: 0404231125 | Fax:                              |

**Owner \***

The person or organisation  
who owns the land

Where the owner is different  
from the applicant, provide  
the details of that person or  
organisation.

|  |                                  |                                |
|--|----------------------------------|--------------------------------|
| Name: <input type="checkbox"/> Same as applicant <input checked="" type="checkbox"/> |                                  |                                |
| Title: <input type="checkbox"/>  | First Name: <input type="text"/> | Surname: <input type="text"/>  |
| Organisation (if applicable): <input type="text"/>                                   |                                  |                                |
| Postal Address: <input type="text"/>   |                                  |                                |
| Unit No.: <input type="text"/>   | St. No.: <input type="text"/>    | St. Name: <input type="text"/> |
| Suburb/Locality: <input type="text"/>  | State: <input type="text"/>      | Postcode: <input type="text"/> |
| Owner's Signature (Optional): <input type="text"/>                                   |                                  | Date: <input type="text"/>     |
| day / month / year   |                                  |                                |

**Declaration**

⑦ This form must be signed by the applicant \*

⚠ Remember it is against  
the law to provide false or  
misleading information,  
which could result in a  
heavy fine and cancellation  
of the permit.

|  |                            |
|--|----------------------------|
| I declare that I am the applicant and that all the information in this application is true and correct, and the owner (if not myself) has been notified of the permit application. |                            |
| Signature: <input type="text"/>  | Date: <input type="text"/> |
| ON BEHALF OF PERMIT-APPLICANT<br>FOR SPIRE   | 17 / 10 / 14               |
| day / month / year   |                            |



## Need help with the Application?

If you need help to complete this form, read [How to complete the Application for Planning Permit form](#)  
General information about the planning process is available at [www.dpcd.vic.gov.au/planning](http://www.dpcd.vic.gov.au/planning)

Contact Council's planning department to discuss the specific requirements for this application and obtain a planning permit checklist. Insufficient or unclear information may delay your application.

- ⑧ Has there been a pre-application meeting with a Council planning officer?

☐ No ☒ Yes

If 'yes', with whom?: **BLAITHIN BUTLER**


Date: **ON - GOING ,** day / month / year

## Checklist

- ⑨ Have you:

☒ Filled in the form completely?

☒ Paid or included the application fee?

 Most applications require a fee to be paid. Contact Council to determine the appropriate fee.

 Provided all necessary supporting information and documents?

☒ A full, current copy of title information for each individual parcel of land forming the subject site

☒ A plan of existing conditions.

☒ Plans showing the layout and details of the proposal

☒ Any information required by the planning scheme, requested by council or outlined in a council planning permit checklist.

☒ If required, a description of the likely effect of the proposal (eg traffic, noise, environmental impacts).

☒ Completed the relevant Council planning permit checklist?

☒ Signed the declaration (section 7)?

## Lodgement

Lodge the completed and signed form, the fee payment and all documents with:

Colac Otway Shire  
PO Box 283 Colac VIC 3250  
2-6 Rae Street Colac VIC 3250

Contact information:

Telephone: 61 03 5232 9400

Email: [inq@colacotway.vic.gov.au](mailto:inq@colacotway.vic.gov.au)

Deliver application in person, by fax, or by post:

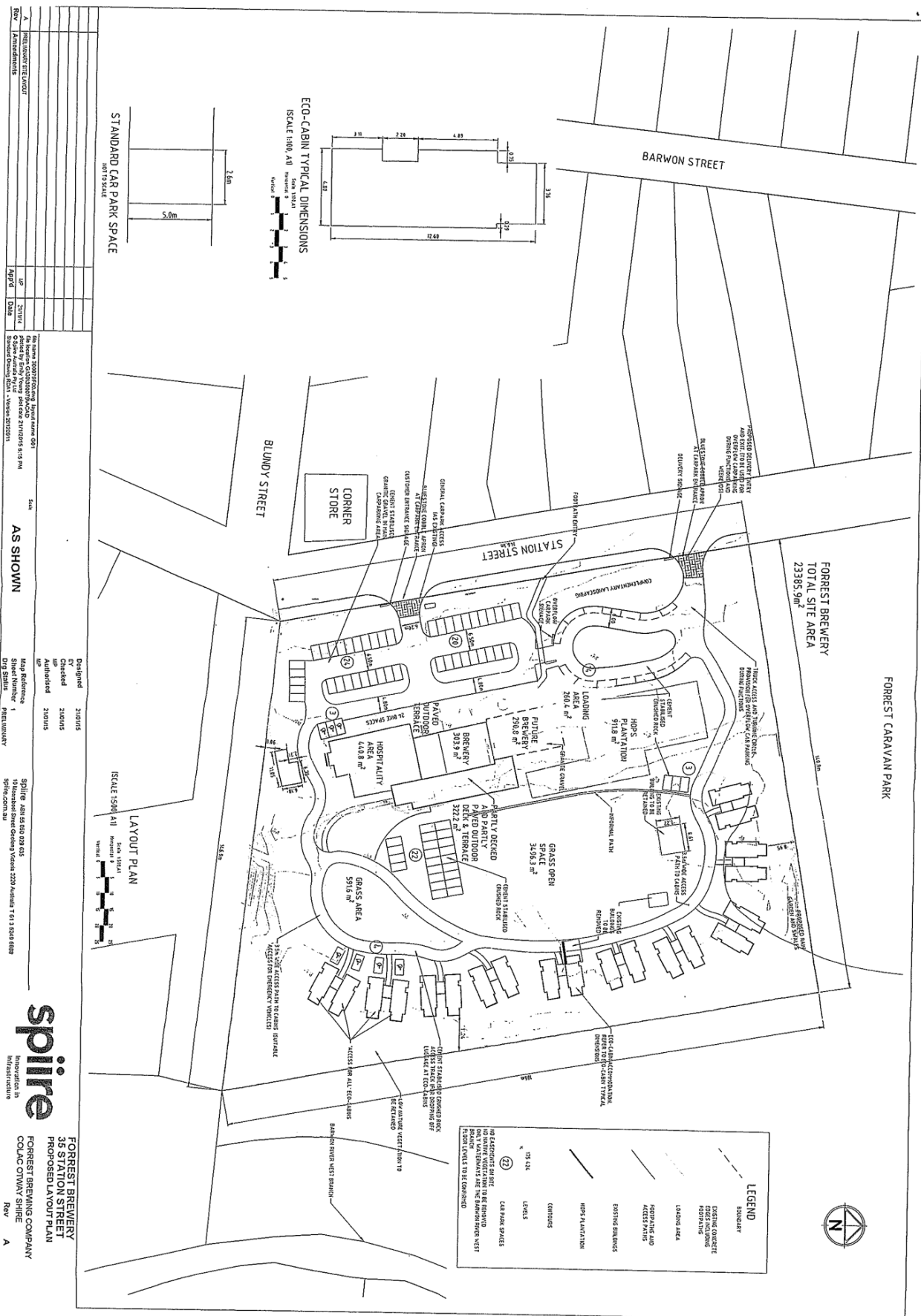
 Print Form

Make sure you deliver any required supporting information and necessary payment when you deliver this form to the above mentioned address. This is usually your local council but can sometimes be the Minister for Planning or another body.

Save Form:

 Save Form To Your Computer

You can save this application form to your computer to complete or review later or email it to others to complete relevant sections.



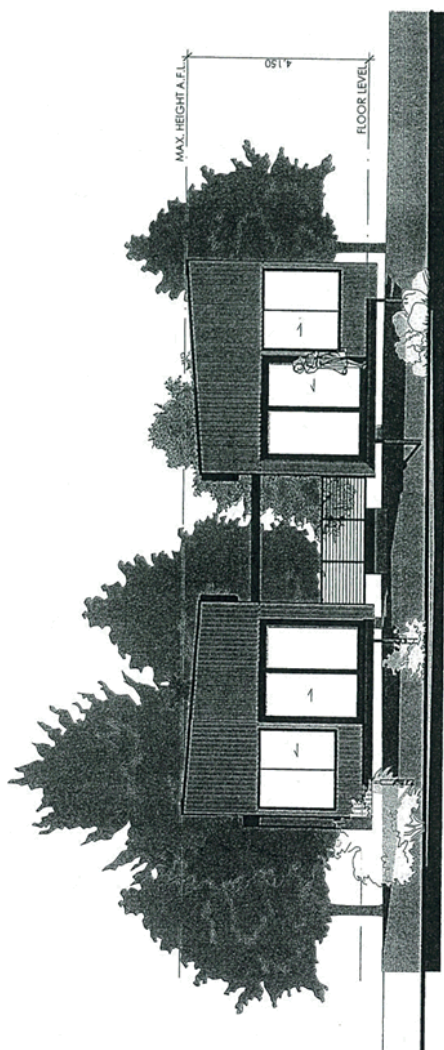
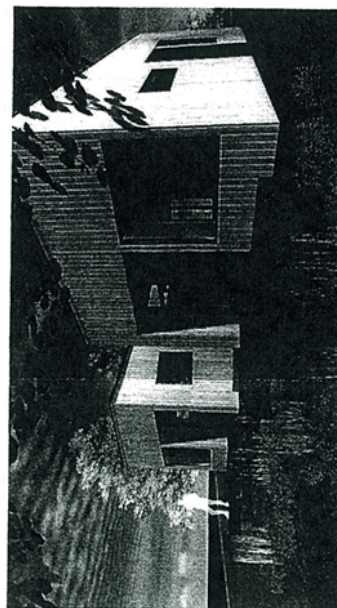
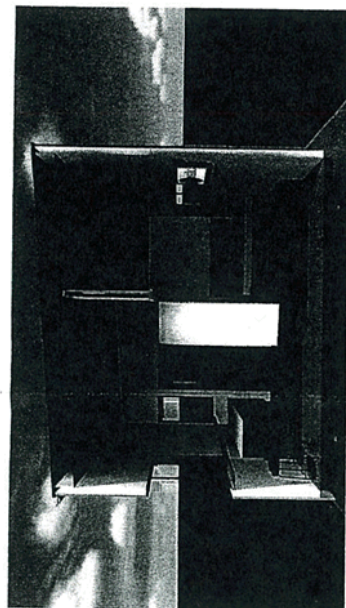
# FORREST BREWING COMPANY ACCOMMODATION

35 STATION STREET, FORREST, Wednesday, 26 November 2014

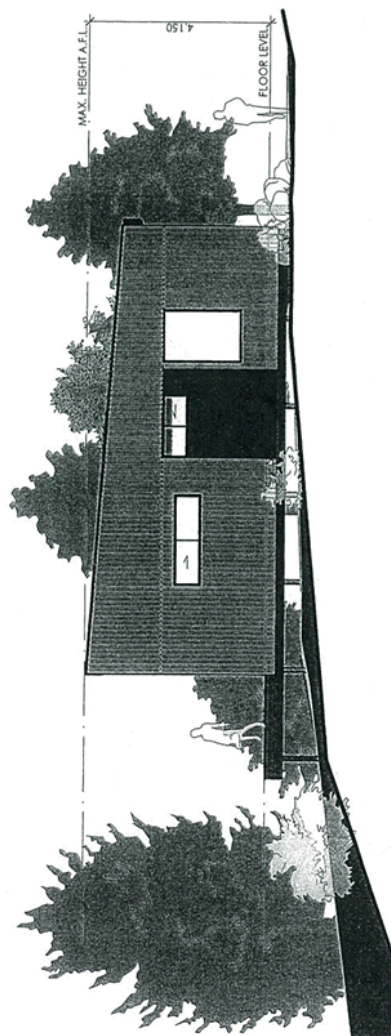


COLAC OTWAY  
SHIRE  
28 NOV 2014  
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DESTROY

## ELEVATIONS



3 ELEVATION



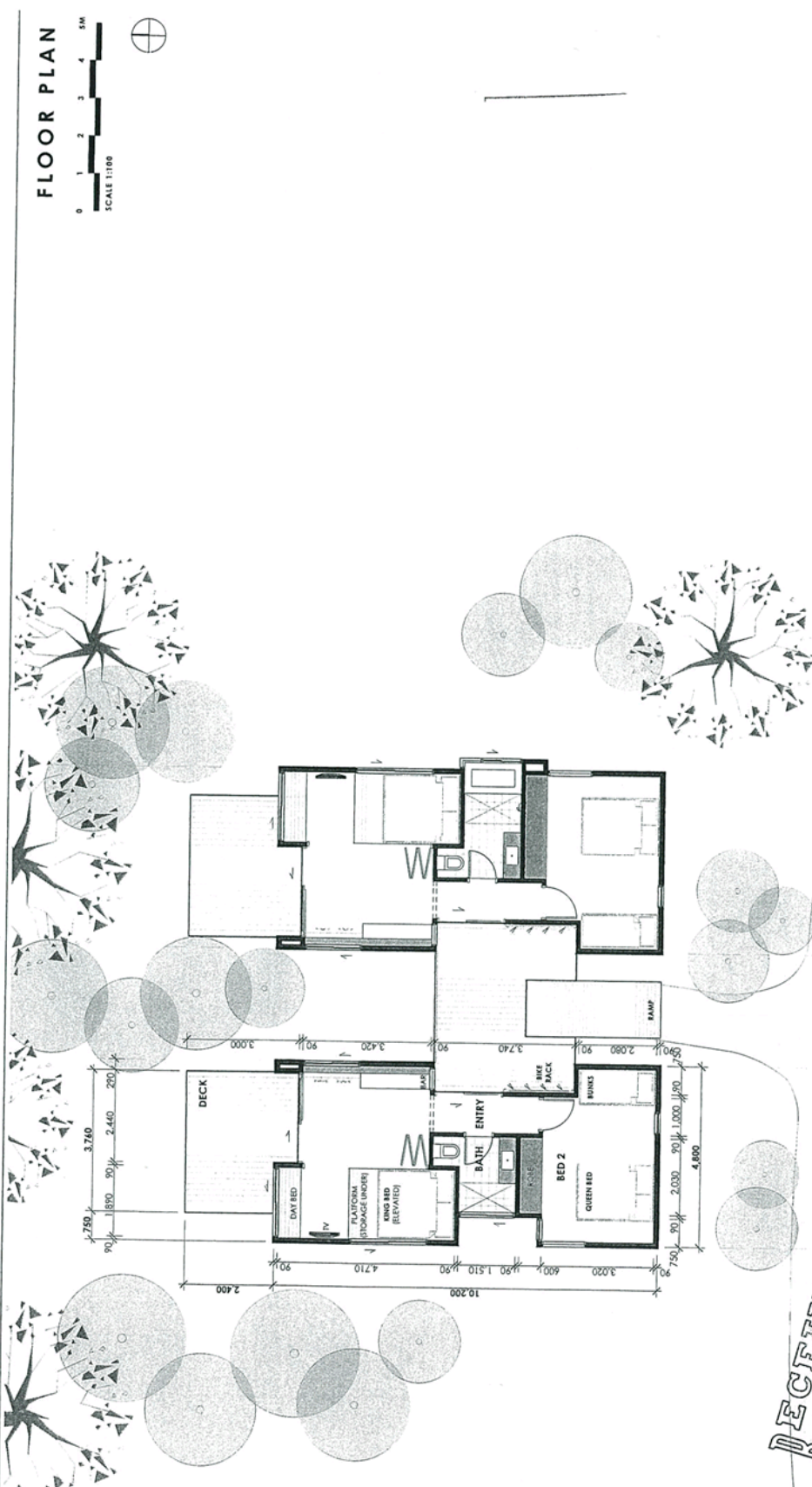
4 ELEVATION

altereco

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28 NOV 2014  
BY:

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**FORREST-BREWING COMPANY**

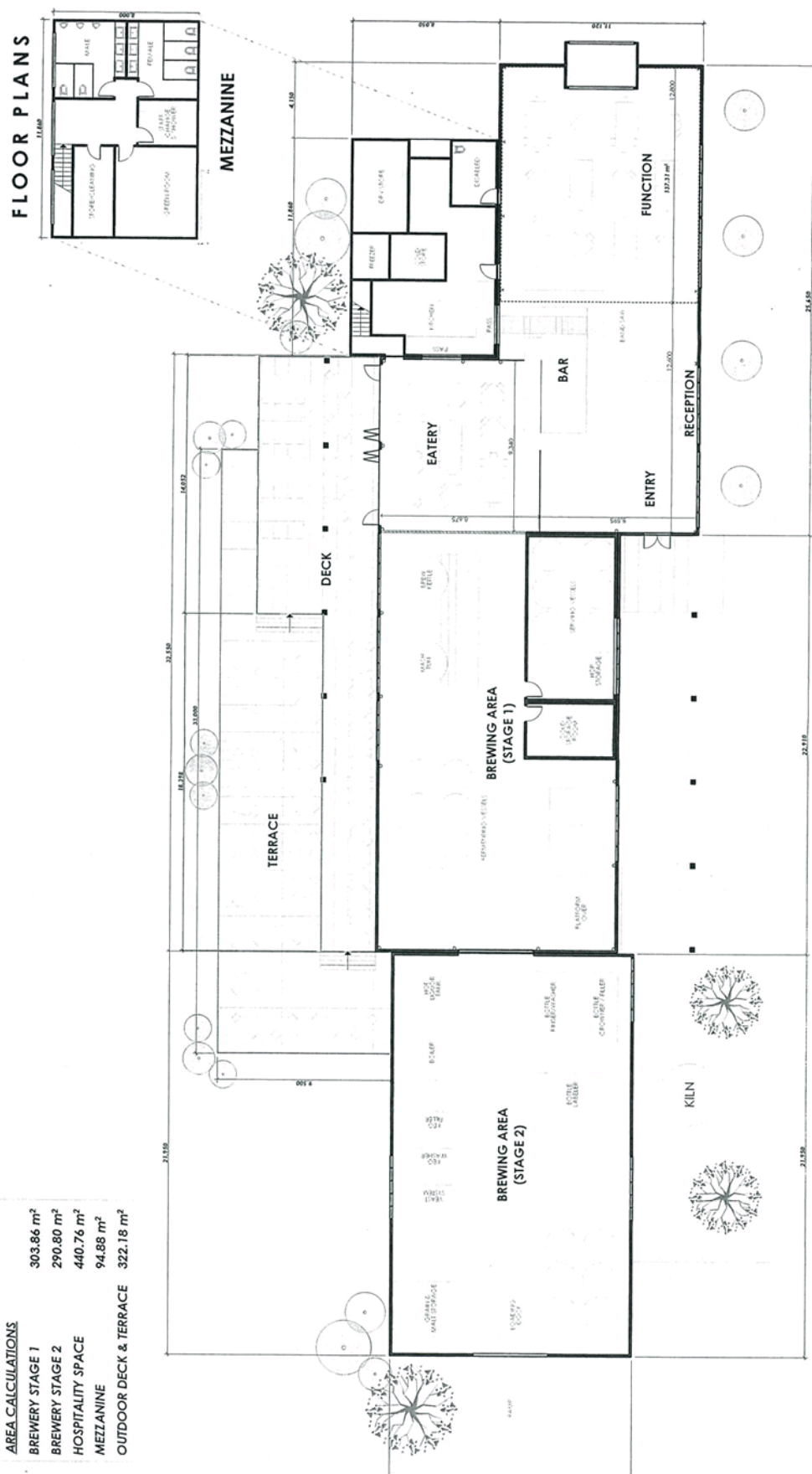
alterra.co

[illegible]



35 STATION STREET, FORREST, Thursday, 11 December 2014

|                        |                       |
|------------------------|-----------------------|
| AREA CALCULATIONS      |                       |
| BREWERY STAGE 1        | 303.86 m <sup>2</sup> |
| BREWERY STAGE 2        | 290.80 m <sup>2</sup> |
| HOSPITALITY SPACE      | 440.76 m <sup>2</sup> |
| MEZANINE               | 94.88 m <sup>2</sup>  |
| OUTDOOR DECK & TERRACE | 322.18 m <sup>2</sup> |



**FORREST  
BREWING  
COMPANY**

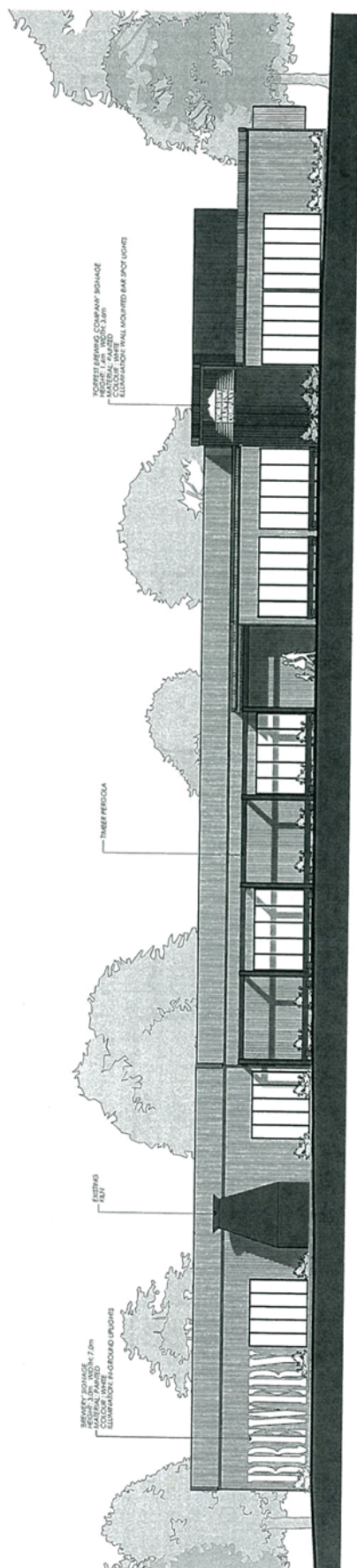
altereco

JAMES COOBLER  
 REGISTERED BUILDING PRACTITIONER - ON-NO. 2728  
 MID-60'S • BUILDING DESIGNERS ASSOC. VICTORIA  
 10 BAY 27 MARINVILLE VIC 3208 • 03 5185 1075 • ALTERNATIVE/ETAI  
 DESIGN • CONCEPTUAL • 3D • 4D • 5D • 6D • 7D • 8D • 9D • 10D • 11D • 12D • 13D • 14D • 15D • 16D • 17D • 18D • 19D • 20D • 21D • 22D • 23D • 24D • 25D • 26D • 27D • 28D • 29D • 30D • 31D • 32D • 33D • 34D • 35D • 36D • 37D • 38D • 39D • 40D • 41D • 42D • 43D • 44D • 45D • 46D • 47D • 48D • 49D • 50D • 51D • 52D • 53D • 54D • 55D • 56D • 57D • 58D • 59D • 60D • 61D • 62D • 63D • 64D • 65D • 66D • 67D • 68D • 69D • 70D • 71D • 72D • 73D • 74D • 75D • 76D • 77D • 78D • 79D • 80D • 81D • 82D • 83D • 84D • 85D • 86D • 87D • 88D • 89D • 90D • 91D • 92D • 93D • 94D • 95D • 96D • 97D • 98D • 99D • 100D • 101D • 102D • 103D • 104D • 105D • 106D • 107D • 108D • 109D • 110D • 111D • 112D • 113D • 114D • 115D • 116D • 117D • 118D • 119D • 120D • 121D • 122D • 123D • 124D • 125D • 126D • 127D • 128D • 129D • 130D • 131D • 132D • 133D • 134D • 135D • 136D • 137D • 138D • 139D • 140D • 141D • 142D • 143D • 144D • 145D • 146D • 147D • 148D • 149D • 150D • 151D • 152D • 153D • 154D • 155D • 156D • 157D • 158D • 159D • 160D • 161D • 162D • 163D • 164D • 165D • 166D • 167D • 168D • 169D • 170D • 171D • 172D • 173D • 174D • 175D • 176D • 177D • 178D • 179D • 180D • 181D • 182D • 183D • 184D • 185D • 186D • 187D • 188D • 189D • 190D • 191D • 192D • 193D • 194D • 195D • 196D • 197D • 198D • 199D • 200D • 201D • 202D • 203D • 204D • 205D • 206D • 207D • 208D • 209D • 210D • 211D • 212D • 213D • 214D • 215D • 216D • 217D • 218D • 219D • 220D • 221D • 222D • 223D • 224D • 225D • 226D • 227D • 228D • 229D • 230D • 231D • 232D • 233D • 234D • 235D • 236D • 237D • 238D • 239D • 240D • 241D • 242D • 243D • 244D • 245D • 246D • 247D • 248D • 249D • 250D • 251D • 252D • 253D • 254D • 255D • 256D • 257D • 258D • 259D • 260D • 261D • 262D • 263D • 264D • 265D • 266D • 267D • 268D • 269D • 270D • 271D • 272D • 273D • 274D • 275D • 276D • 277D • 278D • 279D • 280D • 281D • 282D • 283D • 284D • 285D • 286D • 287D • 288D • 289D • 290D • 291D • 292D • 293D • 294D • 295D • 296D • 297D • 298D • 299D • 300D • 301D • 302D • 303D • 304D • 305D • 306D • 307D • 308D • 309D • 310D • 311D • 312D • 313D • 314D • 315D • 316D • 317D • 318D • 319D • 320D • 321D • 322D • 323D • 324D • 325D • 326D • 327D • 328D • 329D • 330D • 331D • 332D • 333D • 334D • 335D • 336D • 337D • 338D • 339D • 340D • 341D • 342D • 343D • 344D • 345D • 346D • 347D • 348D • 349D • 350D • 351D • 352D • 353D • 354D • 355D • 356D • 357D • 358D • 359D • 360D • 361D • 362D • 363D • 364D • 365D • 366D • 367D • 368D • 369D • 370D • 371D • 372D • 373D • 374D • 375D • 376D • 377D • 378D • 379D • 380D • 381D • 382D • 383D • 384D • 385D • 386D • 387D • 388D • 389D • 390D • 391D • 392D • 393D • 394D • 395D • 396D • 397D • 398D • 399D • 400D • 401D • 402D • 403D • 404D • 405D • 406D • 407D • 408D • 409D • 410D • 411D • 412D • 413D • 414D • 415D • 416D • 417D • 418D • 419D • 420D • 421D • 422D • 423D • 424D • 425D • 426D • 427D • 428D • 429D • 430D • 431D • 432D • 433D • 434D • 435D • 436D • 437D • 438D • 439D • 440D • 441D • 442D • 443D • 444D • 445D • 446D • 447D • 448D • 449D • 450D • 451D • 452D • 453D • 454D • 455D • 456D • 457D • 458D • 459D • 460D • 461D • 462D • 463D • 464D • 465D • 466D • 467D • 468D • 469D • 470D • 471D • 472D • 473D • 474D • 475D • 476D • 477D • 478D • 479D • 480D • 481D • 482D • 483D • 484D • 485D • 486D • 487D • 488D • 489D • 490D • 491D • 492D • 493D • 494D • 495D • 496D • 497D • 498D • 499D • 500D • 501D • 502D • 503D • 504D • 505D • 506D • 507D • 508D • 509D • 510D • 511D • 512D • 513D • 514D • 515D • 516D • 517D • 518D • 519D • 520D • 521D • 522D • 523D • 524D • 525D • 526D • 527D • 528D • 529D • 530D • 531D • 532D • 533D • 534D • 535D • 536D • 537D • 538D • 539D • 540D • 541D • 542D • 543D • 544D • 545D • 546D • 547D • 548D • 549D • 550D • 551D • 552D • 553D • 554D • 555D • 556D • 557D • 558D • 559D • 560D • 561D • 562D • 563D • 564D • 565D • 566D • 567D • 568D • 569D • 570D • 571D • 572D • 573D • 574D • 575D • 576D • 577D • 578D • 579D • 580D • 581D • 582D • 583D • 584D • 585D • 586D • 587D • 588D • 589D • 590D • 591D • 592D • 593D • 594D • 595D • 596D • 597D • 598D • 599D • 600D • 601D • 602D • 603D • 604D • 605D • 606D • 607D • 608D • 609D • 610D • 611D • 612D • 613D • 614D • 615D • 616D • 617D • 618D • 619D • 620D • 621D • 622D • 623D • 624D • 625D • 626D • 627D • 628D • 629D • 630D • 631D • 632D • 633D • 634D • 635D • 636D • 637D • 638D • 639D • 640D • 641D • 642D • 643D • 644D • 645D • 646D • 647D • 648D • 649D • 650D • 651D • 652D • 653D • 654D • 655D • 656D • 657D • 658D • 659D • 660D • 661D • 662D • 663D • 664D • 665D • 666D • 667D • 668D • 669D • 670D • 671D • 672D • 673D • 674D • 675D • 676D • 677D • 678D • 679D • 680D • 681D • 682D • 683D • 684D • 685

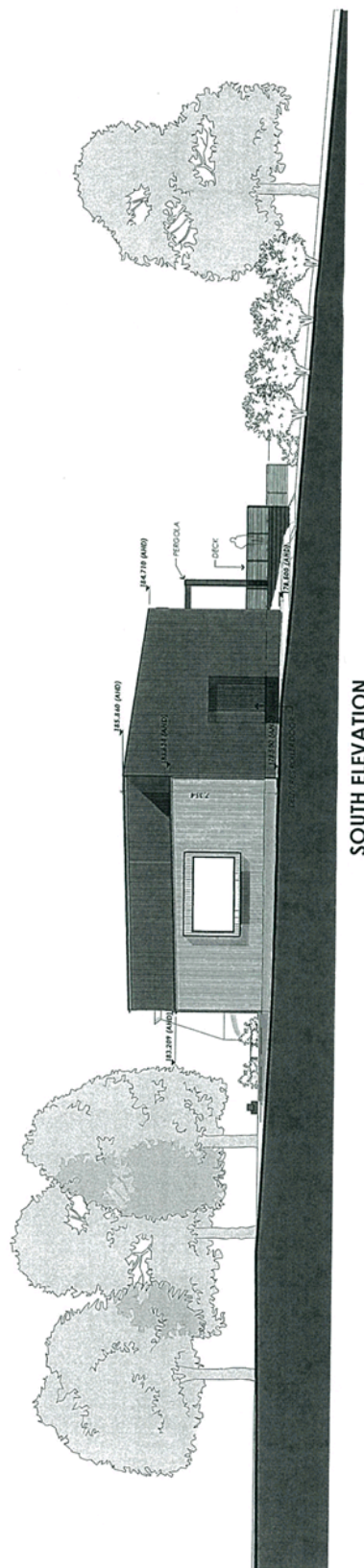
35 STATION STREET, FORREST, Thursday, 11 December 2014



## ELEVATIONS



## WEST ELEVATION



## SOUTH ELEVATION



JAMES COOKE LTD  
REGISTERED BUILDING PRACTITIONERS LTD NO 2728  
MEMBER BUILDING SOCIETY ASSOCIATION  
10 BIRCH 22 MORNHILL VIC 3008 1 ON THIS SITE 1 INTERESTED PARTY  
DESIGN OCCUPATION USES CONSENT CHAIRMAN OF AUSTRALIAN BUILDING

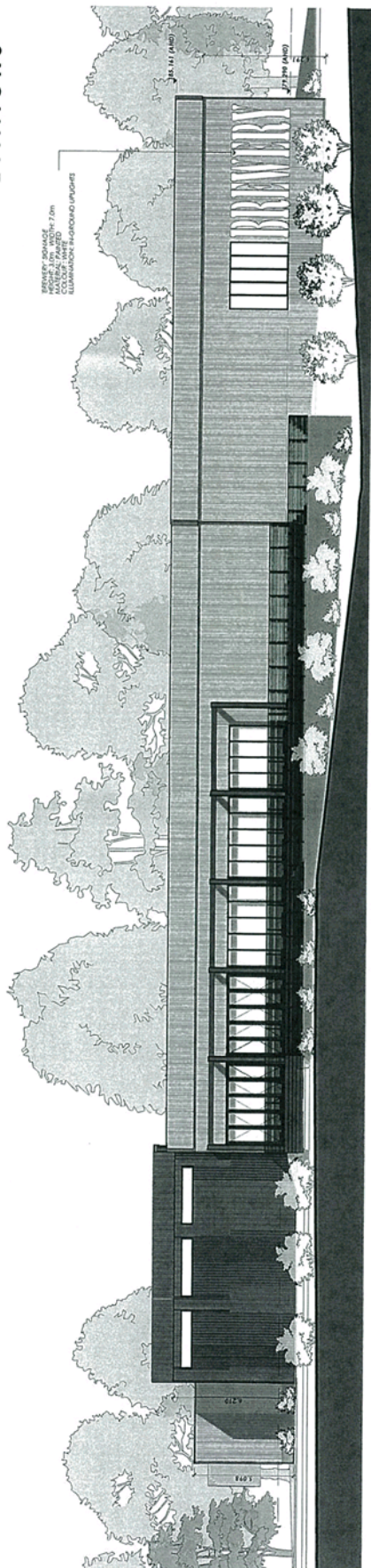


# FORREST BREWING COMPANY BREWERY & HOSPITALITY SPACE

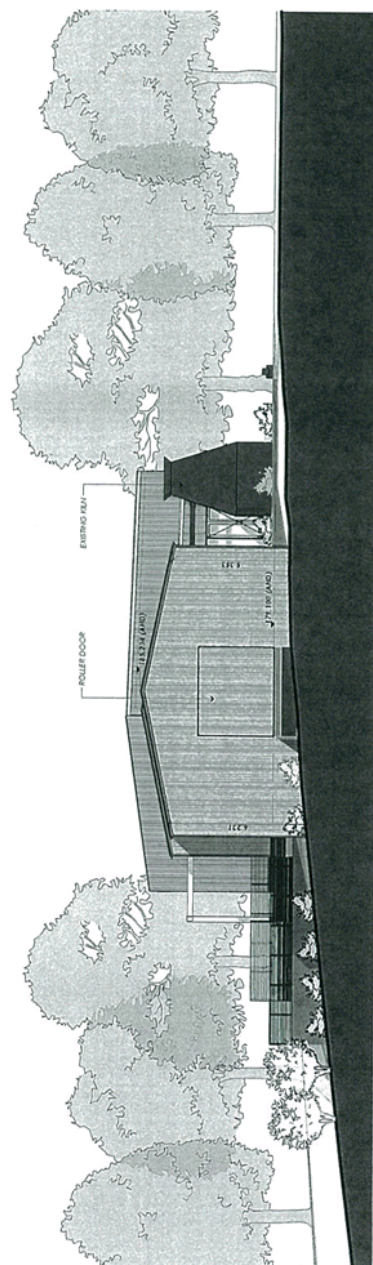
35 STATION STREET, FORREST, Thursday, 11 December 2014

0 2 4 6 8 10M  
SCALE 1:200

## ELEVATIONS



EAST ELEVATION



NORTH ELEVATION



DESIGNED BY  
ARCHITECT  
FORREST BREWING COMPANY  
35 STATION STREET, FORREST  
11 DECEMBER 2014

- Stormwater will be discharged from the site generally in the locations (now highlighted in red) identified on the below map (extract from the Stormwater Assessment accompanying the permit-application). The plan indicates that the discharges will be dispersed across the eastern and part of the southern boundaries (blue triangle).
- Where required, the stormwater will be suitably held on site to ensure discharges will not exceed existing peak flow rates.

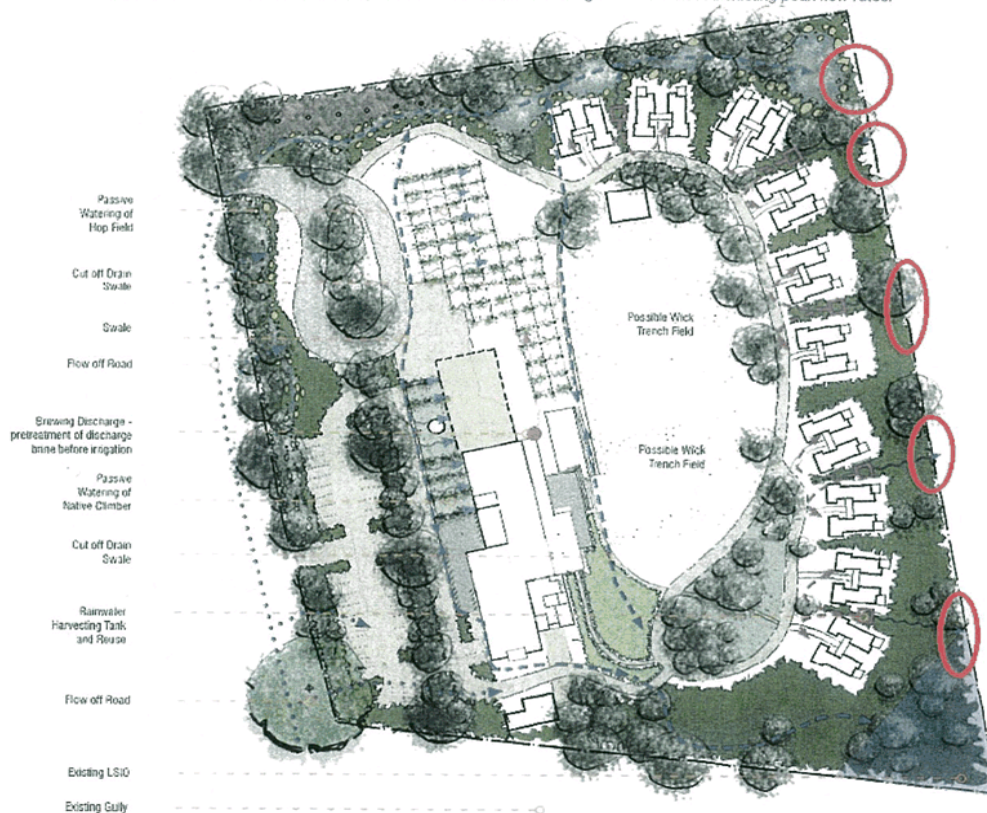
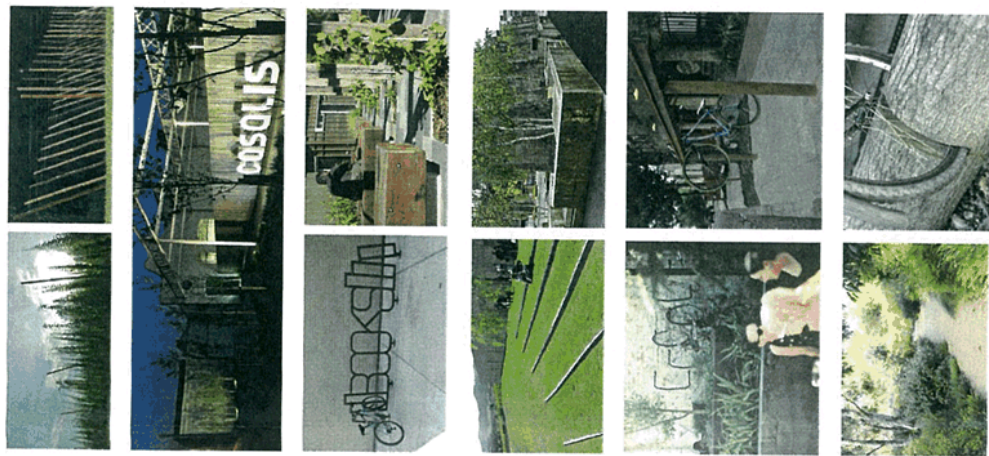


Figure 2: Site Stormwater Management Layout Plan





Proposed rain gardens and swales to treat surface run-off for re-use.

Eco-cabin accommodation.

Existing structure to be retained.

Informal path access to cabins and open lawn area.

Low native vegetation to retain views.

Stair detail to provide informal seating, viewing and access.

Intimate lawn area with scattered tree planting to provide informal/passive space.

Terraced outdoor dining and seating area with views over open lawn area and Olways landscape.

Culinary garden to provide hospitality venue with seasonal produce.

Eco-cabin accommodation. Clustered around intimate lawn area to cater for group bookings.

Native revegetation of embankment to provide native habitat, weed/erosion control, and seasonal interest.



Retain existing timber stacking structures. Underplant with low native feature planting and upright to form feature.

Hops plantation surrounding brewing factory. Growing structure to create sculptural element, and house solar PV cells to provide informal lighting.

Truck turning circle and overflow carpark for functions.

Loading bay.

Future brewery extension, surfaced in gravel to provide additional terrace space.

Existing bin retained as a feature within the entry lawn space.

Ornamental, native climbers and a low seating wall frame the lawn space.

Brewery entry terrace with feature bike parking facilities.

Primary entry from Station St.

Proposed hospitality venue housed within existing building.

Retain existing vegetation along frontage. Additional native planting to be undertaken.

Waste treatment and bin storage at back of house.

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17 JAN 2015

BY: .....



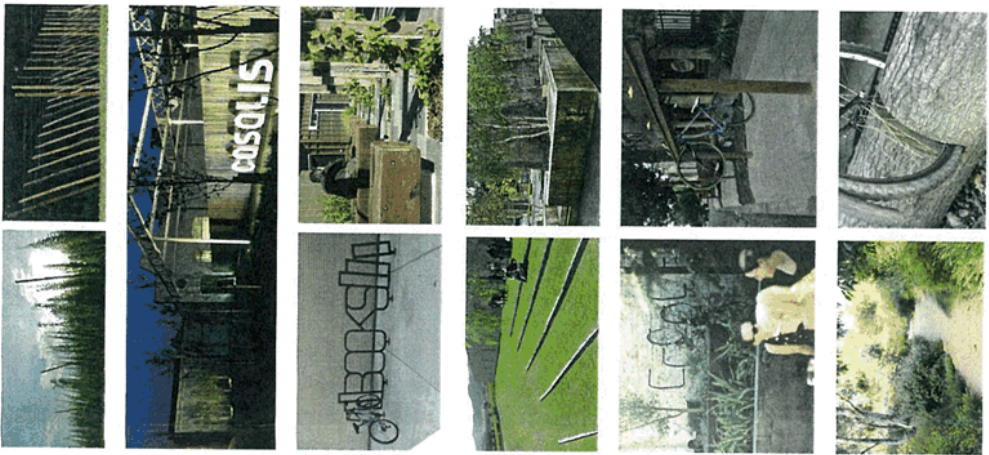
Client Forrester Brewing Company

|            |             |            |            |             |          |
|------------|-------------|------------|------------|-------------|----------|
| Drawing No | 300079 RevD | Scale      | 1:400 @ A1 | Date        | 12.01.15 |
| Drawn By   | RH          | Checked by | AW         | Approved by | MY       |

spire

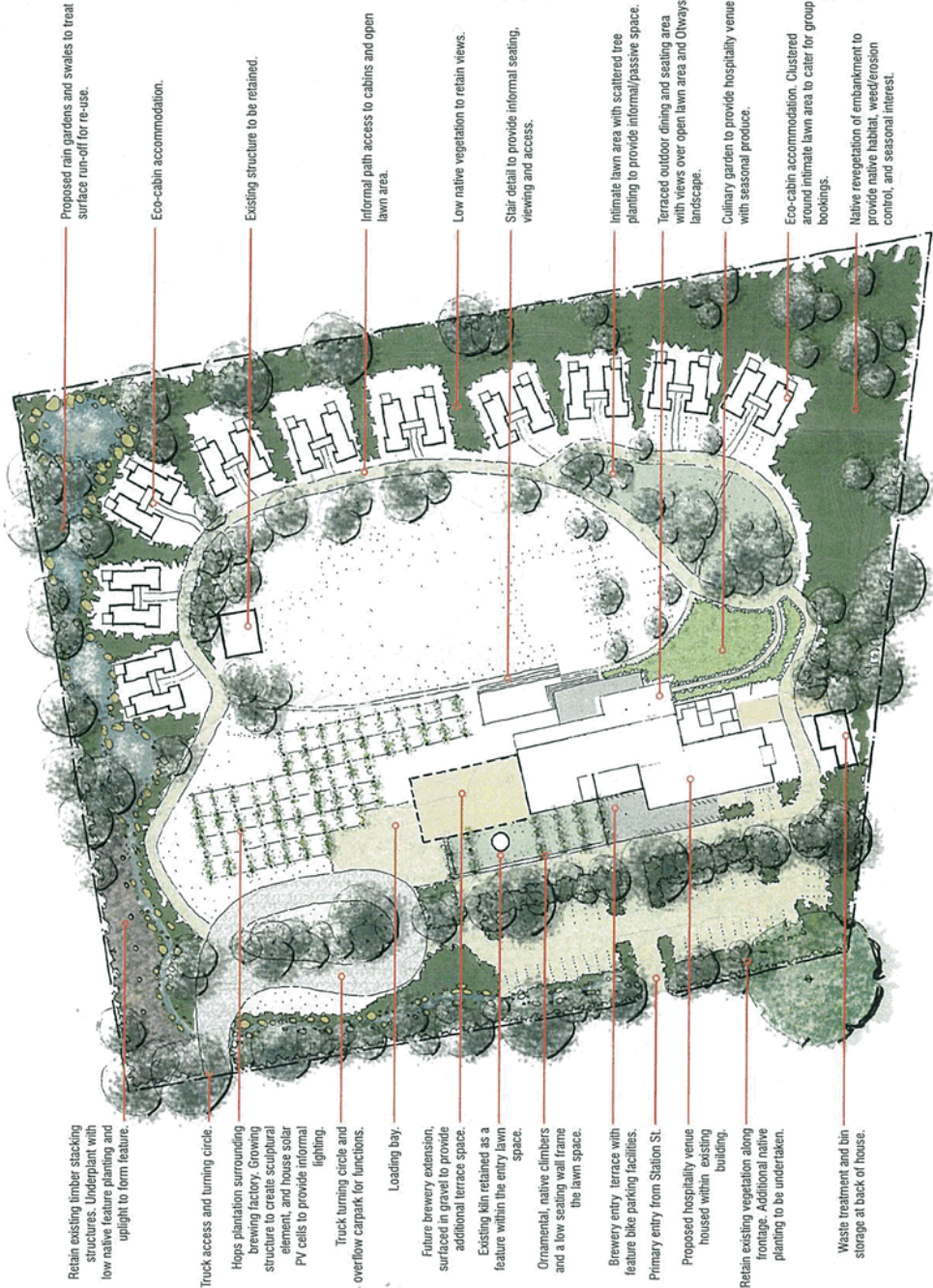
Forrester Brewery | Liquor Licensing Red Line Plan





spire

|            |                         |            |            |             |
|------------|-------------------------|------------|------------|-------------|
| Client     | Forrest Brewing Company |            |            |             |
| Drawing No | 300079 RevD             | Scale      | 1:400 @ A1 | Date        |
| 19.01.15   |                         |            |            |             |
| Drawn By   | RH                      | Checked by | AW         | Approved by |
|            |                         |            |            | MY          |



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Forrest Brewery | Landscape Master Plan

## Neighbourhood Amenity statement

Operational issues

24 Nov 2014, updated 29 Jan 2015

### Summary

A hospitality space, function centre and accommodation precinct is proposed to work alongside a craft-brewery on the site of the former timber mill situated at 35 Station Street, Forrest.

Large scale timber milling activities were undertaken on the Station Street site, from the 1940's until 2003. Although prior use rights have lapsed, historically the neighbourhood experienced noise, heavy traffic and dust from large scale industrial activities for over 60 years.

As part of the planning permit assessment process, Colac Otway Shire has requested a neighbourhood amenity impact statement relating to the Hospitality & Accommodation component of the proposed development. This document discusses the potential impact to the surrounding areas and provides recommendations to manage the issues identified.

This assessment has factored in the following

#### 1. The size of the property and proposed development

The property is approximately 2.3 hectares in size and was formerly the Forrest Timber Products sawmill facility.

The development includes

A craft brewery (303.9 sqm – 290.8 sqm)

A restaurant (440.8 sqm)

x20 accommodation units

#### 2. Surrounding land use

The site is on the Eastern boundary of the Township Zone and borders Station Street to the West, a recreational area to the north, a drainage gully on Crown land to the south and farmland to the east. Of the eight residential blocks facing the Station Street site, only three houses are occupied by permanent residents. One property is leased to a commercial tenant, three properties are vacant land and the final is a weekenders.

See accompanying map of site impact.

#### 3. The scale of operations

Craft brewing operations are discussed in the EnviroRisk Amenity Impact Risk Assessment. This document details scale of the Hospitality & Accommodation operations.

Restaurant 120 seats

Function area 80 additional seats

Accommodation 20 units accommodating up to 120 guests



#### 4. The operational hours

|              |               |                                       |              |
|--------------|---------------|---------------------------------------|--------------|
| Mon – Sunday | Restaurant    | 8am – midnight<br>Licensed until 11pm | Seasonal     |
| Mon – Sunday | Function area | 8am – midnight<br>Licensed until 11pm | Intermittent |
| Mon – Sunday | Accommodation | 24 hrs                                | Seasonal     |

#### 5. Delivery & Dispatch of Goods

Refer to appendix A.

#### 6. Lighting requirements

Lighting at entrance & exits, along pathways and around the parameters of the building(s).

External security lighting where necessary

Delivery areas and staff exits

Patron Exit designed so that departing cars turn left, mitigating the impact of headlights from vehicles. Patron carpark entrance opposite commercial property and vacant land.

#### 7. Energy demands

Electricity will be the main source of energy, supply to be connected from the existing Ground Type Substation. Electricity supply will be supplemented with bottled gas and solar panels.

#### 8. Acoustics

Built structures and building design are expected to contain patron noise. With outdoor seating areas and accommodation facing east or north where there are no immediate neighbours.

Easterly aspect in design is away from neighbours.

Signage 'please be considerate of neighbours'; Management enforcement of raucous behaviour;

#### 9. Traffic Management

Adequate provision for parking is available within the site. Refer to Traffic and Parking Impact Assessment for further information

#### 10. Waste Management

##### a. Waste water

A suitable on-site septic treatment system will be installed and operated in accordance with EPA guidelines and will be located on the southern boundary where there are no immediate neighbours.

##### b. Hard rubbish & recycling

Hard rubbish & recycling will be collected by a Colac based commercial operation.

Rubbish & recycling stations to be located in southern facilities area away from residents. Appropriate controls and hygiene practices to negate waste build-up.

Rubbish will be collected weekly, with normal trading hours Mon – Friday 9.00 – 5.00pm



| Amenity Aspect | Source  | Spatial Impact | Frequency | Risk (pre-controls) | Design and Operational Risk Mitigation Measures   | Residual Risk (post design improvements & mitigation measures) |
|----------------|---|----------------|-----------|---------------------|---|--|
| <b>Traffic</b> | Multi patron & delivery vehicles entering & exiting site  | High           | High      |                     | Signage 'please be considerate of neighbours'.<br>Car park close to restaurant entrance, carpark entrance opposite commercial business.<br>Adequate car parking on site<br><br>Dedicated delivery area; deliveries and product despatch restricted to day period only.<br><br>Vehicles to observe neighbourhood speed limits. | High   |
| <b>Light</b>   | On-site lighting<br><br>Lights from vehicles exiting site | Low            | High      | Moderate            | Low wattage lighting at entrance & exits, along pathways and around the parameters of the building(s). Sensor lighting will be used where appropriate.<br><br>Access designed so that departing cars turn left. Carpark entrance opposite commercial site.  | Moderate   |

**Spatial Impact Zone:**

Low – Only one or two houses impacted (typically <10 people influenced), Moderate – 1 – 20 house impacted (typically <100 people impacted), High – Many houses and even commercial properties impacted (typically 100 -1000 people impacted), Severe – Township/ substantial area impact (typically >1000 impacted)

**Frequency of events with nuisance potential:**

Low – monthly or longer periods, Moderate – weekly to several times per month, High – Many times during a week, Severe – Many times a day

| Amenity Aspect      | Source   | Spatial Impact | Frequency | Risk (pre-controls) | Design and Operational Risk Mitigation Measures   | Residual Risk (post design improvements & mitigation measures) |
|---------------------|--|----------------|-----------|---------------------|---|--|
| <b>Dust</b>         | On-site Roadways   | Moderate       | High      | Moderate            | <ul style="list-style-type: none"> <li>Entrance, car park and delivery roads prepared with suitable surfaces to mitigate dust. Grounds regularly maintained.</li> <li>Speed limit = 'walking speed'.</li> </ul>   | Low  |
| <b>Odour – etc.</b> | Plant and equipment – brewery<br><br>Food odour<br><br>Waste Treatment | Moderate       | High      | Moderate            | <ul style="list-style-type: none"> <li>Passive venting of vessels; etc.</li> <li>Appropriate controls over production and hygiene practices to negate waste build-up.</li> <li>Expected to be cooking type odour only.</li> <li>Passive venting of commercial kitchens.</li> <li>Commercial food production facilities located in the SE corner of the restaurant facility. Food odour expected to be contained within built structure or site boundaries.</li> <li>Waste water treatment system installed and operated as per EPA Code of practice – Onsite Wastewater Management, 2013 specifications.</li> </ul> | Low  |
| <b>Visual</b>       |  | Moderate       | N/A       |                     | <ul style="list-style-type: none"> <li>Site design will improve current site conditions.</li> <li>Design provides for open space and green areas</li> </ul>   | N/A  |

| Amenity Aspect | Source                                   | Spatial Impact | Frequency | Risk (pre-controls) | Design and Operational Risk Mitigation Measures   | Residual Risk (post design improvements & mitigation measures) |
|----------------|--|----------------|-----------|---------------------|---|--|
|                | Multi vehicles on-site & streets         | High           | Moderate  | Moderate            | <ul style="list-style-type: none"> <li>Deliveries and product despatch restricted to day period only;</li> <li>Entrance, car park and delivery roads prepared with suitable surfaces to mitigate dust. Grounds regularly maintained.</li> <li>Speed limit signage: 'walking pace only';</li> <li>Signage: 'please be considerate of neighbours'.</li> </ul> | Low (general)/<br>Moderate (during functions)                  |
|                | Delivery vehicles on surrounding streets | High           | Moderate  | Moderate            | <ul style="list-style-type: none"> <li>Dedicated delivery area;</li> <li>Deliveries and product despatch restricted to day period only;</li> <li>Vehicles to observe neighbourhood speed limits.</li> </ul>   | Low  |
|                | Plant and equipment – restaurant         | Moderate       | Low       | Moderate            | <ul style="list-style-type: none"> <li>All potentially noisy plant to be located on easterly side;</li> <li>Silencer on extraction system as required.</li> </ul>   | Low  |
|                | Plant and equipment – brewery            | Moderate       | Low       |                     | <ul style="list-style-type: none"> <li>Indoor equipment plant, low noise.</li> <li>Acoustic review to comply with SEPP N-1 – attenuation as required to comply</li> </ul>   | Low  |
|                | Patrons at cabins                        | Moderate       | Low       |                     | <ul style="list-style-type: none"> <li>Distance to neighbours and north to south easterly aspect is designed to minimise impact</li> </ul>  | Low  |



PP204/2014 - 35 Station Street Forrest - Forrest Brewery (Refer to attached neighbourhood plan as to potential impact areas).

Neighbourhood Amenity Risk Assessment & Mitigation Specifications

29 January 2014

| Amenity Aspect | Source                                | Spatial Impact | Frequency | Risk (pre-controls) | Design and Operational Risk Mitigation Measures   | Residual Risk (post design improvements & mitigation measures) |
|----------------|---------------------------------------|----------------|-----------|---------------------|---|--|
| Noise          | Amplified Music                       | Moderate       | High      | High                | <ul style="list-style-type: none"> <li>Easterly aspect in design is away from neighbours;</li> <li>Indoors only post dusk unless confirmed to be inaudible at site boundaries;</li> <li>Maximum 11pm end time;</li> <li>Average &lt;2x per week (amplified music)</li> <li>Function room acoustically treated/ designed;</li> <li>Acoustic review by qualified practitioner to demonstrate compliance with SEPP (N-2).</li> </ul> | Moderate (post 6pm times)/                                     |
|                |                                       |                |           |                     |   | Low (all other times)  |
|                | Patron noise at restaurant/ functions | Moderate       | Moderate  | Moderate            | <ul style="list-style-type: none"> <li>Signage 'please be considerate of neighbours';</li> <li>Management enforcement of raucous behaviour;</li> <li>Car park close to restaurant entrance.</li> <li>Overflow carpark to enable on site parking.</li> </ul>   | Low (general)/   |
|                |                                       |                |           |                     |   | Moderate (during functions)                                    |

| Source | Amenity Issue | Operational response  |
|--------|---------------|---|
|        | Traffic       | <p>Adequate provision for parking is available within the site.</p> <p>Refer to Traffic and Parking Impact Assessment for further information</p> <p>Patron &amp; parking management between main car park and overflow car park.</p> <p>An A-Frame sign will be used to communicate that the main car park is full and additional car parking is available in the overflow car park during evening functions and weekends/public holidays.</p> <p>The requirement for overflow car parking is only expected during evening functions and weekends / public holidays.</p> |

| Source          | Amenity Issue | Operational response  |
|-----------------|---------------|---|
| Food Production | Odour         | <p>The smell of freshly cooked food could rare generates an adverse impact.</p> <p>Commercial food production facilities are located in the SE corner of the restaurant facility. Any food aroma is likely to be contained within the grounds.</p> <p>Appropriate controls over food safety &amp; handling will be practised at all times.</p>  |
| Waste Treatment | Odour         | Waste water treatment system installed as per EPA Code of practise will be installed on the site.   |
| Lighting        | Light         | <p>Considerate lighting design will be used throughout the site.</p> <p>Preference given to sensor switches to turn lights off where appropriate and safe.</p> <p>Low watt lights will be used through the site.</p>  |
| Visuals         | Views         | <p>Given the derelict state of the site, the visual aspect is expected to improve considerably.</p> <p>The site has been designed to capture the views across the eastern valley retaining lots of open space.</p> <p>The aesthetic designs of the main building reflects the post-industrial history. With a neutral colour palette, using corrugated steel, glass and timber.</p> <p>A preference has been given to natural surfaces and retaining existing vegetation so that the site looks like a landscaped park rather than a supermarket.</p>                                     |
| Acoustics       | Noise         | <p>Restaurant patrons are positioned indoors and/or outdoors on the eastern side of the built structures. The construction of the building itself will contain indoor patron noise. Patron noise from the outdoor terrace will be blocked by the building itself.</p> <p>There are no immediate neighbours located near the accommodation units.</p> <p>Signage will be placed within the restaurant and reception areas asking patrons to respect the neighbourhood and keep noise to a min. when leaving the grounds.</p> <p>No amplified music will be played outdoors after dusk.</p> |
| Deliveries      | Traffic       | Deliveries will take place between Monday – Friday 9 – 5.   |





