

**PLANNING COMMITTEE MEETING**

**SUMMARY MINUTES**

**11 MARCH 2015**

**at 10:30 AM**

**COPACC Meeting Rooms**

**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.*

**2. PRESENT**

Cr Frank Buchanan (Mayor)  
Cr Brian Crook  
Cr Michael Delahunty  
Cr Stephen Hart  
Cr Lyn Russell  
Cr Chris Smith  
Cr Terry Woodcroft  
Sue Wilkinson, Chief Executive Officer  
Doug McNeill, A/General Manager Sustainable Planning and Development  
Colin Hayman, General Manager Corporate & Community Services  
Phil Corluka, General Manager Infrastructure & Service  
Blaitin Butler, A/ Manager Planning & Building  
Jane Preston-Smith, Executive Officer Sustainable Planning & Development

**3. APOLOGIES**

Nil

**4. MAYORAL STATEMENT**

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

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

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

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

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

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

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

## 5. DECLARATION OF INTEREST

Cr Michael Delahunty:	Use and development of 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, forest (PP204/2014)
Nature of Disclosure:	Indirect Interest
Type of Indirect Interest:	78B
Nature of Interest:	Provided advice to third party regarding use and development of site.

## 6. VERBAL SUBMISSIONS FROM APPLICANTS/OBJECTORS

PC151103-1 Objector David Frizon  
 PC151103-1 Objector Don MacSweeney  
 PC151103-1 Objector John Marriner  
 PC151103-1 Applicant Matthew Payne - Spiire

## 7. CONFIRMATION OF MINUTES

- **Planning Committee held on the 11/02/15.**

### **Resolution**

***MOVED Cr Lyn Russell seconded Cr Terry Woodcroft that Council confirm the above minutes.***

***CARRIED 7 : 0***

## **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

**Recommendation(s)**

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

**Resolution**

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

**CARRIED 7 : 0**

**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

Having declared a conflict of interest in this item, Cr Delahunty left the meeting at 10:33am.

Cr Michael Delahunty:	Use and development of 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, forest (PP204/2014)
Nature of Disclosure:	Indirect Interest
Type of Indirect Interest:	78B
Nature of Interest:	Provided advice to third party regarding use and development of site.

**Original 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.***





- 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, defensible 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.**

**MOTION - MOVED Cr Chris Smith**

***That the item be deferred for a month for an onsite meeting for all parties including Councillors.***

***The motion lapsed due to the lack of a seconder.***

**MOTION – MOVED Cr Brian Crook Seconded Cr Terry Woodcroft:**

***That Council adopts the original recommendation.***

***Cr Stephen Hart noted that Clause 40a should include the words “has not commenced” (change agreed to by Mover of motion)***

**AMENDMENT – MOVED Cr Stephen Hart seconded Cr Lyn Russell**

***Insert Note 6: to read***

***“The Applicant is advised, in relation to conditions 5, 6 and 7 that prior to any works or uses commencing, a Certificate of Environment Audit or a Statement of Environment Audit indicating that the site is suitable for the uses hereby permitted must be submitted to the Responsible Authority, any conditions of the Statement of Environment Audit or Certificate of Environmental Audit must be compiled with, and a Works Approval must be obtained from the EPA”.***

***CARRIED 6 : 0***

**AMENDMENT – MOVED Cr Stephen Hart seconded Cr Chris Smith**

***Condition 1 Addition (f) “the provision of 10 additional overflow car parking spaces within the site”.***

***Amended Condition 15 to read: “a minimum of 100 car spaces must be provided onsite to the satisfaction of the responsibly authority”.***

***3 all - Mayor cast vote against***

***Division called by Cr Stephen Hart***

***For the Motion: Cr Chris Smith, Cr Stephen Hart, Cr Terry Woodcroft***

***Against the Motion: Cr Brian Crook, Cr Lyn Russell, Cr Frank Buchanan***

***Casting vote Mayor Cr Frank Buchanan against***

***AMENDMENT Lost***

**AMENDMENT – MOVED Cr Stephen Hart seconded Cr Chris Smith**

***Condition 1 Addition (f) “the provision of 5 additional overflow car parking spaces within the site”.***

***Amended Condition 15 to read: “a minimum of 95 car spaces must be provided onsite to the satisfaction of the responsibly authority”.***

***CARRIED 4 : 2***

***For the Motion: Cr Stephen Hart, Cr Chris Smith, Cr Terry Woodcroft, Cr Frank Buchanan***

***Against the Motion: Cr Brian Crook, Cr Lyn Russell***

**AMENDMENT - MOVED: Cr Stephen Hart seconded Cr Chris Smith**

**Amended Condition 10 to read: “The restaurant and function area hereby permitted must operate only between the hours of 8am and 11pm Sunday to Thursday, and between 8am and midnight on Fridays and Saturdays”.**

**3 all - Mayor cast vote for the amendment**

**Division called by Cr Chris Smith**

**For the Motion: Cr Stephen Hart, Cr Terry Woodcroft, Cr Chris Smith, Cr Frank Buchanan**

**Against: Cr Lyn Russell, Cr Brian Crook,**

**CARRIED 4 : 2**

**Revised Motion**

**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).**
  - f. The provision of 5 additional overflow car parking spaces within the site.**

**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 11pm Sunday to Thursday, and between 8am and midnight on Fridays and Saturdays.***
11. ***The licensed hours, during which liquor may be served, sold and consumed on the premises, are limited to:***

#### ***Sales to unlicensed persons***

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

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

<b><i>Sunday</i></b>	<b><i>between 10am and 8pm</i></b>
<b><i>Anzac Day (Sunday)</i></b>	<b><i>between 10am and 8pm</i></b>

**Anzac Day and Good Friday (Monday - Saturday) between 12 noon and 11pm**  
**Any other day between 7am and 11pm**

#### **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 95 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 has not commenced 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 defensible 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.**
- 6. The applicant is advised, in relation to conditions 5, 6 and 7, that prior to any works or uses commencing, a Certificate of Environmental Audit or a Statement of Environmental Audit indicating that the site is suitable for uses hereby permitted must be submitted to the Responsible Authority, any conditions of the Statement of Environment Audit or Certificate of Environmental Audit must be complied with, and a Works Approval must be obtained from the EPA.**

**CARRIED 5 : 1**

**Division called by Cr Chris Smith**

**For the Motion: Cr Stephen Hart, Cr Brian Crook, Cr Lyn Russell, Cr Terry Woodcroft, Cr Frank Buchanan**

**Against the Motion: Cr Chris Smith**