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| **PLANNINGPERMIT**GRANTED UNDER section 96I OF THE PLANNING AND eNVIRONMENT aCT 1987 |  | **Permit No.:** PP189/2019-1**Planning Scheme:** Colac Otway Planning Scheme**Responsible Authority:** Colac Otway Shire |
| **Address of the Land:** 265-281 Murray street, colac (pc369561) |
| **The Permit allows:** Use and development of the land for Industry (Beverage Production), use of the land for the sale and consumption of liquor on and off the premises, display of Internally illuminated Business Identification Signs, display of a mural/panel sign, reduction and variation of bicycle facilities, alteration of access to a road in a Road Zone Category 1, and associated works in accordance with the endorsed plans |

**The following conditions apply to this permit:**

**Amended Plans**

1. Prior to commencement of the 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:
2. Details of the mural/panel sign proposed on the wall located on the eastern boundary and facing west into the car park, including dimensions, design, colour and illumination (if any);
3. The aisle width in the Skene Street car park area;
4. Dimensions of car parking space 64;
5. The installation of a fire hydrant to effectively provide coverage to not more than 60 metres to the furthest part of the building envelope.

**Endorsed Plans**

1. The use and development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
2. The location and details of the signs and any supporting structures, as shown on the endorsed plans, must not be altered without the written consent of the Responsible Authority.
3. The area in which liquor is allowed to be consumed or supplied under a licence hereby permitted must not be altered without the written consent of the Responsible Authority.

**Patron Numbers**

1. No more than 487 patrons may be present on the premises at any one time, unless otherwise approved in writing by the Responsible Authority.

**Hours of Operation**

1. The distillery element of the use must only be open to the public between the hours of:
2. 10am to 10pm from Sunday to Thursday (inclusive);
3. 10am to 12pm on Fridays and Saturdays.

**Milling Hours**

1. The milling activity must be limited to between the hours of 7am and 10pm on Mondays to Saturdays (inclusive).

The milling activity must not occur at any time on Sundays.

**Licensed Hours**

1. The hours in which liquor is allowed to be consumed or supplied under a licence hereby permitted must be limited to:
	1. 10am to 10pm from Sunday to Thursday (inclusive);
	2. 10am to 12pm on Fridays and Saturdays;
	3. Between 12 noon and 11pm on Anzac Day and Good Friday.

**Traffic Impact Assessment**

1. Prior to the commencement of the development, a Traffic Impact Assessment to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved the assessment will be endorsed and will then form part of the permit. The assessment must be generally in accordance with the Traffic Impact Assessment submitted with the application, but modified to show:
2. All changes detailed in the Traffix Group letter dated 22 October 2019 (Reference: G26620L-01B);
3. Details of turning movements for waste collection vehicles;
4. Details of turning movements for cars, including car parking spaces off Skene Street;
5. An explanation of how the bus turning movement near the disabled car parking spaces will be achieved or CAD files verifying this.

In the event it is not demonstrated that the turning movements can be achieved in accordance with required standards, the plans must be amended to achieve compliance.

**Car Park**

1. Prior to the commencement of the use of the building, the area/s set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
2. Constructed;
3. Properly formed to such levels that they can be used in accordance with the plans;
4. Surfaced with an all-weather seal coat;
5. Drained;
6. Line-marked to indicate each car space and all access lanes;
7. Clearly marked to show the direction of traffic along access lanes and driveways;
8. Properly illuminated for both pedestrians and vehicles;

to the satisfaction of the Responsible Authority.

The areas must be constructed and drained to prevent diversion of flood or drainage waters, and maintained in a continuously useable condition to the satisfaction of the Responsible Authority.

Car spaces, access lanes and driveways must be kept available for these purposes at all times.

1. Exit movements from the site must be to the left only.

**Civil Works Plans**

1. Prior to the commencement of the development, civil works 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 plan must be generally in accordance with the civil works plans submitted with the application, but modified to show:
2. The existing southern car park re-sealed (due to current extensive cracking);
3. An indication of the width of the western footpath;
4. The replacement of both crossovers on Murray Street.

**Access**

1. Prior to the commencement of use, access must be constructed in accordance with the endorsed civil works plans.
2. All works must be undertaken in accordance with the endorsed civil works plans to the satisfaction of the Responsible Authority.

**Construction Management Plan**

1. Prior to the commencement of any works relating to the development, a Construction Management Plan must be submitted to and approved by the Responsible Authority. The plan must describe the erosion and sediment control techniques that will be used, detail how the site will be managed prior to and during the construction period, and must set out requirements for managing:
2. Erosion and sediment;
3. The deposit of any sediment or other material by vehicles on the abutting roads;
4. Dust;
5. Runoff;
6. Litter, concrete and other construction;
7. Chemical contamination.

The plan must include a photographic record of the road reserve in the vicinity of the site.

1. All works must be undertaken in accordance with the approved Construction Management Plan. The developer must ensure that all contractors are aware of the requirements of the approved Construction Management Plan and understand how to implement them. No polluted and/or sediment laden runoff is to be discharged directly or indirectly into Colac Otway Shire drains and/or watercourses at any time during construction or operation to the satisfaction of the Responsible Authority.

**Line-marking**

1. Prior to the commencement of use, unless otherwise agreed in writing by the Responsible Authority, all alterations to line-marking required due to the removal of a car parking space on Murray Street, as shown on the endorsed plans, must be completed by the developer at no cost to the Responsible Authority, and to the satisfaction of the Responsible Authority and Regional Roads Victoria.

**Loading/Unloading**

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

**Bicycle Racks**

1. Prior to the commencement of use, unless otherwise agreed in writing by the Responsible Authority, the bicycle racks shown on the endorsed plans must be installed on site. The bicycle racks must thereafter be so maintained, unless the written consent of the Responsible Authority is obtained to any variation.

**Stormwater**

1. All runoff from stormwater, including overflow from water storage, must be taken to a legal point of discharge to the satisfaction of the Responsible Authority.
2. Prior to the commencement of the development, an amended Stormwater 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 plan must be generally in accordance with the Stormwater Management Plan submitted with the application, but modified to show:
3. The 2019 version of the Infrastructure Design Manual (IDM) referenced;
4. Stormwater calculations in Appendix B of the Stormwater Management Plan according with section 5.0 in relation to area, and being legible.
5. All works must be undertaken in accordance with the endorsed Stormwater Management Plan to the satisfaction of the Responsible Authority.
6. 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 and operation, to the satisfaction of the Responsible Authority.

**Noise control**

1. The building must be treated and soundproofed as necessary to ensure that noise levels emanating from the premises do not exceed those required to be met under State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1, State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2, and Noise from Industry in Regional Victoria (EPA publication 1411), October 2011.

In the event that noise levels exceed any of the relevant levels specified in these documents, appropriate noise mitigation measures must be undertaken within a month of the breach, unless otherwise agreed by the Responsible Authority, and evidence of compliance with the required standards must be provided to the Responsible Authority within a week of those works being undertaken.

**Licensed Area**

1. The owner/operator must take all responsible measures to ensure that patrons consuming alcohol remain within the licensed area, so as not to breach conditions of the liquor licence, and that patrons’ behaviour is acceptable, so as not to create a nuisance to pedestrians or road users.

**Signs**

1. Prior to the display of the signs hereby permitted, all existing signs on the building and the site that reference Mitre 10, hardware, electrical, lighting, garden, plumbing, building supplies, timber, trade supplies, homeware, paint and/or tools must be removed to the satisfaction of the Responsible Authority.
2. The signs hereby permitted may only be illuminated between the hours of:
3. 10am to 10pm, Sunday to Thursday (inclusive);
4. 10am to 12pm on Fridays and Saturdays.
5. Any sign 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.

**Landscaping**

1. 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 submitted with the application, except that the plan must show:
2. Details of surface finishes of pathways and driveways;
3. A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, supply sizes, sizes at maturity, quantities of each plant, densities of planting, garden bed construction details, tree planting details and mulch and soil specifications;
4. Landscaping and planting within all open areas of the site;
5. Large shrubs, preferably native, with an upright growth habit to maintain clearance on the path in the narrow western garden bed next to the path;
6. Tree planting to achieve canopy cover (i.e. fewer trees with larger canopies and sufficient space for root growth).

An in-ground irrigation system is to be provided to all landscaped areas. All species selected must be to the satisfaction of the Responsible Authority.

1. Prior to the commencement of the use of the building, 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.

**Environmental Management Plan**

1. Prior to the commencement of development, 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 plan must include:
2. Overall environmental objectives for the operation of the use and techniques for their achievement;
3. Procedures to ensure that no significant adverse environmental impacts occur as a result of the development and use;
4. Identification of possible risks of operational failure and response measures to be implemented, including, but not limited to, the following:
5. Water Quality, Stormwater and Erosion Control
6. Air Quality
7. Noise and Vibration
8. Waste Management and Minimisation
9. Storage and Handling of Fuels and Chemicals
10. Neighbourhood Management and Communication
11. Traffic and Parking Control
12. Day to day management requirements for the use;
13. An annual review or audit to the satisfaction of the Responsible Authority and any consequential changes to the plan submitted to and approved by the Responsible Authority.

**Amenity Management Plan**

1. Prior to commencement of the use 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. All activities forming part of the use must comply with the endorsed plan. The plan must include details of:
2. Staffing and other measures which are designed to ensure the orderly arrival and departure of patrons;
3. Signage to be used to encourage responsible off-site patron behaviour;
4. The training of staff in the management of patron behaviour;
5. Staff communication arrangements;
6. Measures to control noise emissions from the premises;
7. Litter management.

**General Amenity**

1. The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:
2. Transport of materials, goods or commodities to or from the land;
3. Appearance of any building, works or materials;
4. Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;
5. Presence of vermin.
6. 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.
7. All pipes, fixtures, fittings and vents servicing any building on the site, other than stormwater down pipes, must be concealed in service ducts or otherwise hidden from view, to the satisfaction of the Responsible Authority.
8. Plant, equipment, services or architectural features, other than those shown on the endorsed plans, must not be located above the roof level of the building(s) without the written consent of the Responsible Authority.

**CFA Conditions**

1. The entire building shall be protected by an automatic sprinkler system installed to AS 2118.1.
2. The building shall have on-site water storage and a fire hydrant and booster system installed in accordance with Australian Standard AS2419 Fire hydrant installations.
3. The alcohol within the facility shall be stored and handled in accordance with Australian Standard AS 1940 Storage and handling of flammable and combustible liquids and Dangerous Good (Storage and handling) Regulations 2012.

**EPA Condition**

1. There must be no emissions of noise and/or vibrations from the premises which are detrimental to either of the following:
	1. The environment in the area around the premises; and
	2. The wellbeing of persons and/or their property in the area around the premises.

**Expiry**

1. This permit will expire if one of the following circumstances applies:
2. The development is not commenced within two years of the date of this permit.
3. The development, including the signs, is not completed and the use has not commenced within four years of the date of this permit.

In accordance with section 69 of the Planning and Environment Act 1987, an application may be made to the Responsible Authority to extend the periods referred to in this condition.

**Notes**

1. This permit does not authorise the commencement of any building works. Prior to the commencement of development, it will be necessary to apply for and obtain a building permit for the proposed use and development.
2. A works within road reserve permit is required prior to any works being undertaken on Council managed road reserves within the Colac Otway Shire.
3. The premises are required to comply with all relevant State legislation, including the *Food Act* 1984. Trading must not commence until the premises has been registered under the *Food Act* 1984 by Council’s Health Protection Unit.
4. The provision and/or consumption of liquor within the development hereby permitted must not commence until such time as a Liquor Licence has been issued, pursuant to the *Liquor Control Reform Act* 1988, as amended.

**IMPORTANT INFORMATION ABOUT THIS PERMIT**

**WHAT HAS BEEN DECIDED?**

The Responsible Authority has issued a permit. The permit was granted by the Minister under section 96I of the **Planning and Environment Act 1987** on approval of Amendment No. C104cola to the Colac Otway Planning Scheme.

**WHEN DOES THE PERMIT BEGIN?**

The permit operates from a day specified in the permit being a day on or after the day on which the amendment to which the permit applies comes into operation.

**WHEN DOES A PERMIT EXPIRE?**

1. A permit for the development of land expires if—

* the development or any stage of it does not start within the time specified in the permit; or
* the development requires the certification of a plan of subdivision or consolidation under the **Subdivision Act 1988** and the plan is not certified within two years of the issue of a permit, unless the permit contains a different provision; or
* the development or any stage is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit or in the case of a subdivision or consolidation within 5 years of the certification of the plan of subdivision or consolidation under the **Subdivision Act 1988***.*

2. A permit for the use of land expires if—

* the use does not start within the time specified in the permit, or if no time is specified, within two years after the issue of the permit; or
* the use is discontinued for a period of two years.

3. A permit for the development and use of land expires if—

* the development or any stage of it does not start within the time specified in the permit; or
* the development or any stage of it is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit; or
* the use does not start within the time specified in the permit, or, if no time is specified, within two years after the completion of the development: or
* the use is discontinued for a period of two years.

4. If a permit for the use of land or the development and use of land or relating to any of the circumstances mentioned in section 6A(2) of the **Planning and Environment Act 1987**, or to any combination of use, development or any of those circumstances requires the certification of a plan under the **Subdivision Act 1988**, unless the permit contains a different provision—

* the use or development of any stage is to be taken to have started when the plan is certified; and
* the permit expires if the plan is not certified within two years of the issue of the permit.

5. The expiry of a permit does not affect the validity of anything done under that permit before the expiry.

**WHAT ABOUT REVIEWS?**

* In accordance with section 96M of the **Planning and Environment Act 1987**, the applicant may not apply to the Victorian Civil and Administrative Tribunal for a review of any condition in this permit.