



PLANNING COMMITTEE MEETING

MINUTES

Wednesday 6 December 2023

at 4:00 PM

COPACC

95 - 97 Gellibrand Street, Colac



COLAC OTWAY SHIRE COUNCIL PLANNING COMMITTEE MEETING

Wednesday 6 December 2023

TABLE OF CONTENTS

| | |
|--|----|
| 1 Declaration of Opening of Meeting..... | 3 |
| 2 Present..... | 3 |
| 3 Apologies and Leaves of Absence | 3 |
| 4 Welcome and Acknowledgement of Country | 3 |
| 5 Declarations of Interest..... | 4 |
| 6 Confirmation of Minutes | 4 |
| 7 Verbal Submissions from applicants/objectors..... | 5 |
| 8 Officer Planning Reports..... | 6 |
| 8.1 Bulla Development Plan, 91-149 Forest Street, Colac..... | 6 |
| 8.2 PP119/2023 - Three Storey Mixed Use Building - 9 Dennis Street, Colac | 8 |
| 8.3 PP75/2023-1 - 71-75 Main Street BIRREGURRA - Use of Land for a Place of Assembly and Accommodation, Retrospective Display of Signage and Reduction of Car Parking Spaces from Specified Rate | 29 |

COLAC OTWAY SHIRE COUNCIL PLANNING COMMITTEE MEETING

MINUTES of the **PLANNING COMMITTEE MEETING OF THE COLAC OTWAY SHIRE COUNCIL** held at
COPACC on Wednesday 6 December 2023 at 4:00 PM.

MINUTES

1 DECLARATION OF OPENING OF MEETING

OPENING PRAYER

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

AMEN

2 PRESENT

Cr Margaret White (Mayor)
Cr Max Arnott
Cr Graham Costin
Cr Tosh-Jake Finnigan
Cr Kate Hanson
Cr Stephen Hart
Cr Chris Potter

Anne Howard, Chief Executive Officer
Andrew Tenni, General Manager Corporate Services
Doug McNeill, Acting General Manager Infrastructure and Operations
Ian Seuren, General Manager Community and Economy
Marlo Emmitt, Manager Governance
Carmen Lawrence, Coordinator Council Business
Blaithin Butler, Acting Manager Planning and Strategic Focus
Ian Williams, Senior Statutory Planner

3 APOLOGIES AND LEAVES OF ABSENCE

Nil

4 WELCOME AND ACKNOWLEDGEMENT OF COUNTRY

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

RECORDING AND PUBLICATION OF MEETINGS

Please note: All Planning Committee meetings are live streamed and recorded when the meeting is held either at COPACC or online. When meetings are held in other locations, Council will endeavour to make an audio recording of the meeting for community access. Matters identified as confidential items in the Agenda will not be live streamed or recorded regardless of venue or mode.

By participating in open Planning Committee meetings, individuals consent to the use and disclosure of the information they share at the meeting (including any personal and/or sensitive information).

As soon as practicable following each open Planning Committee meeting, the live stream recording will be accessible on Council's website. Recordings are also taken to facilitate the preparation of the minutes of open Council and Planning Committee meetings and to ensure their accuracy. Recordings will be retained by Council for a period of four years.

This meeting will be livestreamed to the public via Council's YouTube channel (search Colac Otway Shire Council at www.youtube.com).

5 DECLARATIONS OF INTEREST

Nil

6 CONFIRMATION OF MINUTES

RESOLUTION

MOVED Cr Max Arnott, SECONDED Cr Chris Potter

That the Planning Committee confirm the minutes of the Planning Committee Meeting held on 1 November 2023.

CARRIED 7 : 0

7 VERBAL SUBMISSIONS FROM APPLICANTS/OBJECTORS

The Mayor read out the names of those applicants and objector who confirmed in writing that they wished to make a verbal submission. A time limit of 5 minutes applied.

ITEM: 8.1 Bulla Development Plan, 91-149 Forest Street, Colac

Applicant: Kylie Armstrong

Item: 8.1

Bulla Development Plan, 91-149 Forest Street, Colac

| | | | |
|---|--|------------------------------------|---|
| ADDRESS AND PROPERTY DETAILS | 91-149 Forest Street, Colac | APPLICATION NUMBER | DPO6 - Stage 2 |
| PROPOSAL | Development Plan - Stage 2 | | |
| TRIGGER | Development Plan Overlay, Schedule 6 (DPO6): Bulla Dairy Foods – Forest Street, Colac | | |
| TRIGGER FOR DETERMINATION BY COMMITTEE | Consideration of Development Plan | | |
| ZONE | Industrial 1 Zone (IN1Z) - 91.67% Public Park and Recreation Zone (PPRZ) - 8.33% | OVERLAYS | Development Plan Overlay, Schedule 6 (DPO6) – 91.67% Land Subject to Inundation Overlay (LSIO) - 6.08% Floodway Overlay (FO1) - 11.96% |
| COVENANTS | Nil | | |
| CULTURAL HERITAGE | Yes – all of the subject site | | |
| OFFICER | Ian Williams | CHIEF EXECUTIVE OFFICER | Anne Howard |
| DIVISION | Planning and Strategic Focus | | |
| ATTACHMENTS | <ol style="list-style-type: none"> 1. Development Plan (DPO6/2A) - 91-149 Forest Street COLAC - Bulla - Stage 2 Development Plan [8.1.1 - 36 pages] 2. Development Plan (DPO6/2A) - 91-149 Forest Street COLAC - Bulla - Stage 2 - Plan Only [8.1.2 - 1 page] 3. Landscape Concept Plan [8.1.3 - 3 pages] | | |

RESOLUTION

MOVED Cr Max Arnott, SECONDED Cr Chris Potter

That the Planning Committee resolves:

- 1. To approve stage 2 of the Development Plan prepared under Schedule 6 to the Development Plan Overlay for 91-149 Forest Street, Colac with no changes.*
- 2. That officers advise all parties directly notified of stage 2 of the Development Plan of Council's decision to approve stages 2A and 2B of the Development Plan.*

CARRIED 7 : 0

Item: 8.2

PP119/2023 - Three Storey Mixed Use Building - 9 Dennis Street, Colac

| | | | |
|---|---|------------------------------------|--|
| ADDRESS AND PROPERTY DETAILS | 9 Dennis Street, Colac Lot 1 TP894881 V/F: 10971/924 and Lot 1 TP545378U V/F: 03330/821 | APPLICATION NUMBER | PP119/2023-1 |
| PROPOSAL | Three-Storey Mixed Use Building, with Basement Parking | | |
| PERMIT TRIGGERS | Clause 34.01-1 - Use of Land as Place of Assembly (Function Room) and Accommodation (Residential Hotel) – C1Z Clause 34.01-4 - Buildings and Works – C1Z Clause 43.02 - Buildings and Works – DDO8 Clause 52.06-3 – Reduction in Car Parking from Specified Rate | | |
| TRIGGER FOR DETERMINATION BY COMMITTEE | More than Four Objections | | |
| ZONE | Commercial 1 Zone (C1Z) | OVERLAYS | Design and Development Overlay, Schedule 8 (DDO8) - Colac CBD Parking Overlay, Schedule 1 (PO1) - Colac Commercial Centre |
| COVENANTS | No | | |
| CULTURAL HERITAGE | No | | |
| OFFICER | Ian Williams | CHIEF EXECUTIVE OFFICER | Anne Howard |
| DIVISION | Planning and Strategic Focus | | |
| ATTACHMENTS | 1. Plans [8.2.1 - 34 pages] 2. Landscape Plans [8.2.2 - 8 pages] | | |

3. Manifold Street View [8.2.3 - 1 page]
4. Applicant Letter [8.2.4 - 4 pages]
5. Acoustic Report [8.2.5 - 16 pages]
6. Traffix Report [8.2.6 - 62 pages]

RECOMMENDATION

That the Planning Committee resolves to issue a Notice of Decision to Grant a Permit for the Construction of a Three-Storey Mixed Use Building with Basement Parking, Use for Accommodation (Residential Hotel) and Place of Assembly (Function Room), and Reduction in the Car Parking from the Specified Rate at 9 Dennis Street, Colac (Lot 1 894881 V/F: 10971/924 and Lot 1 TP545378U V/F: 03330/821), subject to the following conditions:

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.*

Consolidation

2. *Prior to any part of the development hereby permitted being brought into use, Lot 1 TP: 894881 V/F: 10971/924 and Lot 1 TP: 545378U V/F: 03330/821 Parish of Colac must be consolidated under the provisions of the Subdivision Act 1988 to the satisfaction of the Responsible Authority.*

Construction Management Plan

3. *Prior to the commencement of any works relating to the development, unless otherwise approved in writing by the Responsible Authority, 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 and detail how the site will be managed prior to and during the construction period, including requirements for managing runoff, dust, construction wastes and litter. 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.*
4. *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.*

Traffic Management Plan

5. *Prior to the commencement of any works relating to the development allowed by this permit, a Traffic Management Plan in accordance with the Road Management Act 2004 (A Code of Practice for Worksite Safety – Traffic Management), the Road Safety Act 1986 and Australian Standard AS 1742.3 2009 (Traffic Control Devices for Works on Roads) must be submitted to and approved by the Responsible Authority. All traffic management associated with the development hereby permitted must be undertaken in accordance with the approved plan.*

Function Room

6. *No more than 80 patrons may be present in the function room and outdoor terrace area at any one time unless the prior written approval of the Responsible Authority is obtained to any variation.*

7. *The function room hereby permitted must only operate between the hours of:*
- *7am to 12am (midnight) from Monday to Saturday.*
 - *7am to 11pm on Sundays and public holidays.*
8. *Prior to the commencement of the use of the function room, 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:*
- a) *staffing and other measures which are designed to ensure the orderly arrival and departure of patrons;*
 - b) *signage to be used to encourage responsible off-site patron behaviour;*
 - c) *the training of staff in the management of patron behaviour;*
 - d) *staff communication arrangements;*
 - e) *measures to control noise emissions from the premises;*
 - f) *litter management.*
9. *Any live music must be limited to acoustic music only and must only occur within the function room. The use of full drum-kits or heavy percussion instruments, and live DJs, is not permitted. No live music is permitted on the external terrace.*
10. *Live music must cease by 11pm on Monday to Saturday, and by 10pm on Sundays and public holidays.*

General Noise Controls

11. *Any amplified music must comply with the Environment Protection Regulations 2021 (EP Regulations) and Publication 1826: Noise Limit and Assessment Protocol for the Control of Noise from Commercial, Industrial and Trade Premises and Entertainment Venues (Noise Protocol – Part II).*
12. *Prior to any part of the development hereby permitted being brought into use, unless otherwise agreed in writing by the Responsible Authority in writing, the noise mitigation measures specified in the Acoustic Report prepared by Enfield Acoustics Pty. Ltd. (ref. V1533-01-P Acoustic Report [RO], dated 1 November 2023) must be implemented. This includes the installation and maintenance of all specified architectural treatments, such as the installation of a 1.8m high screen on the outdoor terrace.*
13. *The use must at all times comply with the Environment Protection Regulations 2021 and the Noise Control Guidelines publication 1254.2.*

Ancillary Gym

14. *The gym shown on the endorsed plans must only be used by persons working within the building and by hotel guests, and must not be open to the public at any time.*

Deliveries and Waste Collection

15. *Unless with the prior written approval of the Responsible Authority, all deliveries to the subject land must only be between the hours of:*

- a) 7am to 10pm – Monday to Saturday
- b) 9am to 10pm – Sundays and public holidays

16. *Unless with the prior written approval of the Responsible Authority, all waste collection must only occur between the hours of:*

- a) 7am to 8pm – Monday to Saturday
- b) 9am to 8pm – Sundays and public holidays

Access

17. *Prior to the commencement of the use of any part of the building, unless otherwise agreed in writing by the Responsible Authority, vehicular access from the roadway to the property boundary must be constructed to the satisfaction of the Responsible Authority.*

18. *Prior to the commencement of the use of any part of the building, the driveway to the loading bay must be constructed to an all-weather standard to the satisfaction of the Responsible Authority.*

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, to the satisfaction of the Responsible Authority. The loading bay must be available for the purpose of loading and unloading, without obstruction, at all times.*

Car Park

20. *Prior to the commencement of the use of any part of the building, the basement vehicle parking and access ramp 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) *Surfaced with an all-weather seal coat.*
- d) *Drained;*
- e) *Line-marked to indicate each car space and all access lanes;*
- f) *Clearly marked to show the direction of traffic along access lanes and driveways;*
- g) *Properly illuminated for both pedestrians and vehicles;*

all 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 parking spaces and access lanes must be kept available for these purposes at all times.

21. *Prior to the commencement of the use of any part of the building, details of access arrangements to the basement car park must be submitted and approved by the Responsible Authority. The submitted information must include details of how access to the parking will be restricted to authorised people only. The basement car park must be operated in accordance with the approved details, unless otherwise agreed in writing by the Responsible Authority.*

Redundant Vehicle Crossings

- 22. Prior to the commencement of the use of any part of the development, the redundant vehicular crossing must be removed and the road reserve must be reinstated to the satisfaction of the Responsible Authority.*

Bicycle Racks

- 23. Prior to any part of the development being brought into use, provision must be made for bicycle racks to accommodate 21 bicycles as shown on the endorsed plans. Bicycle racks must be designed, constructed and located to the satisfaction of the Responsible Authority.*

Stormwater

- 24. All stormwater runoff from the development, including overflow from water storage, must be taken to a legal point of discharge to the satisfaction of the Responsible Authority.*
- 25. During construction works, 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 the Environment Protection Authority's 'Best Practice Environmental Management Guidelines for Stormwater Management and Construction Techniques for Sediment Pollution Control' to the satisfaction of the Responsible Authority.*
- 26. Prior to the commencement of development, a Stormwater Management Plan must be submitted to and approved by the Responsible Authority. The Stormwater Management Plan must show how the developed site will be effectively drained without causing detrimental downstream effects. The plans must provide for a maximum site discharge rate that accords with the Infrastructure Design Manual (IDM) adopted by Council (2019, Local Government Infrastructure Design Association, or as amended). All works, including the stormwater detention system, must be undertaken in accordance with the approved Stormwater Management Plan to the satisfaction of the Responsible Authority.*
- 27. Within five (5) business days of the installation of the stormwater detention system, notice of its installation must be given to the Responsible Authority and an inspection must be requested. The written approval of the Responsible Authority must be obtained to the stormwater detention system prior to any part of the development being brought into use.*

Landscaping

- 28. Prior to any part of the development being brought into use, 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.*

Dilapidation Reports

- 29. Unless otherwise agreed in writing by the Responsible Authority, prior to the commencement of development and subject to the agreement of each of the owners of Nos. 20, 22 and 24 Manifold Street, site specific Dilapidation Survey Reports detailing the structural condition of Nos. 20, 22 and 24 Manifold Street must be prepared by a suitably qualified person. A copy of these reports must be provided to the Responsible Authority and the relevant owner/s of Nos. 20, 22 and 24 Manifold Street. The Dilapidation Survey Reports must include (but not be limited to) the following:*

- a) *Numbered and clearly labelled colour photographs of each external and internal elevation and the roofs of Nos. 20, 22 and 24 Manifold Street (where possible).*
 - b) *A plan demonstrating the location from where the photograph was taken, and the location marked with the corresponding photograph number.*
 - c) *Any notable structural features.*
 - d) *A written record of any existing damage and the condition of any parts of Nos. 20, 22 and 24 Manifold Street that are likely to be affected by construction work under this permit.*
30. *Prior to any part of the development being brought into use, and subject to the agreement of each of the owners of Nos. 20, 22 and 24 Manifold Street, updated Dilapidation Survey Reports on the condition of those properties must be prepared by a suitably qualified person. A copy of these reports must be provided to the Responsible Authority and the relevant owner/s of Nos. 20, 22 and 24 Manifold Street. In the event that an updated Dilapidation Survey Report identifies structural defects that have occurred as a result of the construction process, those defects must be rectified within 6 months, unless an alternate timeframe agreed in writing with the relevant property owner/s. All rectification works must be undertaken at the permit holder's expense.*
31. *Prior to the commencement of development, unless otherwise agreed in writing by the Responsible Authority, the northern boundary fence/s shown on the endorsed plans and shared with adjoining residential properties at Nos. 20, 22 and 24 Manifold Street must be constructed at the cost of the permit holder, except if:*
- a) *the consent of an affected landowner to works along that section of the fence under their control is withheld in writing, in which case the fence does not need to be provided on that part of the northern boundary; or*
 - b) *an alternative boundary treatment or location is agreed in writing between the affected landowner and the permit holder; or*
 - c) *the fence cannot be constructed in accordance with the plans due to a site constraint.*

In the event an alternative boundary treatment is proposed, details must be submitted and approved by the Responsible Authority.

General Amenity

32. *All mechanical plant and equipment must be located within the basement level or on the rooftop, and must not be located adjacent to the northern property boundary, to the satisfaction of the Responsible Authority.*
33. *Access to external areas to the rear of the property must be restricted to employees/staff only and this area must not be accessible to members of the public.*
34. *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.*
35. *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.*
36. *All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority pursuant to Clause 34.01-4 of the Colac Otway Planning Scheme.*

37. *The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:*

- a) transport of materials, goods or commodities to or from the land;*
- b) appearance of any building, works or materials;*
- c) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, wastewater, waste products, grit or oil;*
- d) presence of vermin.*

Expiry

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

- a) The development has not commenced within three years of the date of this permit.*
- b) The development is not completed and the use has not commenced within five 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 also be necessary to obtain a building permit for the development.*
- 2. Prior to preparing drainage plans, a legal point of discharge (LPoD) must be obtained in accordance with Building Regulation 133. A copy of the LPoD, which incurs a fee in accordance with the Building Regulations, must be submitted with the engineering plans.*
- 3. A works within road reserve permit is required prior to any works being undertaken on Council managed road reserves within the Colac Otway Shire.*
- 4. At least seven (7) days before any works start, an Asset Protection Permit must be obtained from Council. Council infrastructure must be maintained in a safe condition during the construction period. Any damage caused by these works to Council assets must be reinstated to the satisfaction of the Council prior to the completion of works.*

MOTION

MOVED Cr Chris Potter, **SECONDED** Cr Max Arnott

That the Planning Committee resolves to issue a Notice of Decision to Grant a Permit for the Construction of a Three-Storey Mixed Use Building with Basement Parking, Use for Accommodation (Residential Hotel) and Place of Assembly (Function Room), and Reduction in the Car Parking from the Specified Rate at 9 Dennis Street, Colac (Lot 1 894881 V/F: 10971/924 and Lot 1 TP545378U V/F: 03330/821), subject to the following conditions:

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.*

Consolidation

2. *Prior to any part of the development hereby permitted being brought into use, Lot 1 TP: 894881 V/F: 10791/924 and Lot 1 TP: 545378U V/F: 03330/821 Parish of Colac must be consolidated under the provisions of the Subdivision Act 1988 to the satisfaction of the Responsible Authority.*

Construction Management Plan

3. *Prior to the commencement of any works relating to the development, unless otherwise approved in writing by the Responsible Authority, 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 and detail how the site will be managed prior to and during the construction period, including requirements for managing runoff, dust, construction wastes and litter. 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.*
4. *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.*

Traffic Management Plan

5. *Prior to the commencement of any works relating to the development allowed by this permit, a Traffic Management Plan in accordance with the Road Management Act 2004 (A Code of Practice for Worksite Safety – Traffic Management), the Road Safety Act 1986 and Australian Standard AS 1742.3 2009 (Traffic Control Devices for Works on Roads) must be submitted to and approved by the Responsible Authority. All traffic management associated with the development hereby permitted must be undertaken in accordance with the approved plan.*

Function Room

6. *No more than 80 patrons may be present in the function room and outdoor terrace area at any one time unless the prior written approval of the Responsible Authority is obtained to any variation.*
7. *The function room hereby permitted must only operate between the hours of:*
 - *7am to 12am (midnight) from Monday to Saturday.*
 - *7am to 11pm on Sundays and public holidays.*
8. *Prior to the commencement of the use of the function room, 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:*
 - 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; litter management.*

9. Any live music must be limited to acoustic music only and must only occur within the function room. The use of full drum-kits or heavy percussion instruments, and live DJs, is not permitted. No live music is permitted on the external terrace.

10. Live music must cease by 11pm on Monday to Saturday, and by 10pm on Sundays and public holidays.

General Noise Controls

11. Any amplified music must comply with the Environment Protection Regulations 2021 (EP Regulations) and Publication 1826: Noise Limit and Assessment Protocol for the Control of Noise from Commercial, Industrial and Trade Premises and Entertainment Venues (Noise Protocol – Part II).

12. Prior to any part of the development hereby permitted being brought into use, unless otherwise agreed in writing by the Responsible Authority in writing, the noise mitigation measures specified in the Acoustic Report prepared by Enfield Acoustics Pty. Ltd. (ref. V1533-01-P Acoustic Report [RO], dated 1 November 2023) must be implemented. This includes the installation and maintenance of all specified architectural treatments, such as the installation of a 1.8m high screen on the outdoor terrace.

13. The use must at all times comply with the Environment Protection Regulations 2021 and the Noise Control Guidelines publication 1254.2.

Ancillary Gym

14. The gym shown on the endorsed plans must only be used by persons working within the building and by hotel guests, and must not be open to the public at any time.

Deliveries and Waste Collection

15. Unless with the prior written approval of the Responsible Authority, all deliveries to the subject land must only be between the hours of:

- a) 7am to 10pm – Monday to Saturday
- b) 9am to 10pm – Sundays and public holidays

16. Unless with the prior written approval of the Responsible Authority, all waste collection must only occur between the hours of:

- a) 7am to 8pm – Monday to Saturday
- b) 9am to 8pm – Sundays and public holidays

Access

17. Prior to the commencement of the use of any part of the building, unless otherwise agreed in writing by the Responsible Authority, vehicular access from the roadway to the property boundary must be constructed to the satisfaction of the Responsible Authority.

18. Prior to the commencement of the use of any part of the building, the driveway to the loading bay must be constructed to an all-weather standard to the satisfaction of the Responsible Authority.

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, to the satisfaction of the Responsible Authority. The loading

bay must be available for the purpose of loading and unloading, without obstruction, at all times.

Car Park

20. Prior to the commencement of the use of any part of the building, the basement vehicle parking and access ramp 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) Surfaced with an all-weather seal coat.**
- d) Drained;**
- e) Line-marked to indicate each car space and all access lanes;**
- f) Clearly marked to show the direction of traffic along access lanes and driveways;**
- g) Properly illuminated for both pedestrians and vehicles;**

all 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 parking spaces and access lanes must be kept available for these purposes at all times.

21. Prior to the commencement of the use of any part of the building, details of access arrangements to the basement car park must be submitted and approved by the Responsible Authority. The submitted information must include details of how access to the parking will be restricted to authorised people only. The basement car park must be operated in accordance with the approved details, unless otherwise agreed in writing by the Responsible Authority.

Redundant Vehicle Crossings

22. Prior to the commencement of the use of any part of the development, the redundant vehicular crossing must be removed and the road reserve must be reinstated to the satisfaction of the Responsible Authority.

Bicycle Racks

23. Prior to any part of the development being brought into use, provision must be made for bicycle racks to accommodate 21 bicycles as shown on the endorsed plans. Bicycle racks must be designed, constructed and located to the satisfaction of the Responsible Authority.

Stormwater

24. All stormwater runoff from the development, including overflow from water storage, must be taken to a legal point of discharge to the satisfaction of the Responsible Authority.

25. During construction works, 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 the Environment Protection Authority's 'Best Practice Environmental Management Guidelines for Stormwater Management and Construction Techniques for Sediment Pollution Control' to the satisfaction of the Responsible Authority.

26. Prior to the commencement of development, a Stormwater Management Plan must be submitted to and approved by the Responsible Authority. The Stormwater Management Plan must show how the developed site will be effectively drained without causing detrimental

downstream effects. The plans must provide for a maximum site discharge rate that accords with the Infrastructure Design Manual (IDM) adopted by Council (2019, Local Government Infrastructure Design Association, or as amended). All works, including the stormwater detention system, must be undertaken in accordance with the approved Stormwater Management Plan to the satisfaction of the Responsible Authority.

- 27. Within five (5) business days of the installation of the stormwater detention system, notice of its installation must be given to the Responsible Authority and an inspection must be requested. The written approval of the Responsible Authority must be obtained to the stormwater detention system prior to any part of the development being brought into use.*

Landscaping

- 28. Prior to any part of the development being brought into use, 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.*

Dilapidation Reports

- 29. Unless otherwise agreed in writing by the Responsible Authority, prior to the commencement of development and subject to the agreement of each of the owners of Nos. 20, 22 and 24 Manifold Street, site specific Dilapidation Survey Reports detailing the structural condition of Nos. 20, 22 and 24 Manifold Street must be prepared by a suitably qualified person. A copy of these reports must be provided to the Responsible Authority and the relevant owner/s of Nos. 20, 22 and 24 Manifold Street. The Dilapidation Survey Reports must include (but not be limited to) the following:*

- a) Numbered and clearly labelled colour photographs of each external and internal elevation and the roofs of Nos. 20, 22 and 24 Manifold Street (where possible).*
- b) A plan demonstrating the location from where the photograph was taken, and the location marked with the corresponding photograph number.*
- c) Any notable structural features.*
- d) A written record of any existing damage and the condition of any parts of Nos. 20, 22 and 24 Manifold Street that are likely to be affected by construction work under this permit.*

- 30. Prior to any part of the development being brought into use, and subject to the agreement of each of the owners of Nos. 20, 22 and 24 Manifold Street, updated Dilapidation Survey Reports on the condition of those properties must be prepared by a suitably qualified person. A copy of these reports must be provided to the Responsible Authority and the relevant owner/s of Nos. 20, 22 and 24 Manifold Street. In the event that an updated Dilapidation Survey Report identifies structural defects that have occurred as a result of the construction process, those defects must be rectified within 6 months, unless an alternate timeframe agreed in writing with the relevant property owner/s. All rectification works must be undertaken at the permit holder's expense.*

- 31. Prior to the commencement of development, unless otherwise agreed in writing by the Responsible Authority, the northern boundary fence/s shown on the endorsed plans and shared with adjoining residential properties at Nos. 20, 22 and 24 Manifold Street must be constructed at the cost of the permit holder, except if:*

- a) the consent of an affected landowner to works along that section of the fence under their control is withheld in writing, in which case the fence does not need to be provided on that part of the northern boundary; or
- b) an alternative boundary treatment or location is agreed in writing between the affected landowner and the permit holder; or
- c) the fence cannot be constructed in accordance with the plans due to a site constraint.

In the event an alternative boundary treatment is proposed, details must be submitted and approved by the Responsible Authority.

General Amenity

- 32. All mechanical plant and equipment must be located within the basement level or on the rooftop, and must not be located adjacent to the northern property boundary, to the satisfaction of the Responsible Authority.
- 33. Access to external areas to the rear of the property must be restricted to employees/staff only and this area must not be accessible to members of the public.
- 34. 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.
- 35. 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.
- 36. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority pursuant to Clause 34.01-4 of the Colac Otway Planning Scheme.
- 37. The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:
 - a) transport of materials, goods or commodities to or from the land;
 - b) appearance of any building, works or materials;
 - c) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, wastewater, waste products, grit or oil;
 - d) presence of vermin.

Expiry

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

- a) The development has not commenced within three years of the date of this permit.
- b) The development is not completed and the use has not commenced within five 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 also be necessary to obtain a building permit for the

development. Matters relating to fire safety, including egress from the rear of the building to Dennis Street and surrounds, must be addressed to the satisfaction of the relevant Building Surveyor. Safety measures should include unobstructed/unlocked exit via the side gates.

- 2. Prior to preparing drainage plans, a legal point of discharge (LPoD) must be obtained in accordance with Building Regulation 133. A copy of the LPoD, which incurs a fee in accordance with the Building Regulations, must be submitted with the engineering plans.*
- 3. A works within road reserve permit is required prior to any works being undertaken on Council managed road reserves within the Colac Otway Shire.*
- 4. At least seven (7) days before any works start, an Asset Protection Permit must be obtained from Council. Council infrastructure must be maintained in a safe condition during the construction period. Any damage caused by these works to Council assets must be reinstated to the satisfaction of the Council prior to the completion of works.*

AMENDMENT

MOVED Cr Graham Costin, SECONDED Cr Stephen Hart

That condition 32 be amended to add the following words at the end of the condition:

"Mechanical plant on the roof top must not be located within 10 metres of the northern property boundary to the satisfaction of the Responsible Authority."

CARRIED 4 : 3

For the motion: Cr Stephen Hart, Cr Graham Costin, Cr Kate Hanson, Cr Tosh-Jake Finnigan

Against the motion: Cr Chris Potter, Cr Max Arnott, Cr Margaret White

AMENDMENT

MOVED Cr Graham Costin, SECONDED Cr Stephen Hart

That a new condition be inserted following Condition 12 and existing conditions renumbered:

- "13. Acoustic readings by an appropriately qualified acoustic consultant must be taken each month for the first 12 months during peak times of use of the function room being brought into use and at the reasonable request of the Responsible Authority, to audit compliance with the conditions of this permit and EPA Noise Protocols and Guidelines, to the satisfaction of the Responsible Authority. The acoustic readings must be submitted to the Responsible Authority with any non-compliance highlighted. In the event of non-compliance with noise levels specified in this permit, noise levels must be immediately adjusted to ensure compliance. A report with recommendations to address any areas of non-compliance must be submitted to the Responsible Authority within two (2) months of the identified non-compliance, unless an alternate timeframe is agreed in writing by the Responsible Authority.*

Details of the locations of the readings, which must include locations adjacent to or, with the permission of the relevant landowner, on each property immediately surrounding the site, must be submitted to and approved by the Responsible Authority prior to the readings being undertaken.”

LOST 3 : 4

For the motion: Cr Stephen Hart, Cr Graham Costin, Cr Tosh-Jake Finnigan

Against the motion: Cr Kate Hanson, Cr Margaret White, Cr Chris Potter, Cr Max Arnott

AMENDMENT

MOVED Cr Graham Costin, SECONDED Cr Stephen Hart

That Council amends the conditions as follows:

- 7. *The function room and associated outdoor terrace hereby permitted must only operate between the hours of:***
 - *7am to 10pm from Monday to Thursday, Sundays and public holidays***
 - *7am to 12am (midnight) Fridays and Saturdays.***

- 15. *Unless with the prior written approval of the Responsible Authority, all deliveries to the subject land must only be between the hours of:***
 - a) *7am to 8pm – Monday to Saturday***
 - b) *9am to 8pm – Sundays and public holidays.***

CARRIED 4 : 3

For the motion: Cr Margaret White, Cr Stephen Hart, Cr Graham Costin, Cr Tosh-Jake Finnigan

Against the motion: Cr Kate Hanson, Cr Chris Potter, Cr Max Arnott

AMENDMENT

MOVED Cr Tosh-Jake Finnigan, SECONDED Cr Stephen Hart

That Council amends condition 10 to read:

"All music must cease by 10pm on Friday and Saturday, and by 7pm all other evenings."

LOST 3 : 4

For the motion: Cr Tosh-Jake Finnigan, Cr Graham Costin, Cr Stephen Hart

Against the motion: Cr Kate Hanson, Cr Chris Potter, Cr Margaret White, Cr Max Arnott

RESOLUTION

The substantive motion reads as follows:

That the Planning Committee resolves to issue a Notice of Decision to Grant a Permit for the Construction of a Three-Storey Mixed Use Building with Basement Parking, Use for Accommodation (Residential Hotel) and Place of Assembly (Function Room), and Reduction in the Car Parking from the Specified Rate at 9 Dennis Street, Colac (Lot 1 894881 V/F: 10971/924 and Lot 1 TP545378U V/F: 03330/821), subject to the following conditions:

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.*

Consolidation

- 2. Prior to any part of the development hereby permitted being brought into use, Lot 1 TP: 894881 V/F: 10971/924 and Lot 1 TP: 545378U V/F: 03330/821 Parish of Colac must be consolidated under the provisions of the Subdivision Act 1988 to the satisfaction of the Responsible Authority.*

Construction Management Plan

- 3. Prior to the commencement of any works relating to the development, unless otherwise approved in writing by the Responsible Authority, 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 and detail how the site will be managed prior to and during the construction period, including requirements for managing runoff, dust, construction wastes and litter. 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.*
- 4. 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.*

Traffic Management Plan

5. *Prior to the commencement of any works relating to the development allowed by this permit, a Traffic Management Plan in accordance with the Road Management Act 2004 (A Code of Practice for Worksite Safety – Traffic Management), the Road Safety Act 1986 and Australian Standard AS 1742.3 2009 (Traffic Control Devices for Works on Roads) must be submitted to and approved by the Responsible Authority. All traffic management associated with the development hereby permitted must be undertaken in accordance with the approved plan.*

Function Room

6. *No more than 80 patrons may be present in the function room and outdoor terrace area at any one time unless the prior written approval of the Responsible Authority is obtained to any variation.*
7. *The function room and associated outdoor terrace hereby permitted must only operate between the hours of:*
 - *7am to 10pm from Monday to Thursday, Sundays and public holidays*
 - *7am to 12am (midnight) Fridays and Saturdays.*
8. *Prior to the commencement of the use of the function room, 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:*
 - 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; litter management.*
9. *Any live music must be limited to acoustic music only and must only occur within the function room. The use of full drum-kits or heavy percussion instruments, and live DJs, is not permitted. No live music is permitted on the external terrace.*
10. *Live music must cease by 11pm on Monday to Saturday, and by 10pm on Sundays and public holidays.*

General Noise Controls

11. *Any amplified music must comply with the Environment Protection Regulations 2021 (EP Regulations) and Publication 1826: Noise Limit and Assessment Protocol for the Control of Noise from Commercial, Industrial and Trade Premises and Entertainment Venues (Noise Protocol – Part II).*
12. *Prior to any part of the development hereby permitted being brought into use, unless otherwise agreed in writing by the Responsible Authority in writing, the noise mitigation measures*

specified in the Acoustic Report prepared by Enfield Acoustics Pty. Ltd. (ref. V1533-01-P Acoustic Report [RO], dated 1 November 2023) must be implemented. This includes the installation and maintenance of all specified architectural treatments, such as the installation of a 1.8m high screen on the outdoor terrace.

- 13. The use must at all times comply with the Environment Protection Regulations 2021 and the Noise Control Guidelines publication 1254.2.**

Ancillary Gym

- 14. The gym shown on the endorsed plans must only be used by persons working within the building and by hotel guests, and must not be open to the public at any time.**

Deliveries and Waste Collection

- 15. Unless with the prior written approval of the Responsible Authority, all deliveries to the subject land must only be between the hours of:**

- a) 7am to 8pm – Monday to Saturday**
- b) 9am to 8pm – Sundays and public holidays**

- 16. Unless with the prior written approval of the Responsible Authority, all waste collection must only occur between the hours of:**

- a) 7am to 8pm – Monday to Saturday**
- b) 9am to 8pm – Sundays and public holidays**

Access

- 17. Prior to the commencement of the use of any part of the building, unless otherwise agreed in writing by the Responsible Authority, vehicular access from the roadway to the property boundary must be constructed to the satisfaction of the Responsible Authority.**

- 18. Prior to the commencement of the use of any part of the building, the driveway to the loading bay must be constructed to an all-weather standard to the satisfaction of the Responsible Authority.**

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, to the satisfaction of the Responsible Authority. The loading bay must be available for the purpose of loading and unloading, without obstruction, at all times.**

Car Park

- 20. Prior to the commencement of the use of any part of the building, the basement vehicle parking and access ramp 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) Surfaced with an all-weather seal coat.**
- d) Drained;**

- e) *Line-marked to indicate each car space and all access lanes;*
 - f) *Clearly marked to show the direction of traffic along access lanes and driveways;*
 - g) *Properly illuminated for both pedestrians and vehicles;*
- all 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 parking spaces and access lanes must be kept available for these purposes at all times.

21. *Prior to the commencement of the use of any part of the building, details of access arrangements to the basement car park must be submitted and approved by the Responsible Authority. The submitted information must include details of how access to the parking will be restricted to authorised people only. The basement car park must be operated in accordance with the approved details, unless otherwise agreed in writing by the Responsible Authority.*

Redundant Vehicle Crossings

22. *Prior to the commencement of the use of any part of the development, the redundant vehicular crossing must be removed and the road reserve must be reinstated to the satisfaction of the Responsible Authority.*

Bicycle Racks

23. *Prior to any part of the development being brought into use, provision must be made for bicycle racks to accommodate 21 bicycles as shown on the endorsed plans. Bicycle racks must be designed, constructed and located to the satisfaction of the Responsible Authority.*

Stormwater

24. *All stormwater runoff from the development, including overflow from water storage, must be taken to a legal point of discharge to the satisfaction of the Responsible Authority.*
25. *During construction works, 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 the Environment Protection Authority's 'Best Practice Environmental Management Guidelines for Stormwater Management and Construction Techniques for Sediment Pollution Control' to the satisfaction of the Responsible Authority.*
26. *Prior to the commencement of development, a Stormwater Management Plan must be submitted to and approved by the Responsible Authority. The Stormwater Management Plan must show how the developed site will be effectively drained without causing detrimental downstream effects. The plans must provide for a maximum site discharge rate that accords with the Infrastructure Design Manual (IDM) adopted by Council (2019, Local Government Infrastructure Design Association, or as amended). All works, including the stormwater detention system, must be undertaken in accordance with the approved Stormwater Management Plan to the satisfaction of the Responsible Authority.*

27. *Within five (5) business days of the installation of the stormwater detention system, notice of its installation must be given to the Responsible Authority and an inspection must be requested. The written approval of the Responsible Authority must be obtained to the stormwater detention system prior to any part of the development being brought into use.*

Landscaping

28. *Prior to any part of the development being brought into use, 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.*

Dilapidation Reports

29. *Unless otherwise agreed in writing by the Responsible Authority, prior to the commencement of development and subject to the agreement of each of the owners of Nos. 20, 22 and 24 Manifold Street, site specific Dilapidation Survey Reports detailing the structural condition of Nos. 20, 22 and 24 Manifold Street must be prepared by a suitably qualified person. A copy of these reports must be provided to the Responsible Authority and the relevant owner/s of Nos. 20, 22 and 24 Manifold Street. The Dilapidation Survey Reports must include (but not be limited to) the following:*

- a) Numbered and clearly labelled colour photographs of each external and internal elevation and the roofs of Nos. 20, 22 and 24 Manifold Street (where possible).*
- b) A plan demonstrating the location from where the photograph was taken, and the location marked with the corresponding photograph number.*
- c) Any notable structural features.*
- d) A written record of any existing damage and the condition of any parts of Nos. 20, 22 and 24 Manifold Street that are likely to be affected by construction work under this permit.*

30. *Prior to any part of the development being brought into use, and subject to the agreement of each of the owners of Nos. 20, 22 and 24 Manifold Street, updated Dilapidation Survey Reports on the condition of those properties must be prepared by a suitably qualified person. A copy of these reports must be provided to the Responsible Authority and the relevant owner/s of Nos. 20, 22 and 24 Manifold Street. In the event that an updated Dilapidation Survey Report identifies structural defects that have occurred as a result of the construction process, those defects must be rectified within 6 months, unless an alternate timeframe agreed in writing with the relevant property owner/s. All rectification works must be undertaken at the permit holder's expense.*

31. *Prior to the commencement of development, unless otherwise agreed in writing by the Responsible Authority, the northern boundary fence/s shown on the endorsed plans and shared with adjoining residential properties at Nos. 20, 22 and 24 Manifold Street must be constructed at the cost of the permit holder, except if:*

- a) *the consent of an affected landowner to works along that section of the fence under their control is withheld in writing, in which case the fence does not need to be provided on that part of the northern boundary; or*
- b) *an alternative boundary treatment or location is agreed in writing between the affected landowner and the permit holder; or*
- c) *the fence cannot be constructed in accordance with the plans due to a site constraint.*

In the event an alternative boundary treatment is proposed, details must be submitted and approved by the Responsible Authority.

General Amenity

- 32. *All mechanical plant and equipment must be located within the basement level or on the rooftop and must not be located adjacent to the northern property boundary, to the satisfaction of the Responsible Authority. Mechanical plant on the roof top must not be located within 10 metres of the northern property boundary to the satisfaction of the Responsible Authority.*
- 33. *Access to external areas to the rear of the property must be restricted to employees/staff only and this area must not be accessible to members of the public.*
- 34. *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.*
- 35. *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.*
- 36. *All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority pursuant to Clause 34.01-4 of the Colac Otway Planning Scheme.*
- 37. *The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:*
 - a) *transport of materials, goods or commodities to or from the land;*
 - b) *appearance of any building, works or materials;*
 - c) *emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, wastewater, waste products, grit or oil;*
 - d) *presence of vermin.*

Expiry

- 38. *This permit will expire if one of the following circumstances applies:*
 - a) *The development has not commenced within three years of the date of this permit.*
 - b) *The development is not completed, and the use has not commenced within five 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 also be necessary to obtain a building permit for the development. Matters relating to fire safety, including egress from the rear of the building to Dennis Street and surrounds, must be addressed to the satisfaction of the relevant Building Surveyor. Safety measures should include unobstructed/unlocked exit via the side gates.*
- 2. Prior to preparing drainage plans, a legal point of discharge (LPoD) must be obtained in accordance with Building Regulation 133. A copy of the LPoD, which incurs a fee in accordance with the Building Regulations, must be submitted with the engineering plans.*
- 3. A works within road reserve permit is required prior to any works being undertaken on Council managed road reserves within the Colac Otway Shire.*
- 4. At least seven (7) days before any works start, an Asset Protection Permit must be obtained from Council. Council infrastructure must be maintained in a safe condition during the construction period. Any damage caused by these works to Council assets must be reinstated to the satisfaction of the Council prior to the completion of works.*

CARRIED 4 : 3

The meeting adjourned the meeting at 5.58pm and resumed until 6.45pm.

Item: 8.3

PP75/2023-1 - 71-75 Main Street BIRREGURRA - Use of Land for a Place of Assembly and Accommodation, Retrospective Display of Signage and Reduction of Car Parking Spaces from Specified Rate

| | | | |
|---|--|--------------------------------|---|
| ADDRESS AND PROPERTY DETAILS | 71-75 Main Street BIRREGURRA Lot 1 PS723135 V/F: 12160/414 | APPLICATION NUMBER | PP75/2023-1 |
| PROPOSAL | Use as Place of Assembly and Accommodation, Display of Signage and Waiver of Car Parking | | |
| PERMIT TRIGGERS | Clause 34.01-1 – C1Z - Use of Land as Place of Assembly and Accommodation Clause 43.01-1 – HO – Buildings and Works - External Painting and Signage Clause 52.06-3 – Reduction of Car Parking Spaces to Zero | | |
| TRIGGER FOR DETERMINATION BY COMMITTEE | Four or more objections | | |
| ZONE | Commercial 1 Zone (C1Z) Adjacent Transport Zone 2 (TRZ2) | OVERLAYS | Heritage Overlay (HO303) Design and Development Overlay, Schedule 15 (DDO15) Vegetation Protection Overlay, Schedule 3 (VPO3) |
| COVENANTS | None | | |
| CULTURAL HERITAGE | The site is not located within an area of cultural sensitivity | | |
| OFFICER | Ravi Ayyagari | CHIEF EXECUTIVE OFFICER | Anne Howard |

DIVISION

Planning and Strategic Focus

ATTACHMENTS

1. Site Plan [8.3.1 - 1 page]
2. Photos of Signage [8.3.2 - 2 pages]
3. Traffic Impact Assessment [8.3.3 - 15 pages]
4. Car Parking Demand Assessment [8.3.4 - 15 pages]
5. Noise Management Plan [8.3.5 - 15 pages]
6. Response to Objectors [8.3.6 - 17 pages]

RECOMMENDATION

MOVED Cr Chris Potter, SECONDED Cr Max Arnott

That the Planning Committee resolves to issue a Notice of Decision to Grant a Permit for the Use of the Land as a Place of Assembly and Accommodation, Display of Business Identification Signage and Reduction of Car Parking Spaces from the Specified Rate to Zero at 71-75 Main Street, Birregurra (Lot 1 PS723135U, V/F: 12160/414), subject to the following conditions:

Endorsed Plans

1. *The use 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 signage and any supporting structures, as shown on the endorsed plans, must not be altered without the written consent of the Responsible Authority.*

Place of Assembly Use

3. *The use of the land as a place of assembly must cease within 2 years of the date of this permit, unless permission is obtained to continue the use from the Responsible Authority through the submission of a planning application.*
4. *No more than 120 persons, including patrons and staff, may attend an event on the site.*
5. *No more than 10 events may be held on the site in any calendar year.*
6. *All events must be undertaken within Lot 1 PS723135 (V/F: 12160/414), and all deliveries, waste collection, loading/unloading of equipment and food, and other similar activities associated with each event must take place from Main Street. No activities associated with the place of assembly use are permitted on Lot 2 PS723135 to the south.*
7. *At least 4 weeks prior to each event, notification of the event must be provided to the Responsible Authority and to the occupiers of any residential property on an adjoining lot.*
8. *A copy of the submitted Venue Management Plan must be provided to each party booking the place of assembly.*

Hours of Operation

9. Any event held at the site must only take place:

- a) for a single day
- b) on a Friday, Saturday or Sunday
- c) between the hours of 3pm and 11pm

With the exception of those staying in the accommodation on the land, unless otherwise agreed in writing by the Responsible Authority, patrons and staff must leave the site at the end of the event.

10. All music associated with an event, whether live or recorded, must be turned off by 11pm at the latest on the night of that event.

Noise Control

11. Prior to the commencement of the place of assembly use hereby permitted, relevant noise mitigation measures specified in Venue Noise Management Plan prepared by Clarity Acoustics (ref. R01 Rev1 23097, dated 18 July 2023) must be implemented, including the installation and construction of a 2m high acoustic screen to the adjacent property at 77 Main Street. The place of assembly must thereafter be operated in accordance with the recommendations in the Venue Noise Management Plan.
12. At least 3 sound level readings must be taken by the permit holder at each event in the first year to check music levels throughout the duration of the event, and those readings must be provided to the Responsible Authority no later than one week after the event, unless otherwise agreed in writing by the Responsible Authority.
13. The use must at all times comply with the Environment Protection Regulations 2021, Part 5.3. Unreasonable and aggravated noise must not be emitted at nearby noise sensitive locations. The place of assembly, including mechanical plant, must not operate outside of the permitted operating time periods specified in this permit, the regulations and Environment Protection Authority (EPA) Publication 1826.4.
14. The use must at all times comply with EPA Publication 1254.2, 'Noise Control Guidelines', in relation to noise from deliveries, public address systems, commercial waste collection, mobile vendors and truck mounted refrigeration units.

Loading and Unloading

15. All loading and unloading of goods onto/from service vehicles associated with the uses hereby permitted must be carried from Main Street and must not disrupt the parking or manoeuvring of other vehicles to the satisfaction of the Responsible Authority.

General Amenity

16. 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.
17. 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.

18. *The use must be managed so that the amenity of the area is not detrimentally affected, through the:*
- a) *transport of materials, goods or commodities to or from the land;*
 - b) *appearance of any building, works or materials;*
 - c) *emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;*
 - d) *presence of vermin.*

Expiry

19. *This permit will expire in respect of the place of assembly use 2 years from the date of this permit, unless permission has been granted for the continuation of that use.*
20. *This permit will expire in respect of the accommodation use and, if lawfully extended, the place of assembly use, if the use is discontinued for a period of two years.*

Note

1. *The place of assembly use must cease within 2 years of the date of this permit. An application may be made in the future to amend the timeframe provided for this use in condition 3. Any such application would be assessed on its merits, having regard to evidence relating to the operation of the use over the duration of this permit.*

AMENDMENT

MOVED Cr Kate Hanson, SECONDED Cr Tosh-Jake Finnigan

That Council amends conditions 3, 19 and Note 1 to replace the words "2 years" with "3 years".

CARRIED 7 : 0

RESOLUTION

The substantive motion reads as follows:

That the Planning Committee resolves to issue a Notice of Decision to Grant a Permit for the Use of the Land as a Place of Assembly and Accommodation, Display of Business Identification Signage and Reduction of Car Parking Spaces from the Specified Rate to Zero at 71-75 Main Street, Birregurra (Lot 1 PS723135U, V/F: 12160/414), subject to the following conditions:

Endorsed Plans

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

Place of Assembly Use

3. *The use of the land as a place of assembly must cease within 3 years of the date of this permit, unless permission is obtained to continue the use from the Responsible Authority through the submission of a planning application.*
4. *No more than 120 persons, including patrons and staff, may attend an event on the site.*
5. *No more than 10 events may be held on the site in any calendar year.*
6. *All events must be undertaken within Lot 1 PS723135 (V/F: 12160/414), and all deliveries, waste collection, loading/unloading of equipment and food, and other similar activities associated with each event must take place from Main Street. No activities associated with the place of assembly use are permitted on Lot 2 PS723135 to the south.*
7. *At least 4 weeks prior to each event, notification of the event must be provided to the Responsible Authority and to the occupiers of any residential property on an adjoining lot.*
8. *A copy of the submitted Venue Management Plan must be provided to each party booking the place of assembly.*

Hours of Operation

9. *Any event held at the site must only take place:*

- a) for a single day*
- b) on a Friday, Saturday or Sunday*
- c) between the hours of 3pm and 11pm*

With the exception of those staying in the accommodation on the land, unless otherwise agreed in writing by the Responsible Authority, patrons and staff must leave the site at the end of the event.

10. *All music associated with an event, whether live or recorded, must be turned off by 11pm at the latest on the night of that event.*

Noise Control

11. *Prior to the commencement of the place of assembly use hereby permitted, relevant noise mitigation measures specified in Venue Noise Management Plan prepared by Clarity Acoustics (ref. R01 Rev1 23097, dated 18 July 2023) must be implemented, including the installation and construction of a 2m high acoustic screen to the adjacent property at 77 Main Street. The place of assembly must thereafter be operated in accordance with the recommendations in the Venue Noise Management Plan.*
12. *At least 3 sound level readings must be taken by the permit holder at each event in the first year to check music levels throughout the duration of the event, and those readings must be provided to the Responsible Authority no later than one week after the event, unless otherwise agreed in writing by the Responsible Authority.*

13. *The use must at all times comply with the Environment Protection Regulations 2021, Part 5.3. Unreasonable and aggravated noise must not be emitted at nearby noise sensitive locations. The place of assembly, including mechanical plant, must not operate outside of the permitted operating time periods specified in this permit, the regulations and Environment Protection Authority (EPA) Publication 1826.4.*
14. *The use must at all times comply with EPA Publication 1254.2, 'Noise Control Guidelines', in relation to noise from deliveries, public address systems, commercial waste collection, mobile vendors and truck mounted refrigeration units.*

Loading and Unloading

15. *All loading and unloading of goods onto/from service vehicles associated with the uses hereby permitted must be carried from Main Street and must not disrupt the parking or manoeuvring of other vehicles to the satisfaction of the Responsible Authority.*

General Amenity

16. *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.*
17. *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.*
18. *The use must be managed so that the amenity of the area is not detrimentally affected, through the:*
 - a) *transport of materials, goods or commodities to or from the land;*
 - b) *appearance of any building, works or materials;*
 - c) *emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;*
 - d) *presence of vermin.*

Expiry

19. *This permit will expire in respect of the place of assembly use 3 years from the date of this permit, unless permission has been granted for the continuation of that use.*
20. *This permit will expire in respect of the accommodation use and, if lawfully extended, the place of assembly use, if the use is discontinued for a period of two years.*


Note

1. *The place of assembly use must cease within 3 years of the date of this permit. An application may be made in the future to amend the timeframe provided for this use in condition 3. Any such application would be assessed on its merits, having regard to evidence relating to the operation of the use over the duration of this permit.*

CARRIED 7 : 0

The meeting was declared closed at 7.04pm.

CONFIRMED AND SIGNED at the meeting held on 14 February 2024.


.....MAYOR

