

Delegate Report



Mansfield Shire

File Number: DA7883
Planning Application No. P057/22
Responsible Officer: Tim Berger
Attachments: N/A

Conflict of Interest

The author does not have a conflict of interest pursuant to Sections 127 and 128 of the *Local Government Act 2020*.

| <i>Application Details</i> | |
|--|---|
| APPLICANT | 140 High Street Pty Ltd C/- Ratio Consultants |
| PROPOSAL | Development of land for food and drink premises, shops (including ancillary uses for distillery and place of assembly), sale and consumption of liquor and alteration of access to a Road in a Transport Zone 2 |
| APPLICATION LODGED | 29 March 2022 |
| STATUTORY DAYS | 119 |
| NOTICE AND SUBMISSIONS | 3 objections and 2 submissions at the time of writing |
| <i>Property Details</i> | |
| PROPERTY ADDRESS | 2-4 and 8-10 Station Street, Mansfield |
| LAND DESCRIPTION | Lot 1 and 2 LP145122 and Lot 2 Block 1 LP3436 Parish of Mansfield |
| RESTRICTIVE COVENANTS | Nil |
| LAND AREA | Combined area of 3,848sqm across the 3 lots |
| EXISTING USE | 2 dwellings and vacant land |
| <i>Planning Provisions</i> | |
| MUNICIPAL PLANNING STRATEGY AND PLANNING POLICY FRAMEWORK | Clause 11.01-1L – Mansfield Township Clause 13.07-1S – Land use compatibility Clause 15.01-1S – Urban design |

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| | <p>Clause 15.01-1L – Urban design in Mansfield Township CBD</p> <p>Clause 15.01-2S – Building design</p> <p>Clause 17.02-1S – Business</p> <p>Clause 17.04-1S – Facilitating tourism</p> <p>Clause 17.04-1L – Facilitating tourism in Mansfield Shire</p> <p>Clause 18.02-4S – Roads</p> <p>Clause 19.03-3S – Integrated water management</p> |
| ZONE | Commercial 1 Zone (C1Z) |
| OVERLAYS | Design and Development Overlay – Schedule 1 (DDO1) |
| PARTICULAR PROVISIONS | <p>Clause 52.06 – Car Parking</p> <p>Clause 52.27 – Licenced Premises</p> <p>Clause 52.29 – Land Adjacent to the Principal Road Network</p> <p>Clause 52.34 – Bicycle Facilities</p> <p>Clause 53.18 – Stormwater Management in Urban Development</p> |
| <i>Permit Triggers</i> | |
| | <p>Clause 34.01-4 – A permit is required to construct a building or construct or carry out works.</p> <p>Clause 43.02-2 – A permit is required to construct a building or construct or carry out works.</p> <p>Clause 52.27 – A permit is required to use land to sell or consume liquor.</p> <p>Clause 52.29-2 – A permit is required to create or alter access to a Road in a Transport Zone 2 (High Street)</p> |
| <i>Other</i> | |
| CULTURAL SENSITIVITY | The subject land is not in an area of Aboriginal Cultural Heritage Sensitivity. |

Background

Proposal

The permit applicant, 140 High Street Pty Ltd C/- Ratio Consultants seeks approval for the development of land for food and drink premises, shops (including ancillary uses for distillery and place of assembly), sale and consumption of liquor and alteration of access to a Road in a Transport Zone 2 on the subject land at 2-4 and 8-10 Station Street, Mansfield.

The proposal would comprise the following features:

- Four (4) x shops, each with a floor area of 30sqm (5m x 6m), accessed by a central entrance foyer on the southern elevation adjacent to the car parking area.
- A ground floor café/food and drink premises/restaurant and alcohol tasting area with seating for 50 patrons for the café and 75 for the restaurant/bar, with a total floor area of 371 square metres for these areas
- A microbrewery/distillery with total floor area of 131 square metres, proposed to produce approximately 274 litres of alcohol a day.
- An upstairs ‘training area’, proposed to provide educational training relating to the hospitality industry, with an area of 205 square metres.
- An upstairs food preparation and storage area for the food and drink premises, with a total area of 238 square metres.
- Total development area = 1,104 square metres
- A wall height of 6m above natural ground level, with apex roof height at 8.82 metres above natural ground level
- Exterior corrugated cladding of Colorbond and vertical timber cladding in ‘natural grey’;

It is noted that there is no permission required for the use of the land, and as such the proposed operating hours are outside of the scope of assessment of this proposal.

A copy of the proposed development plans is attached below:

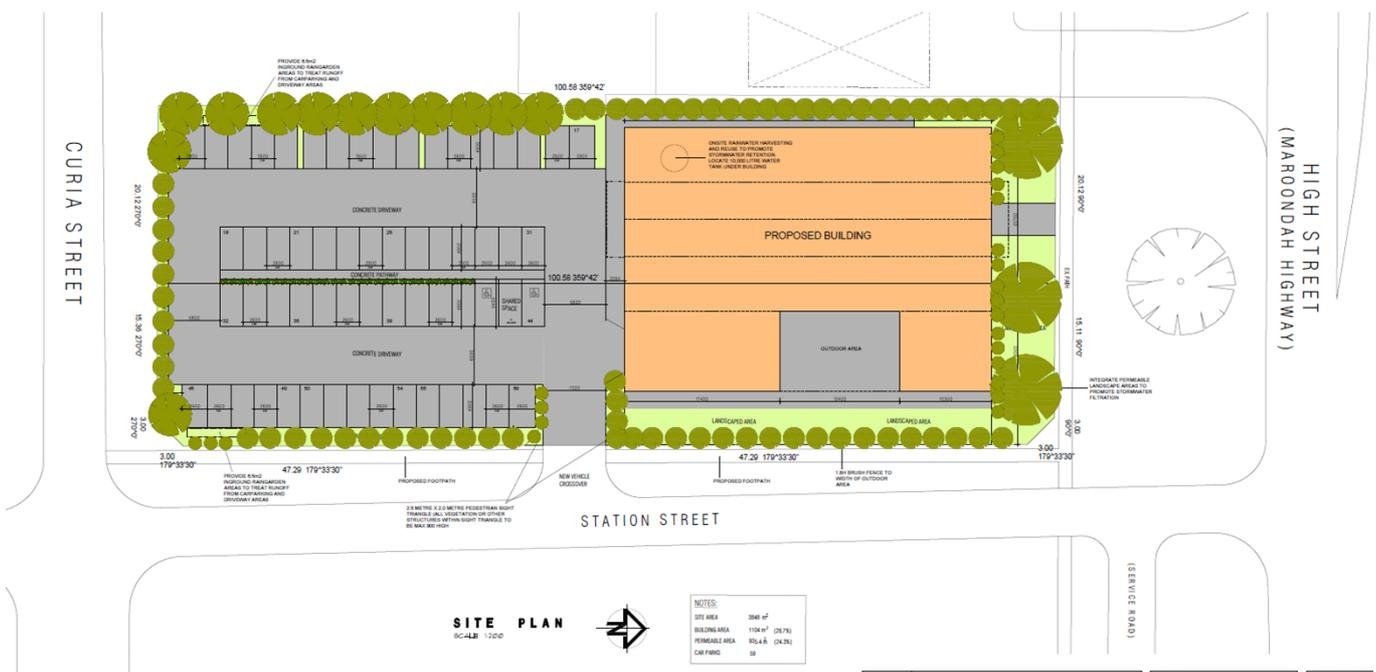


Image 1: Proposed site plan with indicative landscaping. Source: Application documents.

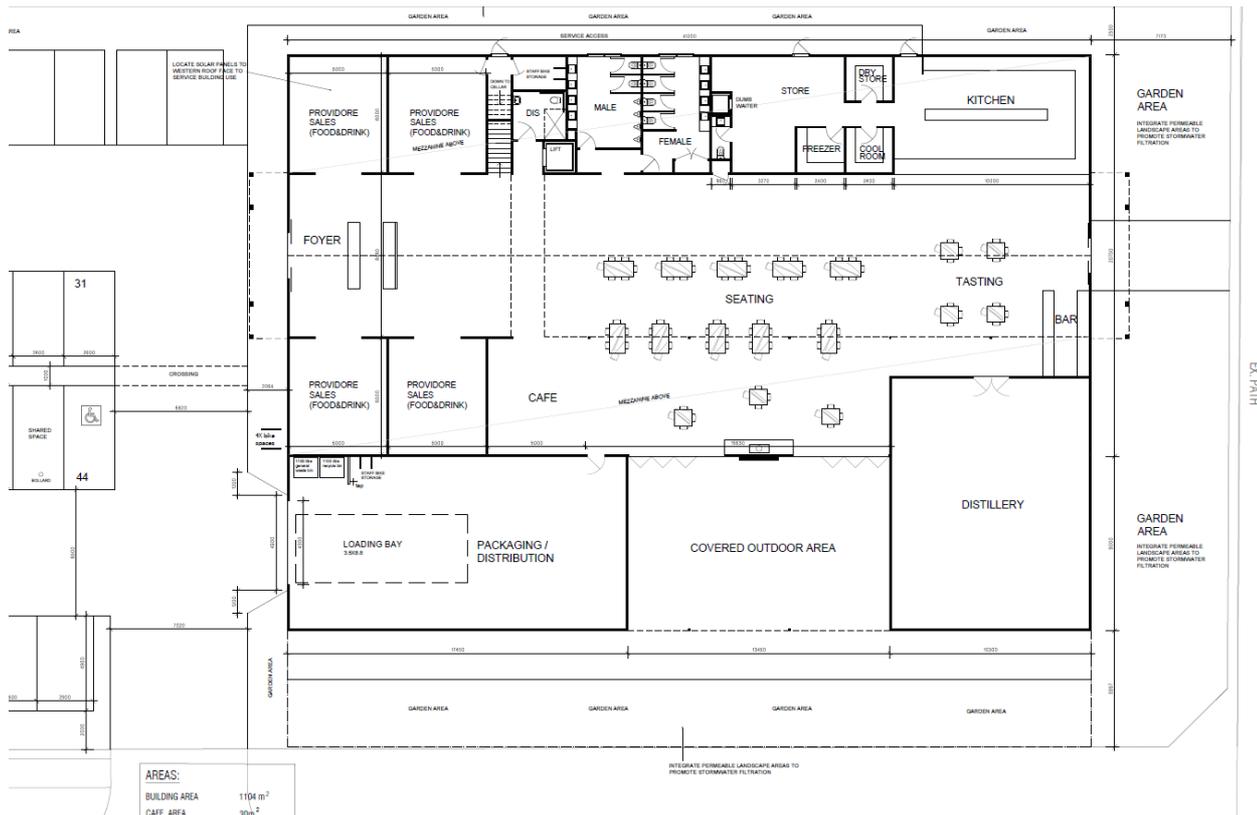


Image 2: Proposed ground floor plan. Source: Application documents.

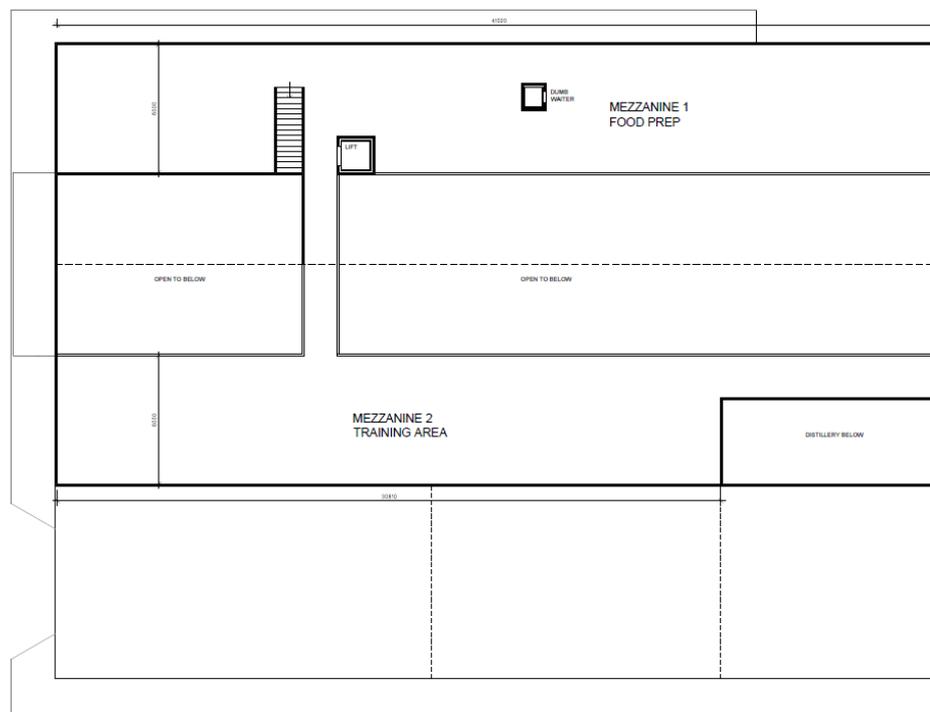


Image 3: Proposed upper floor plan. Source: Application documents.



Image 4: Proposed elevations. Source: Application documents.

Subject site, neighbourhood and environs

The subject site is a corner orientated property situated on the west side of Station Street at the intersection with the Maroondah Highway/High Street. The site is in a prominent position at the western gateway to Mansfield, immediately west of the commencement of the dual carriageway and opposite the Mansfield Visitor Information Centre.

The site has a frontage of approximately 35.23 metres to High Street and a maximum depth of 100.58 metres, with a total site area of 3,848sqm. The subject site comprises three parcels of land. The northern parcel (2-4 Station Street) contains a single storey weatherboard dwelling and domestic curtilage. The existing dwelling has two unpaved gravel crossovers into the site off Station Street (approximately 40 metres south of the intersection with High Street). Part of the unpaved driveway provides access to the dwelling on one of the other parcels known as 8-10 Station Street (formerly 35 Curia Street). The third parcel is currently vacant and forms part of 2-4 Station Street.

Properties to the west of the subject site (140 High Street and 39 Curia Street) are in the Commercial 1 Zone; with 140 High Street under construction for a Service Station pursuant to Planning Permit P164/17, and 39 Curia Street developed with a single dwelling. To the east of the site is 134 High Street, 5, 7 and 9 Station Street and 33 Curia Street; each used/developed for residential purposes. To the south of the site is the High Country Holiday Park; which is located in the General Residential Zone and used as a *Camping and Caravan Park* as defined in the Scheme. To the north of the site is the Mansfield Railway Station Historic Reserve/Great Victorian

Rail Trail and Mansfield Visitor Information Centre. The subject site is situated approximately 350 metres west from Mansfield’s main commercial and retail precinct.

The site is connected to reticulated power, telecommunications, water and sewer.

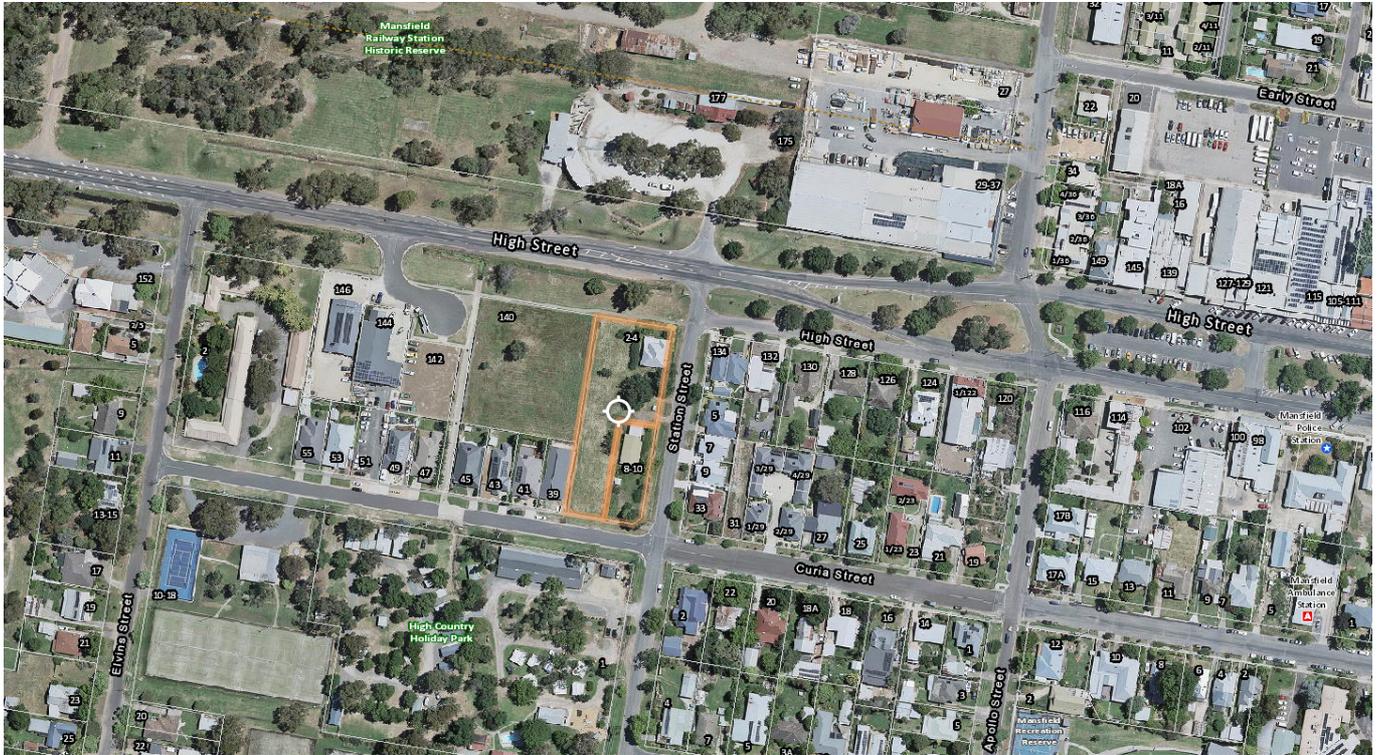


Image 5: Aerial image of subject site and surrounds. Source: Council GIS 2021 images.

Site History

Planning permits sought for the subject land include the following:-

| Permit number | Proposal | Decision date | Decision type |
|---------------|--|-------------------------|---------------|
| P119/19 | Development of land for a convenience restaurant | 20 March 2020 (Council) | Refused |
| | | 20 April 2021 (VCAT) | Refused |

Referrals and Advertising

Referral Responses

| Referral Agency | Referral Trigger | Response |
|----------------------------------|------------------------------------|---|
| DEPARTMENT OF TRANSPORT | Clause 52.29-4/66.03 – Determining | Conditional consent. Response dated 7 June 2022 |
| ENVIRONMENT PROTECTION AUTHORITY | Section 52 Notice | Comments provided Response dated 10 May 2022 |

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|------------------------------|------------------------------|---|
| GOULBURN MURRAY WATER | Clause 66.02-5 – Determining | Consent, no conditions. Response dated 23 May 2022 |
| GOULBURN VALLEY WATER | Section 52 Notice | Conditional consent. Response dated 23 May 2022 |
| MSC ENGINEERING | Internal referral | Conditional consent. Response dated 6 September 2022. |

Advertising

Advertising was carried out pursuant to Sections 52(1)(a) and (d) of the *Planning and Environment Act 1987* for a 4-week period, by:

- Letters to adjoining and adjacent owners and occupiers;
- Sign on each street frontage; and
- A notice in the Mansfield Courier.

As a result of public notice, three (3) objections and two (2) submissions have been received to the application, raising the following concerns:

- Safety impacts to existing residential driveways on Station Street.
- Excessive building height.
- Western (township approach) façade of building being 'bland'/lack of relief in built form.
- Car spaces are of insufficient size to accommodate larger vehicles which are disproportionately present in Mansfield.
- Traffic data is not current/typical and therefore irrelevant.
- Hours of operation to midnight are excessive and should be restricted to 10pm.
- Lack of acoustic fencing on Station and Curia Streets.
- Stormwater drainage and environmental impacts from run-off and litter.
- Use of rainfall data for Murrindindi Shire rather than Mansfield Shire.
- Water usage for microbrewery activities.
- Insufficient landscaping proposed.

Submissions also request a number of matters to be addressed by specified conditions, including:

- Hours of deliveries and waste collection limited to 08:00-1800 Monday to Friday and 09:00-12:00 Saturdays.
- 2.5m high acoustic fencing to Curia and Station Streets.
- Minimum 2m landscaping on street interfaces.
- Outdoor area to cease use at 22:00 and modification of brush fence to an acoustic fence.
- No live music or DJ generated music in outdoor area.
- On-site water harvesting to cater for microbrewery generation.
- Plant and equipment to be ground based/underground and enclosed.
- Section 173 Agreement for microbrewery production volumes.

These concerns are discussed further in the assessment section of this report. It is noted however that as there is no use permissions required for the development, that Council is limited in the conditions it can impose on the ongoing use of the development.

Consultation

- A drop in session was held with Council staff, representatives of the permit applicant and interested community members on 11 July 2022.
- Further to the close of the notice period, responses were provided from the permit applicant and circulated to objectors/submitters to respond to concerns raised.

Mansfield Planning Scheme and Context Assessment

Municipal Planning Strategy (MPS) and Planning Policy Framework (PPF)

The Municipal Planning Strategy and Planning Policy Framework seeks to ensure that the objectives of planning in Victoria (as set out in Section 4 of the *Planning and Environment Act 1987*) are fostered through appropriate land use and development planning policies and practices which integrate relevant environmental, social and economic factors in the interests of net community benefit and sustainable development.

The following Planning Policies and Objectives are relevant to this application:

Clause 11.01-1L – Mansfield Township

Objective

- *To support the growth of Mansfield township as the focus of development in the Shire.*
- *To consolidate the Mansfield Township Central Business District (CBD) shopping centre.*

Relevant Strategies

- *Consolidate the retail and commercial shopping centre core of Mansfield township.*
- *Encourage a range of retail and commercial opportunities in the town centre.*
- *Locate major commercial and industrial developments in Mansfield township.*
- *Encourage redevelopment of existing residential properties in Commercial 1 zoned land in the town centre for commercial uses.*
- *Encourage the redevelopment of vacant or underutilised sites including retail and mixed use with possible car parking opportunities to the rear where possible.*

Comment:

The proposed development provides for the removal of 2 residential dwellings within an existing Commercial 1 Zoned area at the gateway to Mansfield for commercial use. The proposal comprises a mixed-use commercial activity of food and drink, retail premises/shops and associated activities, with car parking at the rear of the site allowing for an improved visual presentation to Mt Buller Road.

Clause 13.07-1S – Land use compatibility**Objective**

- *To protect community amenity, human health and safety while facilitating appropriate commercial, industrial, infrastructure or other uses with potential adverse off-site impacts.*

Relevant Strategies

- *Ensure that use or development of land is compatible with adjoining and nearby land uses.*
- *Avoid locating incompatible uses in areas that may be impacted by adverse off-site impacts from commercial, industrial and other uses.*
- *Avoid or otherwise minimise adverse off-site impacts from commercial, industrial and other uses through land use separation, siting, building design and operational measures.*
- *Protect existing commercial, industrial and other uses from encroachment by use or development that would compromise the ability of those uses to function safely and effectively.*

Comment:

The proposed development comprises the commercial use of commercially zoned land, in a manner envisaged by the Mansfield Planning Scheme. The application is accompanied by an acoustic report which proposes various mitigation measures to minimise impacts to adjoining and nearby sensitive land uses. In acknowledging the sensitive uses closer to the intersection of High Street and Station Street, permit conditions will require the fencing between the northern side of the crossover and High Street to also have acoustic properties consistent with other proposed fencing.

Clause 15.01-1S – Urban design**Objective**

- *To create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity.*

Relevant Strategies

- *Require development to respond to its context in terms of character, cultural identity, natural features, surrounding landscape and climate.*
- *Ensure development contributes to community and cultural life by improving the quality of living and working environments, facilitating accessibility and providing for inclusiveness.*
- *Ensure the interface between the private and public realm protects and enhances personal safety.*
- *Ensure development supports public realm amenity and safe access to walking and cycling environments and public transport.*
- *Ensure that the design and location of publicly accessible private spaces, including car parking areas, forecourts and walkways, is of a high standard, creates a safe environment for users and enables easy and efficient use.*

- *Ensure that development provides landscaping that supports the amenity, attractiveness and safety of the public realm.*
- *Ensure that development, including signs, minimises detrimental impacts on amenity, on the natural and built environment and on the safety and efficiency of roads.*
- *Promote good urban design along and abutting transport corridors.*

Comment:

The proposed development is considered responsive to the surrounding urban context. While it is proposed at a height in excess of 6 metres (discussed further in the DDO1 assessment), it provides for a built form and materiality consistent with the intent of the alpine approach into Mansfield. The setbacks provided to High Street provide opportunity for substantive landscaping to soften the development and provide an interface sensitive to the Railway Precinct on the northern side of High Street, while the use of glass windows to High Street will provide passive surveillance to the public realm.

Clause 15.01-1L – Urban design in Mansfield Township CBD

Relevant Strategies

- *Site and design development to respond to the existing built form character of the centre.*
- *Retain the predominant single storey built form and structure and consistency of front setbacks in High Street and Highett Street.*
- *Maintain a sense of character and provide for pedestrian amenity as part of commercial development, including through the use of verandahs extending to the kerb.*
- *Encourage the full activation of retail frontages along High Street and Highett Street.*
- *Design access to parking to minimise impacts on active frontages and preferably be provided via a secondary streets, laneways or other parking areas.*
- *Design signs to be proportionate to the building facade and directed to the verandah and below verandah.*

Comment:

In addition to the points discussed at Clause 15.01-1S, the proposal provides for car parking to be located at the rear of the development, screened from High Street and appropriately landscaped and acoustically fenced to Station Street and Curia Street. Signage is not proposed in this application and would be considered under a future application if required. Porticos to the north and south elevation provide a sense of character and break the built form presentation, with permit conditions to require greater material variation at the upper levels to High Street.

Clause 15.01-2S – Building design

Objective

- *To achieve building design and siting outcomes that contribute positively to the local context, enhance the public realm and support environmentally sustainable development.*

Relevant Strategies

- *Ensure a comprehensive site analysis forms the starting point of the design process and provides the basis for the consideration of height, scale, massing and energy*

performance of new development.

- *Ensure development responds and contributes to the strategic and cultural context of its location.*
- *Minimise the detrimental impact of development on neighbouring properties, the public realm and the natural environment.*
 - *Improve the energy performance of buildings through siting and design measures that encourage:*
 - *Passive design responses that minimise the need for heating, cooling and lighting.*
 - *On-site renewable energy generation and storage technology.*
 - *Use of low embodied energy materials.*
- *Ensure the layout and design of development supports resource recovery, including separation, storage and collection of waste, mixed recycling, glass, organics and e-waste.*
- *Encourage water efficiency and the use of rainwater, stormwater and recycled water.*
- *Minimise stormwater discharge through site layout and landscaping measures that support on-site infiltration and stormwater reuse.*
- *Ensure the form, scale, and appearance of development enhances the function and amenity of the public realm.*
- *Ensure buildings and their interface with the public realm support personal safety, perceptions of safety and property security.*
- *Ensure development is designed to protect and enhance valued landmarks, views and vistas.*
- *Ensure development considers and responds to transport movement networks and provides safe access and egress for pedestrians, cyclists and vehicles.*
- *Ensure development provides landscaping that responds to its site context, enhances the built form, creates safe and attractive spaces and supports cooling and greening of urban areas.*

Comment:

The development is considered responsive to the surrounding urban context that manages interfaces with adjoining and adjacent properties, responds to the alpine approach into Mansfield and provides appropriate movements for vehicles and pedestrians. Passive surveillance is provided from the glass windows to High Street, with appropriate landscaping opportunities to soften the development form into the landscape. Stormwater re-use is proposed, and waste is managed outside of view of the public realm.

Clause 17.02-1S – Business

Objective

- *To encourage development that meets the community's needs for retail, entertainment, office and other commercial services.*

Relevant Strategies

- *Plan for an adequate supply of commercial land in appropriate locations.*
- *Ensure commercial facilities are aggregated and provide net community benefit in*

relation to their viability, accessibility and efficient use of infrastructure.

- *Locate commercial facilities in existing or planned activity centres.*

Comment:

The proposed development comprises the commercial development of existing commercial land, reflecting a desired policy setting to guide C1Z in Mansfield on High Street from residential to commercial land use.

Clause 17.04-1S – Facilitating tourism

Objective

- *To encourage tourism development to maximise the economic, social and cultural benefits of developing the state as a competitive domestic and international tourist destination.*

Relevant Strategies

- *Encourage the development of a range of well-designed and sited tourist facilities, including integrated resorts, accommodation, host farm, bed and breakfast and retail opportunities.*
- *Seek to ensure that tourism facilities have access to suitable transport.*
- *Promote tourism facilities that preserve, are compatible with and build on the assets and qualities of surrounding activities and attractions.*
- *Create innovative tourism experiences.*
- *Encourage investment that meets demand and supports growth in tourism.*

Clause 17.04-1L – Facilitating tourism in Mansfield Shire

Relevant Strategies

- *Support tourism development that will benefit the local economy by improving linkages between development, commercial operators and service providers.*
- *Facilitate development that improves tourism links and facilities and capitalises on the through traffic along the Alpine approaches during peak holiday periods.*
- *Locate tourism use and development in areas that are highly accessible and preferably serviced with sealed road access.*
- *Site and design tourism development to be unobtrusive and sympathetic to existing landscape features and complement the landscape character of the area.*
- *Provide internal all-weather road access to sites.*
- *Design signs for tourism uses to be sympathetic to the land on which it is to be located.*

Comment:

The nature of the proposed development and associated use is intended to be a destination offering, providing a tourist experience to visitors of Mansfield that will encourage visitors to stop and support the local economy. The site is well located for such a development and will encourage growth in the area.

Clause 18.02-4S – Roads

Objective

- *To facilitate an efficient and safe road network that integrates all movement networks and makes best use of existing infrastructure.*

Relevant Strategies

- *Plan an adequate supply of car parking that is designed and located to:*
 - *Protect the role and function of nearby roads.*
 - *Enable the efficient movement and delivery of goods.*
 - *Facilitate the use of public transport.*
 - *Maintain journey times and the reliability of the on-road public transport network.*
 - *Protect residential areas from the effects of road congestion created by on-street parking.*
 - *Enable easy and efficient use.*
 - *Achieve a high standard of urban design.*
 - *Protect the amenity of the locality, including the amenity of pedestrians and other road users.*
 - *Create a safe environment, particularly at night.*
- *Allocate land for car parking considering:*
 - *The existing and potential modes of access including public transport.*
 - *The demand for off-street car parking.*
 - *Road capacity.*
 - *The potential for demand-management of car parking.*
- *Consolidate car parking facilities to improve efficiency.*
- *Design public car parks to incorporate electric charging facilities to support the use of low-emission vehicles.*

Comment:

The development provides car parking in excess of the statutory requirement (discussed further in this report), with all spaces meeting or exceeding Scheme requirements for dimensions and design. The proposal also provides for installation of a footpath to Station Street, which will provide safer and efficient movement to and around the subject site. Permit conditions will require an electric vehicle charging facility to be provided on the land.

Clause 19.03-3S – Integrated water management**Objective**

- *To sustainably manage water supply and demand, water resources, wastewater, drainage and stormwater through an integrated water management approach.*

Relevant Strategies

- *Plan and coordinate integrated water management, bringing together stormwater, wastewater, drainage, water supply, water treatment and re-use, to:*
 - *Take into account the catchment context.*

- *Protect downstream environments, waterways and bays.*
 - *Manage and use potable water efficiently.*
 - *Reduce pressure on Victoria's drinking water supplies.*
 - *Minimise drainage, water or wastewater infrastructure and operational costs.*
 - *Minimise flood risks.*
 - *Provide urban environments that are more resilient to the effects of climate change.*
- *Integrate water into the landscape to facilitate cooling, local habitat improvements and provision of attractive and enjoyable spaces for community use.*
 - *Facilitate use of alternative water sources such as rainwater, stormwater, recycled water and run-off from irrigated farmland.*
 - *Ensure that development protects and improves the health of water bodies including creeks, rivers, wetlands, estuaries and bays by:*
 - *Minimising stormwater quality and quantity related impacts.*
 - *Filtering sediment and waste from stormwater prior to discharge from a site.*
 - *Managing industrial and commercial toxicants in an appropriate way.*
 - *Requiring appropriate measures to mitigate litter, sediment and other discharges from construction sites.*
 - *Manage stormwater quality and quantity through a mix of on-site measures and developer contributions at a scale that will provide greatest net community benefit.*
 - *Minimise the potential impacts of water, sewerage and drainage assets on the environment.*
 - *Ensure that the use and development of land identifies and appropriately responds to potential environmental risks and contributes to maintaining or improving the environmental quality of water and groundwater.*

Comment:

A STORM report has been provided with the application, conceptually demonstrating that stormwater from the development can be captured and reused on site. A detailed stormwater management plan will be required as a condition of permit, as well as consequential works to the open drain on Station Street abutting the development, which will ultimately provide for an improved stormwater outcome from the site.

Zoning

Clause 34.01 – Commercial 1 Zone

Purpose

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses.*
- *To provide for residential uses at densities complementary to the role and scale of the commercial centre.*

Decision Guidelines

General

- *The Municipal Planning Strategy and the Planning Policy Framework.*
- *The interface with adjoining zones, especially the relationship with residential areas.*

Building and works

- *The movement of pedestrians and cyclists, and vehicles providing for supplies, waste removal, emergency services and public transport.*
- *The provision of car parking.*
- *The streetscape, including the conservation of buildings, the design of verandahs, access from the street front, protecting active frontages to pedestrian areas, the treatment of the fronts and backs of buildings and their appurtenances, illumination of buildings or their immediate spaces and the landscaping of land adjoining a road.*
- *The storage of rubbish and materials for recycling.*
- *Defining the responsibility for the maintenance of buildings, landscaping and paved areas.*
- *Consideration of the overlooking and overshadowing as a result of building or works affecting adjoining land in a General Residential Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone.*
- *The impact of overshadowing on existing rooftop solar energy systems on dwellings on adjoining lots in a General Residential Zone, Mixed Use Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone.*
- *The availability of and connection to services.*
- *The design of buildings to provide for solar access.*
- *The objectives, standards and decision guidelines of Clause 54 and Clause 55. This does not apply to an apartment development.*
- *For an apartment development, the objectives, standards and decision guidelines of Clause 58.*

Comment:

An assessment of the relevant provisions of the Municipal Planning Strategy and the Planning Policy Framework is provided earlier in this report. The application provides for good movement of pedestrians, cyclists and vehicles to and from the site, with a new footpath proposed on Station Street, bicycle facilities and car parking in excess of the statutory requirements and appropriate access in accordance with or marginally exceeding the requirements of Clause 52.06-9.

In terms of urban design, the proposal provides interface to High Street in a manner envisaged by the DDO1 applying to the land, with appropriate setbacks and a sense of address to the public realm, coupled with ample space for a strong landscaping design.

Sufficient area is provided in the loading/distribution areas for waste collection and storage, which will be codified by permit condition. As no subdivision is proposed, the maintenance of landscaped and shared areas will remain a single responsibility subject to ordinary commercial agreements. No overshadowing of rooftop solar facilities will occur from the development. While there are residential properties that require consideration, the only interface with a residential area is to the south, which is managed by separation of the existing road network, acoustic treatments and landscaping.

For these reasons, the proposal is considered appropriate having regard to the Commercial 1 Zone.

Overlays

Clause 43.02 – Design and Development Overlay – Schedule 1 (DDO1)

Design Objectives

- *Ensure that building siting, design, form, height, appearance, scale and materials that are compatible with the role of land as an alpine approach or gateway to and from the Mansfield or Merrijig townships.*
- *Ensure that buildings and other development meet the recommendations of The Mansfield Urban Design Framework 2005.*

Decision Guidelines

The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specified in Clause 43.02 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- *The Mansfield Urban Design Framework 2005.*

Comment:

Design guidelines of the DDO1 provide that new development should:

- *Be of a design, form, appearance and scale that compliments an alpine approach and township gateway theme ie use of natural materials and colour schemes that compliment the surroundings, pitched roof designs rather than flat or skillion roofs only.*

The design of the development uses natural materials and colour schemes, a pitched roof and form that is consistent with many built form outcomes associated with Mansfield and the Alpine region. Permit conditions will require further use of timbers on the upper level of the western elevation to provide diversity in built form and further materials consistent with the Alpine region.

- *Have at least one active frontage (i.e. entries, windows, external activities) and not have solid walls and solid fencing facing the road/s.*

The interface to High Street is an active frontage with portico defining the entrance, high use of glass for passive surveillance and interface, and no fencing to High Street.

- *Be of natural or muted materials and colours that complement an alpine approach and township gateway theme, that is timber, stone, colourbond, brick or earth based materials. Zinacalume materials are prohibited. Galvanised iron materials may only be permitted when it can be demonstrated that the building will have minimal visual impact.*

No zinacalume or galvanised iron materials are proposed, with colorbond and timber materials in greys/neutral materials to clad the building. This is considered an appropriate design response for the alpine approach and township gateway.

- *Not exceed single storey in height, with the maximum height allowable being 6 metres from natural ground level to the upper point of the building roofline.*

The built form exceeds 6 metres, with the maximum height being 8.82m. The development is 6 metres in wall height, with the extent of protrusion limited to the upper level on a portion of the building (refer image below):



Image 6: Extent of development above 6 metres in height.

The intent of this control is to ensure development does not dominate the views to Mt Buller or surrounding development. The proposal, while numerically exceeding 6 metres achieves this underlying intent.

- *Create visual interest and enhance alpine and gateway character.*

The development is considered to be consistent with the character of the surrounding area and alpine approach more generally as has been discussed. The building will provide a sense of visual interest, although the extent of visual interest is unlikely to be as high as what is contended by the permit applicants.

- *Be sited to have sufficient building setbacks to allow a sense of space, lineal corridor and alpine landscape to be retained.*

A large setback is provided to High Street (7.173m, excluding portico encroachment), with ample setbacks to Station Street and Curia Street. This provides for consistent development along High Street and ample landscaping to be provided.

- *Have a setback/s to accord with (or exceed) the setbacks of building/s on adjoining properties.*

The site is on a corner and has 1 abuttal to 140 High Street. The setback of the petrol canopy at this property is 7.26 metres; the difference of 870mm will not be discernible when passing the site).

- *Allow pedestrian access, and vehicle parking and landscaping at the frontage of the land.*

Pedestrian access and landscaping is provided from High Street, with all car parking at the rear of the building, providing a positive presentation to High Street.

- *Have a strong emphasis on environmental sustainability and energy efficiency.*

The concept stormwater design includes raingardens and rainwater harvesting to reuse water captured on the site. Permit conditions will include provision for electric vehicle charging and a solar energy facility, which will further achieve these requirements.

- *Have any storage area and parking for large vehicles away from road frontages.*

Car parking and loading areas are at the rear of the building, compliant with this requirement.

- *Provide landscaping that creates an attractive environment that is consistent with and complements an alpine theme and gateway approach into a high country tourist town, especially on the Maroondah Highway frontage.*

Ample space for landscaping is provided, with details of the landscaping to be provided by way of permit condition. The landscaping will provide for an attractive development and environment on the Alpine Approach.

- *Enable high levels of accessibility, including access for people with a disability.*

The development is accessible at ground level and incorporates wide accessways, disabled car parking and footpaths internally and external to the site consistent with this requirement.

These objectives reflect the intent of the *Mansfield Urban Design Guidelines 2005*. For these reasons, the proposal is considered to accord with the provisions of the DDO1.

Particular Provisions

Clause 52.06 – Car Parking

Purpose

- *To ensure that car parking is provided in accordance with the Municipal Planning Strategy and the Planning Policy Framework.*
- *To ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated, the activities on the land and the nature of the locality.*
- *To support sustainable transport alternatives to the motor car.*
- *To promote the efficient use of car parking spaces through the consolidation of car parking facilities.*
- *To ensure that car parking does not adversely affect the amenity of the locality.*
- *To ensure that the design and location of car parking is of a high standard, creates a safe environment for users and enables easy and efficient use.*

Required car parking

| Land Use | Required Car Parking | Floor area | Total Required | Total Provided | Shortfall/Surplus |
|-------------------------|--|---|----------------|----------------|-------------------|
| Food and Drink Premises | 4 spaces per 100 sq m of leasable floor area | 321sqm (comprising café and seating area) | 12 | 59 | +13 |
| Restaurant/Bar | 0.4 spaces per patron | N/A | 30 | | |
| Shop | 4 spaces per 100 sq m of leasable floor area | 120sqm | 4 | | |

Comment:

Sufficient car parking is provided for the proposed uses, exceeding the car parking requirements specified in Clause 52.06-5 applicable to the development. Car parking spaces are designed in accordance with the design standards of Clause 52.06-9 in relation to dimensions, accessways and landscaping. Given the tighter manoeuvres required to access the car parking spaces on the eastern boundary adjacent to the accessway (spaces 55-59), these will be required to be staff car parking to minimise movements of cars in these parking spaces. Further, a condition will be imposed requiring the internal access to be 1 way, to ensure safe movement of vehicles through the site.

Clause 52.27 – Licensed premises**Purpose:**

- *To ensure that licensed premises are situated in appropriate locations.*
- *To ensure that the impact of the licensed premises on the amenity of the surrounding area is considered.*

Decision Guidelines:

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

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

Comment:

A permit is required to use land to sell and consume liquor where a license is required under the *Liquor Control Reform Act 1998*. It is considered that amenity impacts from liquor sale and consumption on site will be acceptable. The scope of activity is largely related to minor consumption in association with meals/tasting or take-away liquor purchases for consumption elsewhere. The inclusion of liquor in the proposal is complementary to the food and drink offerings proposed, that will contribute to the commercial diversity of the area and provides for enhanced tourist vibrancy.

The proposal is not considered to have a detrimental cumulative impact on the amenity of the area considering it is well separated from other licensed premises within Mansfield and provides a boutique alcohol offering (as distinct from a licence associated with a hotel, nightclub or the like). Hours for the sale and consumption of liquor are tied to the restaurant/food and drink premises and this will be imposed by condition – the impacts of these hours are considered reasonable in the context where the use of land is not being regulated but rather only the liquor sale and consumption is.

Clause 52.29 – Land Adjacent to the Principal Road Network

Purpose

- *To ensure appropriate access to the Principal Road Network or land planned to form part of the Principal Road Network.*
- *To ensure appropriate subdivision of land adjacent to Principal Road Network or land planned to form part of the Principal Road Network.*

Decision Guidelines

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

- *The Municipal Planning Strategy and the Planning Policy Framework.*
- *The views of the relevant road authority.*
- *The effect of the proposal on the operation of the road and on public safety.*
- *Any policy made by the relevant road authority pursuant to Schedule 2, Clause 3 of the Road Management Act 2004 regarding access between a controlled access road and adjacent land.*

Comment:

The application was referred to the Department of Transport as the relevant road authority for High Street (Maroondah Highway), pursuant to Section 55 of the *Planning and Environment Act 1987*. VicRoads have not objected to the grant of a permit, subject to the imposition of conditions. Such conditions would be imposed on any permit issued. The imposition of these conditions is appropriate in ensuring that the road network operates effectively in this location.

Clause 52.34 – Bicycle facilities

Purpose

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

shower and change facilities.

Required bicycle facilities

| Land Use | Employee Rate | Visitor/Shopper Rate | Floor area | Total Required | Total Provided | Shortfall/Surplus |
|---|---|---|------------|----------------------------------|--|-------------------|
| Food and Drink Premises, Restaurant/Bar | 1 to each 300 sq m of leasable floor area | 1 to each 500 sq m of leasable floor area | 815sqm | 5 (3 x employee and 2 x visitor) | 14 (based on plans dated 21 July 2022) | +9 |
| Shop | 1 to each 600 sq m of leasable floor area if the leasable floor area exceeds 1000 sq metres | 1 to each 500 sq m of leasable floor area if the leasable floor area exceeds 1000 sq metres | 120sqm | 0 | | |

Comment:

The application provides in excess of the statutory rate for bicycle facilities, with such facilities designed in accordance with Clause 52.34-6 of the Mansfield Planning Scheme. A permit condition will require an additional employee space in the secure area of the building.

Clause 53.10 – Uses and activities with potential adverse impacts

Purpose

- *To identify those types of uses and activities, which if not appropriately designed and located, may cause offence or unacceptable risk to the neighbourhood.*

Comment:

The proposed distillery activity meets the threshold distances for alcohol production specified in Clause 53.10, with separation from sensitive land uses only required for production exceeding 5,000L/day. As this component is small scale and only in association with the food and drink premises, it will not have an unreasonable impact on the surrounding area.

Clause 53.18 – Stormwater management in urban development

Purpose

- *To ensure that stormwater in urban development, including retention and reuse, is managed to mitigate the impacts of stormwater on the environment, property and public safety, and to provide cooling, local habitat and amenity benefits.*

Comment:

A STORM report has been submitted with the application, demonstrating that stormwater emanating from the site can be captured and re-used in conceptual terms. Permit conditions will require details of stormwater management systems from the development to ensure that the objectives of Clause 53.18-5 and Clause 53-18.6 are met.

General Provisions

Clause 65.01 – Approval of An Application or Plan

Before deciding on an application or approval of a plan, the responsible authority must consider, as appropriate:

- *The matters set out in section 60 of the Act.*
- *Any significant effects the environment, including the contamination of land, may have on the use or development.*
- *The Municipal Planning Strategy and the Planning Policy Framework.*
- *The purpose of the zone, overlay or other provision.*
- *Any matter required to be considered in the zone, overlay or other provision.*
- *The orderly planning of the area.*
- *The effect on the environment, human health and amenity of the area.*
- *The proximity of the land to any public land.*
- *Factors likely to cause or contribute to land degradation, salinity or reduce water quality.*
- *Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.*
- *The extent and character of native vegetation and the likelihood of its destruction.*
- *Whether native vegetation is to be or can be protected, planted or allowed to regenerate.*
- *The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.*
- *The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.*
- *The impact the use or development will have on the current and future development and operation of the transport system.*

Comment:

The Municipal Planning Strategy and Planning Policy Framework have been addressed under separate headings in the body of the report. The land is appropriately sized and located for the use, with no unreasonable offsite impacts expected. The site is at low risk of contamination and the proposed development is not a sensitive land use under the relevant Practice Note. Stormwater discharge from the site will be managed in accordance with Council requirements such that the development is not considered likely to lead to a reduction in water quality or salinity issues. Traffic/road safety can be appropriately addressed. No natural hazard issues (such as flooding or bushfire management) apply to the site.

Response to Objections

Concern: *Safety impacts to existing residential driveways on Station Street.*

Response: The access to and within the site complies with planning scheme requirements for access and car parking, with no concerns raised by Council's engineers. The permit holder will be required to undertake works to Station Street which will improve the road form from its current state. This is a requirement of proposed Condition 22.

Concern: *Excessive building height.*

Response: As discussed in this report, while the building exceeds 6 metres, in the context of the site, surrounding area and intent of the DDO1, the extent of height above 6 metres is considered acceptable, provides visual interest and can be mitigated by landscaping to minimise bulk.

Concern: *Western (township approach) façade of building being 'bland'/lack of relief in built form*

Response: This concern is agreed to in part, with permit conditions to require natural timbers to the upper levels on this elevation to provide a greater sense of visual interest and relief on the township approach. This is a requirement of proposed Condition 1.

Concern: *Car spaces are of insufficient size to accommodate larger vehicles which are disproportionately present in Mansfield.*

Response: This concern is noted, however the car parking spaces proposed meet the requirements of the Planning Scheme for car parking spaces. While Council officer acknowledge the points raised by submitters in relation to this matter, there are limitations as to what can be required in a planning permit, particularly if the request is for a standard above that specified in the Scheme. The assessment has shown that the proposed aisle widths internally will allow for overhang of larger vehicles if this occurs, and a condition is recommended that requires one way vehicle movements through the car parking area to accommodate this and ensure that vehicle movements internally can occur safely through the site. This is a requirement of proposed Condition 1.

Concern: *Traffic data is not current/typical and therefore irrelevant.*

Response: The traffic data is considered to reflect as far as practicable traffic generation, with the findings generally consistent with Council's own data in the surrounding area. No concerns have been raised by Council's engineers that the traffic generation of the development would result in the development being unacceptable. Conditions are also recommended requiring Station Street is of a standard to accommodate the additional traffic. This is a requirement of proposed Condition 22.

Concern: *Hours of operation to midnight are excessive and should be restricted to 10pm.*

Response: As the uses proposed are 'as of right' and Council is assessing only the development and associated impacts, there is not scope for Council to regulate the hours of operation of as of right commercial uses in a commercial zone. It is noted that the permit applicant has provided operating hours for deliveries, being 7am to 6pm Monday to Saturday and 8am to 6pm Sundays and Public Holidays. This has been included at Condition 12.

Concern: *Lack of acoustic fencing on Station and Curia Streets*

Response: This concern is agreed in part, with conditions requiring further acoustic fencing between the northern crossover and High Street. This is a requirement of proposed Condition 1.

Concern: *Stormwater drainage and environmental impacts from run-off and litter.*

Response: This will be managed through a Stormwater Management Plan and adherence to required construction measures. This is a requirement of proposed Condition 4.

Concern: *Use of rainfall data for Murrindindi Shire rather than Mansfield Shire.*

Response: The STORM tool provided by Melbourne Water does not allow Mansfield Shire to be selected as an option for calculation; however, this is a conceptual tool to demonstrate how stormwater can be retained and reused on site. Permit conditions will require a detailed design to

be prepared and submitted before works can commence. This is a requirement of proposed Condition 4.

Concern: *Water usage for microbrewery activities.*

Response: The site will be connected to the reticulated water network, with Goulburn Valley Water raising no objections to the proposal. Harvested rainwater will be reused on site where practicable, however noting that the uses proposed do not require a planning permit and it is outside of the scope of this application to try and regulate use matters such as water consumption. The plans provided in July demonstrate the provision of a 100KL tank on site, and Condition 1 requires these plans be the base of the approval.

Concern: *Insufficient landscaping proposed*

Response: A detailed landscaping plan will be required as a condition of approval. It is considered that the extent of landscaped areas is appropriate, with minor changes relating to the car park area. This is a requirement of proposed Condition 3.

Conclusions

This application proposes the development of land for food and drink premises, shops (including ancillary uses for distillery and place of assembly), sale and consumption of liquor and alteration of access to a Road in a Transport Zone 2 at the site known as 2-4 and 8-10 Station Street, Mansfield. Having assessed the application against the relevant clauses of the Mansfield Planning Scheme, it is considered that the development responds positively to the requirements of the Scheme with respect to development of C1Z land and DDO1 design provisions, car parking and access requirements, sale and consumption of liquor and general decision guidelines. The development is considered to achieve a positive outcome that makes efficient use of a gateway site in a manner sympathetic with the Alpine Approach that will provide a destination for locals and tourists to the Mansfield area.

The application is therefore recommended for approval.

Officer Recommendation

NOTICE OF DECISION TO GRANT A PLANNING PERMIT

That Council issue a **Notice of Decision to Grant a Permit** for Planning Application P057/22 for Development of land for food and drink premises, shops (including ancillary uses for distillery and place of assembly), sale and consumption of liquor and alteration of access to a Road in a Transport Zone 2 on **Lot 1 and 2 LP145122 and Lot 2 Block 1 LP3436 Parish of Mansfield**, commonly addressed as 2-4 and 8-10 Station Street, Mansfield in accordance with the endorsed plans and subject to the conditions attached to this report.

Planning Permit Application P057/22

Development of land for food and drink premises, shops (including ancillary uses for distillery and place of assembly), sale and consumption of liquor and alteration of access to a Road in a Transport Zone 2

2-4 and 8-10 Station Street, Mansfield

Amended Plans

- 1) Before the commencement of works, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. Once approved, the plans will be endorsed and will then form part of the permit.

The plans must be drawn to scale and must be generally in accordance with the plans submitted to Council dated 9 May 2022, but modified to show:

- a) The changes reflected in the 'without prejudice' plans provided to Council on 16 August 2022 and dated 21 July 2022 (except where variation is specifically required as a result of other conditions of this permit).
- b) Natural timber cladding and/or windows on the eastern and western elevation upper levels.
- c) The location of external plant and equipment including but not limited to service units for heating, cooling and hot water, solar panels, service shafts, ventilation systems, waste chute, television antennae and communication devices, service metres or the like, which is to be located and designed so as not to be visually prominent from the public realm or neighbouring properties. Where visible from the public or neighbouring properties, the plant and equipment must be appropriately screened.
- d) The car parking area abutting Station Street to have landscaping strips with spacings of no more than 5 car parks per strip.
- e) One way vehicle movement through the internal car park with directional arrows at appropriate intervals.
- f) A notation that car parking spaces 55 to 59 will be for staff parking only.
- g) An acoustic fence on the boundary of the subject land between the northern side of the vehicle crossover and the start of the corner splay on the northern boundary, with minimum height of 1.5 metres.
- h) An additional bicycle space in the packing/distribution area for employees in accordance with Clause 52.34.
- i) At least 1 electric vehicle charging station in the car parking area.

- j) A solar energy facility on the roof of the development with minimum generating capacity of 15kW.

Endorsed Plans

- 2) The endorsed plans forming part of this permit must not be altered or modified except with the written consent of the Responsible Authority.

Landscaping

- 3) Concurrent with the plans required by Condition 1 of this permit, an amended 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 landscaping plan must be drawn to scale must be generally in accordance with the landscaping depicted on the plan submitted May 2022, but modified to show:

- a) A mixture of lower, middle and upper storey vegetation within the front setback of the development to High Street, including provision for at least three (3) canopy trees with a minimum mature height of 8 metres.
- b) Vegetation (incorporating a mixture of lower, middle and upper storey vegetation) that will provide an effective visual screen of at least 4 metres height on the western boundary of the development.
- c) At least 50% species selection by type and number must be indigenous to the local Ecological Vegetation Class to the satisfaction of the Responsible Authority.
- d) A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity and quantities of each plant; and
- e) Watering systems for landscaping areas, including stormwater re-use where practicable.

All landscaping and associated infrastructure must be carried out and completed within three (3) months of the completion of the development or commencement of the use hereby approved.

The landscaping and associated infrastructure shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority for the life of the use and development and any dead, diseased, dying or damaged plants must be replaced with like for like replacements of the same or greater size.

Stormwater Management

- 4) Concurrent with the plans required by Condition 1 of this permit, a Stormwater Management Plan (SMP) to the satisfaction of the Responsible Authority must be

submitted to and approved by the Responsible Authority. Once approved, the plan will be endorsed and will form part of the permit.

The Stormwater Management Plan must ensure that stormwater and drainage discharge from the development site meets current best practice performance objectives for stormwater (Urban Stormwater Best Practice Environmental Management Guidelines (CSIRO, 1999)) and must provide for the following matters:

- a) Incorporate on-site retention/infiltration, storage and re-use stormwater management techniques where practicable to reduce pollutant export and peak discharge from the site;
- b) Calculations of all stormwater detention required for the development.
- c) Filling and grading of the land to prevent stormwater discharge into adjoining properties.

Consolidation of Titles

- 5) Prior to the commencement of works, Lots 1 and 2 LP145122 and Lot 2 Block 1 LP3436 Parish of Mansfield must be consolidated under the *Subdivision Act 1988* and a single title issued.

Amenity

- 6) Noise emissions from the site must comply with the recommended noise levels as set out in *Noise Limit and Assessment Protocol for the Control of Noise from Commercial, Industrial and Trade Premises and Entertainment Values (EPA Publication 1826, March 2021)* or as amended to the satisfaction of the Responsible Authority.
- 7) Prior to the commencement of use of the development hereby permitted, all findings of the acoustic report prepared by Marshall Day Acoustics, dated 24 March 2022 must be implemented to the satisfaction of the Responsible Authority and maintained for the life of the development.
- 8) Any exterior lighting must comply with Australian Standard 4282-2019 '*Control of the obtrusive effects of outdoor lighting*' and must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the Responsible Authority.
- 9) All external materials and finishes must be treated so as to be muted and non-reflective to the satisfaction of the Responsible Authority.
- 10) All waste areas must be sited and screened so as to not be visible from the Maroondah Highway (High Street), Station Street, Curia Street or adjoining properties to the satisfaction of the Responsible Authority.
- 11) Waste collection must be undertaken in accordance with the Waste Management Plan prepared by Ratio (dated 24 March 2022) to the satisfaction of the Responsible Authority.

- 12) Loading and unloading of vehicles may only occur within the following times, except with the written consent of the Responsible Authority:
- a) Monday to Saturday: 7am – 6pm
 - b) Sundays and public holidays: 8am – 6pm
- 13) No live music may be played on the premises at any time.
- 14) No amplified music may be played so as to be audible outside of the property boundaries to the satisfaction of the Responsible Authority.
- 15) The use of the development hereby approved must be conducted to the satisfaction of the Responsible Authority so that the amenity of the area is not detrimentally affected by the use or development, through the:
- a) Transport of materials, goods or commodities to or from the land;
 - b) Appearance of any buildings, 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; or
 - d) Presence of vermin.

Car Parking and Access

- 16) No delivery vehicles larger than an 8.8m rigid truck may enter the site.
- 17) All vehicles must enter and exit the site in a forward direction.
- 18) No vehicular access is to be provided between the site and the abutting site to the west (140 High Street).
- 19) Before the commencement of use of the development hereby approved, the areas set aside for car parking, loading and unloading of vehicles and internal access lanes as shown on the endorsed plans must be:
- a) Constructed;
 - b) Property formed to such levels that they can be used in accordance with the endorsed plans;
 - c) Formed with an all-weather surface;
 - d) Drained; and
 - e) Clearly marked to show the direction of traffic flow along access lanes and driveways;

To the satisfaction of the Responsible Authority. Car parking spaces, access lanes and driveways must be kept available for these purposes at all times.

Plant and Equipment

- 20) All plant and equipment must be screened so as to not be visible from the public realm or adjoining properties to the satisfaction of the Responsible Authority.
- 21) No equipment, services, architectural features or structures of any kind, including telecommunication facilities, other than those shown on the endorsed plans may be erected above the roof level of the building unless otherwise agreed to in writing by the Responsible Authority.

Liquor Conditions

- 22) Liquor must only be sold and consumed in the red-line area shown on the endorsed plan, to the satisfaction of the Responsible Authority.
- 23) Except with the prior written consent of the Responsible Authority, the sale and consumption of liquor must only be undertaken between the following hours:
 - a) Monday to Wednesday: 10am – 10pm
 - b) Thursday to Sunday: 10am – 12am/midnight

Engineering Conditions

- 24) Before the use of the development commences, the existing road (Station Street) from High street to Curia Street must be upgraded and the design plans must be submitted to Council for approval. The upgrade must include the following:
 - a) Kerb and Channel on Station Street along property frontage.
 - b) Stormwater pipeline connected to existing stormwater pits along property frontage.
 - c) Concrete footpath 1.5m minimum along property frontage.
 - d) The Station Street pavement to be designed by a qualified CPEng Civil Engineer on the National Engineers Register (NER) based on the additional traffic to the Station Street and constructed accordingly.

OR

An assessment to be made of the existing pavement on Station Street determining its residual life and demonstrate that additional traffic does not warrant upgrading the pavement and does not affect the maintenance cycle of the road.

- 25) Prior to the commencement of works on the development hereby approved, design plans in accordance with the requirements of Condition 24 must be submitted to and approved by the Responsible Authority.

- 26) No industrial or commercial waste liquids are to be allowed to enter the drainage system. An EPA approved waste collection system must be installed on site to collect such waste and if required, a trade waste agreement entered into with the relevant authority.
- 27) Prior to the commencement of works, application must be made to Council to obtain a Legal Point of Stormwater Discharge.
- 28) Prior to the issue of Certificate of Practical Completion for required engineering works, the Developer is to lodge a security bond to the Responsible Authority for 5% of the total actual documented cost of the engineering works (external infrastructure) based on actual tender fees. This bond will be released following a satisfactory inspection, 52 weeks after a Certificate of Practical Completion is issued.
- 29) Following completion of all works, and prior to commencement of use of the development hereby permitted, "as constructed" drawings for Council Assets must be submitted and accepted by the Council. The preferred format of the drawings are AutoCAD *.DWG or *.DXF.
- 30) Any damage to Council assets such as street trees, roads and stormwater infrastructure, must be repaired at the cost of the developer to the satisfaction of the Responsible Authority, prior to the commencement of use of the development hereby permitted.
- 31) All construction and ongoing activities must be in accordance with sediment control principles outlined in '*Construction Techniques for Sediment Pollution Control*' (EPA, 1991).

Department of Transport Conditions

- 32) No access will be permitted from the subject land to the Maroondah Highway. All access is to be provided via Station Street as shown on the plan appended to the application.
- 33) Prior to the commencement of the use the following must be completed to the satisfaction of and at no cost to Head, Transport for Victoria:
 - a) A Functional Layout Plan must be submitted to and approved by the Head, Transport for Victoria. When approved by the Head, Transport for Victoria, the plans must be endorsed by the Responsible Authority and will then form part of the permit. The plans must show:
 - i. Details of information signage for westbound traffic on Maroondah Hwy to alert motorists to the service road
 - b) All the works must be undertaken in accordance with the approved Functional Layout Plan.

Goulburn Valley Water Conditions

- 34) Connection of all sanitary fixtures within the development to reticulated sewerage, at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of the Goulburn Valley Region Water Corporation.

All works required are to be carried out in accordance with AS 3500.2 - 'Sanitary plumbing and drainage', and to the satisfaction of the Corporation's Property Services Section;

- 35) Discharge of trade waste from the development shall be subject to a Trade Waste Consent Agreement

The Owner and or occupier is required to submit a completed Trade Waste Application, and install the required pre-treatment facility to the satisfaction of Goulburn Valley Water's Trade Waste Section, before approval to discharge trade waste from the development into the Corporation's sewer is granted;

Permit Expiry

- 36) This permit as it relates to the development of land will expire if any of the following circumstances arise:

- a) the development does not start within two (2) years of the date of issue of the permit;
or
- b) the development is not completed within four (4) years of the date of issue of the permit.

This permit as it relates to the sale and consumption of liquor will expire if any of the following circumstances arise:

- c) the use does not commence within two (2) years of the completion of the development;
or
- d) the use ceases for a period of two (2) or more years.

The Responsible Authority may extend the periods referred to if a request is made in writing in accordance with Section 69 of the *Planning and Environment Act 1987*.