



PLA0063/11.D.

Application to Amend a Planning Permit

Any material submitted with this application, including plans and personal information, will be made available for public viewing, including electronically, and copies may be made for interested parties for the purpose of enabling consideration and review as part of a planning process under the Planning and Environment Act 1987.

This form cannot be used to amend a permit issued at the direction of the Victorian Civil and Administrative Tribunal.

APPLICANTS DETAILS

1. The Land

Please provide the address of the land and complete the street address and one of the Formal Land Descriptions.

Unit number: Street Number: Street Name:
 Suburb/Locality: Post Code:

Formal land description (Please complete either A or B)

This information can be found on the Certificate of Title.

Option A

Lot No: Type of Plan (please select one) Plan Number:
 Lodged Plan
 Title Plan
 Plan of Subdivision

Option B

Crown Allotment Number: Section Number: Parish/Township Name:

2. Planning Permit Details

Please provide the number of the planning permit that you wish have amended.

Planning Permit Number:

Advertised Plans 27/07/2018

Prop 17736
 PLA 0123/18
 \$1265-60
 Rec 2091123

WARRAGUL SERVICE CENTRE
 RECEIVED BY *N~*
 DATE 30/4/18 TIME

3. The Amended Proposal

You must give full details of the amendment being applied for. Insufficient or unclear information will delay your application. Please indicate the type of changes proposed to the permit and list the details of the proposed changes.

This application seeks to amend:

What the permit allows

Current conditions of the permit

Plans endorsed under the permit

Other documents endorsed under the permit

Please provide details:

REFER TO ATTACHED LETTER.

Provide plans clearly identifying all proposed changes to the endorsed plans, together with; any information required by the planning scheme, requested by Council or outlined in a Council checklist; and if required, include a description of the likely effect of the proposal.

4. Development Cost

Please provide an estimate of the cost of the development. If the permit allows development, estimate the cost difference between the development allowed by the permit and the development to be allowed by the amended permit. Insert 'NA' if no development is proposed by the permit (eg. Change of use, subdivision, removal of covenant). You may be required to verify this estimate.

Cost of proposed amended development

NA

Cost of the permitted development

Cost difference

5. Existing Conditions

Please provide a description of how the land is used and developed now (e.g. vacant, three dwellings, medical centre with two practitioners, licensed restaurant with 80 seats)

Have the conditions of the land changed since the time of the original permit application?

Yes

No

If yes, please provide details of the existing conditions.

Provide a plan of the existing conditions if the conditions have changed since the time of the original permit application. Photos are also helpful.

6. Title Information

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

- Yes (If 'yes' contact Council for advice on how to proceed before continuing with this application)
 No
 Not applicable

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

7. Applicant Details

Title: First name: Surname:

Organisation (if applicable)

Postal Address

Unit Number: Street Number:

Street Name: (If it is a PO Box, enter the details here)

Suburb/Locality: State: Post code:

Contact Information

Where the preferred contact person for the application is different from the applicant, provide the details of that person. If same as applicant, go to 'Contact Details'

Title: First name: Surname:

Organisation (if applicable)

Postal Address

Unit Number: Street Number:

Street Name: (If it is a PO Box, enter the details here)

Suburb/Locality: State: Post code:

Contact Details

Business Phone: [] Mobile Phone: 0499 990 438
Email Address: [] Fax Number: []
willowduckinn@gmail.com

Owner Details

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

Title: MR First name: AUAN Surname: WAKEFIELD

Organisation (if applicable)
[]

Postal Address

Unit Number: [] Street Number: 23-25
Street Name: (If it is a PO Box, enter the details here)
MOE - WILLOW GROVE ROAD
Suburb/Locality: WILLOW GROVE State: VIC Post code: 3825

Contact Details

Business Phone: [] Mobile Phone: 0447 347 958
Email Address: [] Fax Number: []

Declaration

This form must be signed by the applicant.
I declare that I am the applicant; that all the information in this application is true and correct; that all changes to the permit and plan have been listed as part of the amendment proposal at Question 3 of this form; and that the owner (if not myself) has been notified of the permit application.

Signature of Applicant [Signature] Date: 30/4/18



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

Assistance with your application

If you need help to complete this form, please visit the [Department of Transport, Planning and Local Infrastructure website](#) to view further information about how to apply for Planning Permits.

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

Has there been a pre application meeting with a Council planning officer?
 Yes No

If yes, with whom?

Date:

Checklist

Please ensure you have included the following items with your application.

- A fully completed and signed copy of this form.
- The application fee (if not already paid). Most applications require a fee to be paid. Contact Council to determine the appropriate fee.
- All necessary supporting information and documents.
- The completed relevant council planning permit checklist.

Lodgement

You can lodge the completed and signed form, the fee payment and all documents in the following ways:

By Post

Planning Department
Baw Baw Shire Council
PO Box 304
WARRAGUL VIC 3820

In Person

Customer Service Centre
90 Smith Street, Warragul
33 Young Street, Drouin

Contact information

Telephone: 5624 2411
Fax: 5622 2287

Advertised Plans 27/07/2018

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**REGISTER SEARCH STATEMENT (Title Search) Transfer of
Land Act 1958**

Page 1 of 1

VOLUME 03091 FOLIO 049

Security no : 124071498464G
Produced 27/04/2018 11:07 am

CROWN GRANT

LAND DESCRIPTION

Crown Allotment 5 Section A Township of Willow Grove Parish of Tanjil.

REGISTERED PROPRIETOR

Estate Fee Simple
Sole Proprietor

ALAN NORMAN WAKEFIELD of 25 MOE-WILLOW GROVE ROAD WILLOW GROVE VIC 3825
AM996755J 05/08/2016

ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE AM996756G 05/08/2016
AUSTRALIA AND NEW ZEALAND BANKING GROUP LTD

Any crown grant reservations exceptions conditions limitations and powers noted on the plan or imaged folio set out under DIAGRAM LOCATION below. For details of any other encumbrances see the plan or imaged folio set out under DIAGRAM LOCATION below.

DIAGRAM LOCATION

SEE TP360351V FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

-----END OF REGISTER SEARCH STATEMENT-----

Additional information: (not part of the Register Search Statement)

Street Address: 14 MOE-WILLOW GROVE ROAD WILLOW GROVE VIC 3825

ADMINISTRATIVE NOTICES

NIL

eCT Control 16165A ANZ RETAIL AND SMALL BUSINESS
Effective from 22/10/2016

DOCUMENT END



Imaged Document Cover Sheet

The document following this cover sheet is an imaged document supplied by LANDATA®, Land Use Victoria.

| | |
|---|-------------------------|
| Document Type | Plan |
| Document Identification | TP360351V |
| Number of Pages (excluding this cover sheet) | 2 |
| Document Assembled | 27/04/2018 11:16 |

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The document is invalid if this cover sheet is removed or altered.

Advertised Plans 2710712018

| | | |
|------------|-----------|------------|
| TITLE PLAN | EDITION 1 | TP 360351V |
|------------|-----------|------------|

Location of Land

Parish: TANJIL
 Township: WILLOW GROVE
 Section: A
 Crown Allotment: 5
 Crown Portion:

Last Plan Reference:
 Derived From: VOL 3091 FOL 049
 Depth Limitation: 50 FEET

Notations

SUBJECT TO THE RESERVATIONS EXCEPTIONS CONDITIONS AND POWERS CONTAINED IN CROWN GRANT VOL. 3091 FOL. 049 AND NOTED ON SHEET 2 OF THIS PLAN

ANY REFERENCE TO MAP IN THE TEXT MEANS THE DIAGRAM SHOWN ON THIS TITLE PLAN

Description of Land / Easement Information

THIS PLAN HAS BEEN PREPARED FOR THE LAND REGISTRY, LAND VICTORIA, FOR TITLE DIAGRAM PURPOSES AS PART OF THE LAND TITLES AUTOMATION PROJECT

COMPILED: 21/03/2000
 VERIFIED: AK

COLOUR CODE
 Y=YELLOW



Advertised Plans 27107120

TITLE PLAN

TP 360351V

LAND DESCRIPTION INCLUDING RESERVATIONS EXCEPTIONS
CONDITIONS AND POWERS SHOWN ON THE CROWN GRANT

All THAT PIECE OF LAND in the said State containing *five rods more or less being Allotment five of Section A in the Township of Silver Grove South of Tarrig County of Bulir Bulir*

delimited with the measurements and abatals thereof in the map drawn in the margin of these presents and therein coloured yellow PROVIDED nevertheless that the grantee shall be entitled to sink wells for water and to the use and enjoyment of any spring or springs of water upon or within the boundaries of the said land for any and for all purposes as though she held the land without limitation as to depth EXCEPTED nevertheless unto us our heirs and successors all gold and silver and auriferous and argentiferous earth and stone and all mines seams lodes and deposits containing gold silver copper tin antimony coal and other metals and minerals and mineral ores in upon and under and within the boundaries of the land hereby granted AND ALSO reserving to us our heirs and successors free liberty and authority for us our heirs and successors and our and their licensees agents and servants at any time or times hereafter to enter upon the said land and to search and mine therein for gold silver copper tin antimony coal and all other metals and minerals and mineral ores and to extract and remove therefrom any gold silver and any auriferous and argentiferous earth or stone copper tin antimony coal and other metals and minerals and mineral ores and to search for and work dispose of and carry away the gold silver copper tin antimony coal metals minerals and their ores and the mines metals and minerals in the land lying in upon and under the land hereby granted and for the purposes aforesaid to sink shafts make drives erect machinery and to carry on any works and do any other things which may be necessary or usual in mining and with all other incidents that are necessary to be used for the getting of the said gold silver copper tin antimony coal and other metals and minerals and mineral ores and the working of all mines seams lodes and deposits containing gold silver copper tin antimony coal and other metals and minerals and mineral ores in upon or under the land hereby granted

PROVIDED ALWAYS that the said land is and shall be subject to be resumed for mining purposes under section 180 of the Land Act 1901 AND PROVIDED also that the said land is and shall be subject to the right of any person being the holder of a miner's right or of a licensee to search for metals or minerals or of a mining or mineral lease to enter therein and to mine for gold silver copper tin antimony coal and other metals and minerals and mineral ores and to erect and to occupy mining plant or machinery thereon in the same manner and under the same conditions and provisions as those on which the holder of a miner's right or of a mining or mineral lease had at the date of these presents the right to mine for gold and silver in and upon Crown lands PROVIDED THAT compensation shall be paid to the said GRANTEE

his heirs executors administrators assigns and transferees by such person for surface damage to be done to such lands by reason of mining thereon such compensation to be determined as provided for the time being by law for the case of land resumed for mining purposes and the payment thereof to be a condition precedent to such right of entry.

Advertised Plans 21/12/2018

LENGTHS ARE IN LINKS

Metres = 0.3048 x Feet

Metres = 0.201168 x Links

Sheet 2 of 2 sheets

Willow Grove Duck Inn
14 Moe-Willow Grove Road
WILLOW GROVE VIC 3825

willowduckinn@gmail.com

0499 990 438

30 April 2018

Planning Department
Baw Baw Shire Council
33 Young Street
DROUIN VIC 3818

RE: WILLOW GROVE DUCK INN – 14 MOE-WILLOW GROVE ROAD WILLOW GROVE

To whom it may concern,

Please find enclosed my application to amend planning permit PLA0063/11.C under section 72 of the *Planning and Environment Act* by:

- Changing condition 5 to increase the total number of patrons.
- Increasing the total number of patrons allowed under the existing General Liquor License.
- Waiver of 16 car parking spaces.

Please find enclosed:

- Signed application form
- Current Title and Title Plan
- Proposed Site/Floor Plan
- Car Parking Demand Assessment
- Planning Report

I hope that this information suffices what you require to enable the satisfactory and expedited assessment of the planning application. This is very important to support the continued economic viability of my business.

If there is anything further you would like to discuss, please don't hesitate to contact me so I can resolve your query promptly and without delay.

Thank-you,



Simon Duck
Operator and Manager
Willow Grove Duck Inn



April, 2018
Version 1.0

Planning Report

14 Moe-Willow Grove Road Willow Grove
'Willow Grove Duck Inn'

Advertised Plans 2/10/2018

Formalities

| | |
|--------------------------------|--|
| <u>Version control:</u> | 1.0 – April 2018 |
| <u>Prepared for:</u> | Statutory Planning Department Baw Baw Shire Council 33 Young Street DROUIN VIC 3818 |
| <u>Prepared by:</u> | Simon Duck Operator and Manager Willow Grove Duck Inn |
| <u>Address:</u> | 14 Moe-Willow Grove Road WILLOW GROVE VIC 3825 |
| <u>Phone:</u> | 0499 990 438 |
| <u>Email:</u> | willowduckinn@gmail.com |

Advertised Plans 27/07/2018

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| | 3. Car Parking Demand Assessment | |
| | 4. Previous Planning Permit PLA0063/11.C | |

1.0 Introduction

1.1 Proposal

To amend condition 5 of planning permit PLA0063/11.C under section 72 of the *Planning and Environment Act* by increasing the total number of patrons as follows:

| PLA0063/11.C – Condition 5 | |
|---|--|
| From: | To: |
| <i>Except with the written consent of the Responsible Authority, the maximum number of patrons on the premises at any one time shall be as follows:</i> | <i>The total number of patrons must not exceed 150 at any given time, 7 days a week.</i> |
| <i>Sunday to Thursday - maximum of 80 patrons. Friday and Saturday - Maximum of 110 patrons</i> | |

The amendment to the condition will also require:

- A waiver of 16 car parking spaces.
- An increase to the total number of patrons allowed under the existing General Liquor Licence.

1.2 Purpose

The current wording of condition 5 is to the detriment of the viable operation of the business due to the permitted maximum number of patrons. In 2015-2016 the restaurant closed down due to it not being feasible. In 2017, the 'Willow Grove Duck Inn' reopened under new ownership. The current business owner and operator is also the owner and operator of the Noojee Hotel. The 'Willow Grove Duck Inn' is currently offset by the 'Noojee Hotel' to make up the shortfall in income. To ensure that the restaurant will be viable and not close its doors again, an increase in the permitted maximum number of patrons is required. We submit that the proposed increase in the maximum number of patrons is consistent with the existing use and development of the land and will contribute to economic growth, employment and tourism within the region.

1.3 Planning controls

- Clause 32.05 Township Zone
- Clause 36.04 Abuts Road Zone Category 1
- Clause 42.01 Environmental Significance Overlay Schedule 2
- Clause 45.06 Development Contributions Plan Overlay Schedule 1

1.4 Permit triggers

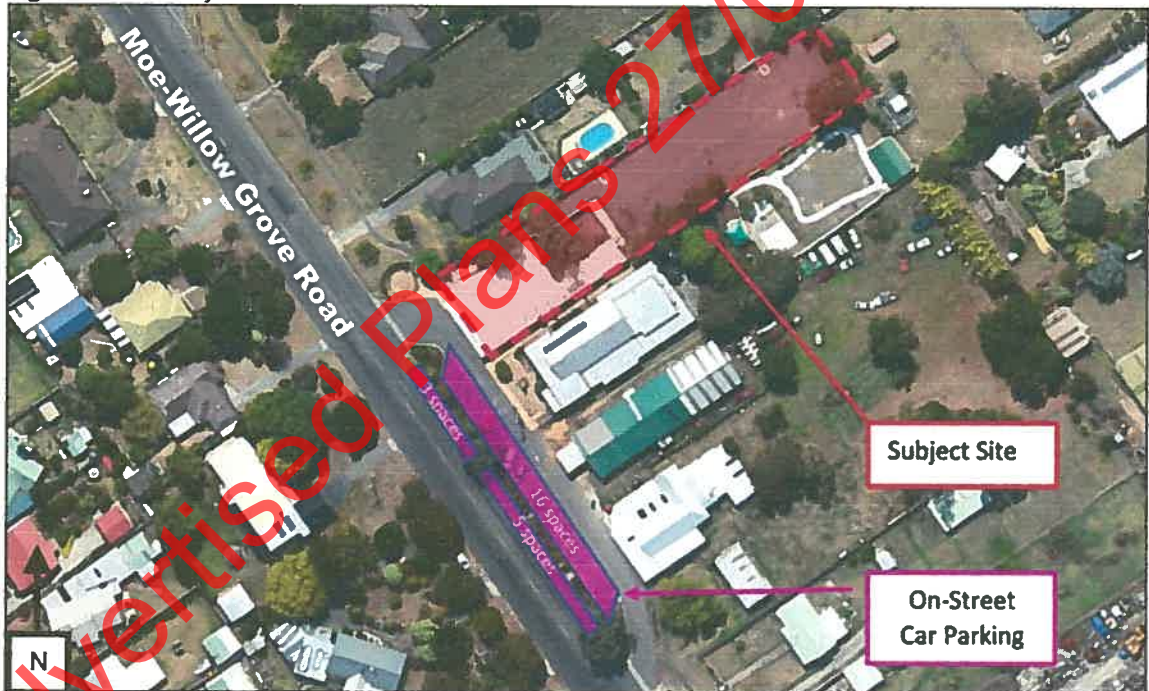
- Clause 52.06 Car parking – Increase to an existing use and measure in Column C, Table 1.
- Clause 52.27 Licenced premises – Increase in patrons allowed under the existing licence.
- Clause 52.29 Alter access to a road in a Road Zone, Category 1 – Increase to an existing use.

1.5 Site context

The site has a large site area of 2018.46 m² (approx.) and is a rectangular shaped lot with a length of 100.92 m and width of 20 m. The land currently occupies a restaurant called the 'Willow Grove Duck Inn' which comprises a single storey building with attached deck and associated car parking. The building is located at the front of the site and a gravel car park is located at the rear comprising a total of 40 car parking spaces.

The features of the site are shown in figure 1-5 below.

Figure 1. The subject site:



Source: Beveridge Williams Car Parking Assessment, Ref: T160125, dated 10 April 2018.

Figure 2. The Willow Grove Duck Inn:



Source: Google Maps, dated 23 April 2018.

The site has existing access onto a service road, then onto Moe-Willow Grove Road, which is a main arterial road. The service road contains a landscape strip and 24 on-street car parking spaces almost directly in front of the site.

Figure 3. The service road via the Willow Grove Duck Inn:



Source: Google Maps, dated 23 April 2018.

Figure 4. The service road via the Willow Grove Duck Inn:



Source: Google Maps, dated 23 April 2018.

The site is located within the town centre and is walking distance to public transport (by bus).

Figure 5. The subject site and the town centre:



Source: Google Maps, dated 23 April 2018.

1.6 Site constraints

The layout of the land is relatively flat and is devoid of any waterways, bushfire risk, flood risk, cultural heritage significance, landslip sensitivity, easements, restrictive covenants or Section 173 Agreements. The site is a Crown Allotment however no change to the existing use or development is proposed. The application demonstrates full compliance with all site constraints and Title encumbrances.

1.7 Neighbourhood character

Willow Grove is a small country town within the municipality. The land surrounding the site is generally a mix of commercial and residential comprising a mix of dwellings and small shops such as the general store, football club and primary school. The character of these properties generally presents with rural-residential features with buildings located close to the road and surrounded by landscaped gardens and country scenery.

1.8 Adjoining properties

The adjoining and adjacent land is developed in the following ways:

North/West – 16 Moe-Willow Grove Road Willow Grove:

- Adjoining the subject site to the side
- Site area 1934m² (approx.) with rectangular shape configuration
- Single storey weatherboard dwelling with a pitched tile roof
- Secluded private open space sited at rear
- Garden areas of grassed lawns and some front yard trees
- 1.6m high timber paling fence (side/rear)
- Single crushed rock vehicle crossing and driveway access to Moe-Willow Grove Road
- 5m wide grassed nature-strip/road reserve with one street tree
- Relatively flat topography

South/East - 12 Moe-Willow Grove Road Willow Grove:

- Willow Grove Community Centre
- Adjoining the subject site to the side
- Site area 2066m² (approx.) with rectangular shape configuration
- Single storey brick veneer building with a pitched roof
- No formal access or driveway provision
- Adjoining the service road
- Relatively flat topography

North/East - 25 Turnbull Street Willow Grove

- Adjoining the subject site to the rear
- Site area 4018m² (approx.) with rectangular shape configuration
- Single storey dwelling with a pitched colorbond roof

- Private open space sited at front, side and rear
- Large garden areas of grassed lawns, managed gardens and some scattered trees
- 1.2m high post and wire front fence
- Single crushed rock vehicle crossing and driveway access to Turnbull Street
- 3m wide grassed nature-strip/road reserve with no street trees
- Relatively flat topography

South/West - 19 Moe-Willow Grove Road Willow Grove:

- Adjacent the subject site front.
- Site area 1587m² (approx.) with rectangular shape configuration
- Single storey dwelling with a pitched tile roof
- Secluded private open space sited at side and rear
- Garden areas of grassed lawns and front yard trees
- No front fence with large front yard
- Single sealed vehicle crossing and driveway with access to Moe-Willow Grove Road
- 5m wide grassed nature-strip/road reserve with one street tree
- Relatively flat topography

1.9 Key planning considerations

The application raises the following key planning issues for consideration:

- Is the existing use and development suitable to increase the maximum number of patrons?
- Is the proposal consistent with State and Local planning policy?
- Are site constraints addressed?
- Is neighbourhood character protected?
- Is car parking and access sufficient?
- Have amenity impacts been minimised?
- Is the development in favour of net community benefit?

2.0 Background

2.1 Submitted plans

The submitted plans and reports guiding this assessment comprise:

Figure 6. Submitted plans:

| <u>Plans</u> | <u>Author</u> | <u>Reference</u> | <u>Date</u> |
|--------------------------|-------------------------|------------------|-------------|
| Proposed Site/Floor Plan | Latrobe Valley Drafting | Lv3392-001 | 27/04/2018 |
| <u>Reports</u> | | | |
| Title and Title Plan | N/A | - | 27/04/2018 |
| Car Parking Assessment | Beveridge Williams | T160125 | 10/04/2018 |
| Planning Report | Simon Duck | - | - |

2.2 Vision

The vision for the 'Willow Grove Duck Inn' is to:

- Retain the viable and sustainable operation of the business.
- Provide employment within the local community and tourism opportunities for the area.
- Retain the rural nature, ambiance and enjoyment of the existing town settlement.

This vision, has guided the submission of the application.

2.3 Previous Permits

Figure 7. Previous Permits:

| Permits | Date Issued | Allows |
|--------------|-------------|--|
| PLA0307/07 | 26/05/2008 | Extensions to Existing Building for Use as a Restaurant with General Liquor License and associated Signage. |
| PLA0307/07.A | 03/09/2018 | Additions to Condition 9 to include operation hours on Sundays. |
| PLA0063/11 | 13/09/2016 | Use & Develop Land with Restaurant, Signage, Reduction of Carparking & Increase Redline Area associated with a liquor license. |
| PLA0063/11.A | 16/05/2012 | <ul style="list-style-type: none">▪ Increases the redline area to include the 'landing' area.▪ The request to increase the number of patrons to 120 has been withdrawn from this application. |
| PLA0063/11.B | No record | No record |
| PLA0063/11.C | 16/08/2013 | <ul style="list-style-type: none">▪ Variations to Condition No. 4.▪ Variations to Condition No. 5.▪ Addition of Condition No. 26 to 30 inclusive. |

3.0 Planning Scheme Provisions

3.1 Provisions

The planning provisions most relevant to the application are:

Zones and Overlays:

- CLAUSE 32.05 TOWNSHIP ZONE
- CLAUSE 36.04 ROAD ZONE, CATEGORY 1 (ABUTTAL).
- CLAUSE 42.01 ENVIRONMENTAL SIGNIFICANCE OVERLAY SCHEDULE 2
- CLAUSE 45.06 DEVELOPMENT CONTRIBUTIONS PLAN OVERLAY SCHEDULE 1

State Planning Policy Framework (SPPF):

- CLAUSE 10 OPERATION OF STATE PLANNING POLICY FRAMEWORK
- CLAUSE 10.4 INTEGRATED DECISION MAKING

- CLAUSE 11 SETTLEMENT
 - CLAUSE 11.01-1 SETTLEMENT NETWORKS
 - CLAUSE 11.05 REGIONAL DEVELOPMENT
 - CLAUSE 11.05-1 REGIONAL SETTLEMENT NETWORKS
- CLAUSE 11.07 REGIONAL VICTORIA
- CLAUSE 11.10 GIPPSLAND
- CLAUSE 12 ENVIRONMENTAL AND LANDSCAPE VALUES
- CLAUSE 13 ENVIRONMENTAL RISKS
 - CLAUSE 13.04 NOISE AND AIR
- CLAUSE 17 ECONOMIC DEVELOPMENT
 - CLAUSE 17.01 COMMERCIAL
 - CLAUSE 17.01-1 BUSINESS
 - CLAUSE 17.03 TOURISM
 - CLAUSE 17.03-1 FACILITATING TOURISM
- CLAUSE 19 INFRASTRUCTURE

Local Planning Policy Framework (LPPF):

- CLAUSE 21.00 MUNICIPAL STRATEGIC STATEMENT (MSS)
- CLAUSE 21.02 MUNICIPAL VISION
- CLAUSE 21.05 SMALL TOWNS AND SETTLEMENTS
 - CLAUSE 21.05-2 WILLOW GROVE
- CLAUSE 22.07 ECONOMIC ACTIVITY

Particular and General Provisions:

- CLAUSE 52.06 CAR PARKING
- CLAUSE 52.27 LICENSED PREMISES
- CLAUSE 52.29 LAND ADJACENT TO A ROAD ZONE, CATEGORY 1
- CLAUSE 65 DECISION GUIDELINES
- CLAUSE 66 REFERRAL AND NOTICE PROVISIONS

Policy:

- GIPPSLAND REGIONAL GROWTH PLAN, VICTORIAN GOVERNMENT, 2014
- BAW BAW COUNCIL PLAN 2017-2021
- BAW BAW SHIRE DEVELOPMENT CONTRIBUTIONS PLAN, 23 MARCH 2007
- PLAN MELBOURNE 2017-2050: METROPOLITAN PLANNING STRATEGY, DEPARTMENT OF ENVIRONMENT, LAND, WATER AND PLANNING, 2017

3.2 Permit triggers (Breakdown)

The permit triggers are:

Figure 8. Permit triggers:

| Category | Proposed | Planning control | Permit trigger |
|-----------------------|---|---|---|
| Land use | Existing Restaurant. | <u>Clause 32.5-1:</u> Township Zone Table of Uses. | Permit <u>not</u> required. |
| | | <u>Schedule:</u> Baw Baw Townships. | None specified. |
| Development | None proposed. | N/A. | N/A. |
| Car parking | Applies to an increase to an existing use and measure specified in Column C, Table 1. | <u>Clause 52.06:</u> Car parking. | Permit required. |
| | | | A rate of 40 car parking spaces for a maximum number of 110 patrons is existing. |
| | | | A rate of 0.4 car parking spaces is required for each patron (Column C, Table 1). |
| | | | A total number of 150 patrons is proposed. |
| | | | A rate of 60 car parking spaces is required. |
| Liquor License | The number of patrons allowed under a licence is to be increased. | <u>Clause 52.27:</u> Licensed Premises. | Permit required. |
| | | | A waiver of 4 car parking spaces has already been granted under PLA0063/11. |
| Access | Alter access to a road in a Road Zone, Category 1. | <u>Clause 52.29:</u> Land adjacent to a Road Zone, Category 1. | Permit required. No buildings or works proposed and existing access maintained. |
| | | | Applies to an increase to an existing use. |

Advertised Plans 2710712018

4.0 Title encumbrances

The legal description of land on Certificate of Title dated 27 April 2018 comprises:

- CA 5 Section A Township of Willow
- Volume 03091 Folio 049
- Nil Restrictive Covenant(s)
- Nil Section 173 Agreement(s)
- Nil easements

The site is a Crown Allotment however no change to the existing use or development is proposed.

5.0 Expectations and Consultation

5.1 Preapplication meeting

No preapplication meeting has been held about this proposal with Baw Baw Shire Council.

5.2 Referral authorities

External referrals:

We expect that external notice and review is required by the following determining and recommending referral authorities in accordance with section 55 of the Act:

Figure 9. External referrals:

| <u>Responsible Authority:</u> | <u>Type of Referral:</u> |
|--|---|
| <u>VicRoads:</u> | Determining authority Clause 52.29 and Clause 66.03 |
| <u>Victorian Commission for Gambling and liquor Regulations:</u> | Recommending authority Clause 52.27 and Clause 52 |

Internal referrals:

We expect that an internal review may be required by the following council officers:

Figure 10. Internal review:

| | |
|-------------------------------|-------------------------|
| <u>Responsible Authority:</u> | <u>Consideration:</u> |
| <u>Development Engineer:</u> | Car parking and access. |
| <u>Environmental Health:</u> | Wastewater treatment. |

5.3 Public Notice

Notice under section 54 of the Act is not exempt. We request that the application progress to advertising as soon as possible.

5.4 Objections

We expect that if objections are lodged for the application that we will be notified by the responsible authority as soon as possible and provided copies for our consideration and response.

5.5 Decision timeframe

In accordance with section 79 of the Act and section 31 (1) of the *Planning and Environment Regulations 2005* the prescribed timeframe for a decision to be made by the responsible authority is 60 days. We submit that the information accompanied with the application at lodgement is satisfactory to the requirements of the Baw Baw Planning Scheme and subsequently expect a decision to be made by the prescribed time.

6.0 Environmental Risks

6.1 Flood risk

The site is not designated flood prone.

The site is not affected by a waterway or located within 100 metres a waterway.

6.2 Bushfire risk

Appropriate bushfire mitigation and protection measures are in accordance with AS 3959-2009 Construction of Buildings in Bushfire-Prone Areas, Standards Australia, 2009, Building Act 1993 (Victoria) and Building Regulations 2006.

6.3 Aboriginal cultural heritage significance

The site is not subject to Aboriginal cultural heritage significance in accordance with the Aboriginal Heritage Act 2006 (Victoria). No further consideration is required.

6.4 Noise

Noise impacts are considered based on the following reasons:

1. The operator is required by legislation to ensure that any noise associated with the commercial premises is carried out in accordance with the State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1 ('SEPP N-1') and NIRV to proposed and existing industry (EPA publication 1413 — 'the Applying NIRV guide').

2. The building footprint for the restaurant and external deck are setback approximately 12.3 metres from the closest dwelling (west adjoining). We submit that different amenity expectations should be considered when commercial and residential land uses are adjoining, particularly when a residential use is located within the town centre and commercial precinct area of the town.
3. To ensure minimal adverse impacts on amenity from noise, the following measures are put in place:
 - No sources of noise such as mechanical plant is not located close to boundaries.
 - Standard conditions relating to noise and amenity will ensure ongoing protection.
 - A 2.4 m high sound proof wall has been constructed around the external deck as shown in figure 11 below.

Figure 11. Deck area acoustic fencing:



Source: Google Maps, dated 23 April 2018.

7.0 Assessment

7.1 State and Local Planning Policy consideration

Upon review, we submit that the application is generally in keeping with the SPPF and LPPF. On balance, the application is considered to demonstrate outcomes that are reasonable and appropriate to relevant policy and the orderly planning of the site and surrounds based on the following reasons:

- Maintains the existing neighbourhood character and cultural heritage value with no buildings and works proposed.
- Minimises environmental impacts by:
 - Avoids vegetation removal.
 - Is not designated flood risk or sited within 100m of a waterway.
 - Is not designated bushfire risk.
 - Is not subject to Aboriginal Cultural Heritage Significance.
 - Mitigates noise impacts (See Section 6.4).
- Provides jobs and ongoing employment opportunities to support economic development and growth for the region.
- Is consistent with the existing operation of the restaurant and will ensure the viability of the business is continued.
- Makes effective use of existing infrastructure provision with available utility services, sealed car parking and access construction.
- Makes effective use of waste water treatment with 4 toilets (female), 2 toilets + cubicles (male) and 1 toilet for people of limited mobility.

7.2 Zone

The site is subject to clause 32.05 Township Zone Schedule 2 (TZ) and abuts Road Zone Category 1 (RDZ1) to the south-west (frontage). A planning permit is not required in accordance with the zone. The immediate and surrounding zone of land is shown in figure 12 below:

Figure 12. Zone:



Source: Department of Environment, Land, Water and Planning, <services.land.vic.gov.au>. Viewed 22 April 2018.

7.3 Overlays

Clause 42.01 Environmental Significance Overlay Schedule 2:

Special Water Supply Catchment Areas

A planning permit is not required in accordance with the overlay.

Clause 45.06 Development Contributions Overlay Schedule 1:

A permit is not required in accordance with the overlay. An infrastructure levy may be required by Baw Baw Shire Council under the provision.

7.4 Clause 52.06 Car Parking

The scope of the provision applies to an increase to an existing use by the measure specified in Column C of Table 1 in Clause 52.06-5 for that use (restaurant).

A permit is required to reduce (including reduce to zero) the rate of car parking spaces. The details are as follows:

- A rate of 40 car parking spaces for a maximum number of 110 patrons is existing.
- A rate of 0.4 car parking spaces is required for each patron (Column C, Table 1).
- A total number of 150 patrons is proposed.
- A rate of 60 car parking spaces is required.
- A waiver of 4 car parking spaces has already been granted under PLA0063/11.
- A waiver of 16 car parking spaces is proposed.

A Car Parking Assessment has been prepared by a Traffic and Transport Engineer Manager of Beveridge and Williams (dated 10 April 2018 and referenced T160125). This assessment accompanies the application and confirms that:

- A total number of 24 car parking spaces are immediately available in the adjoining service lane directly opposite the site and are adequate to absorb the waiver of 16 car parking spaces.

The following photograph (figure 13) shows the available car parking spaces within the service land.

Figure 13. Service Lane Car Parking:



Source: Google Maps, dated 23 April 2018.

- When considering the current operating hours of the restaurant, peak parking demands typically occur during the evening with reduced demand during the day. Thus, as restaurant patronage is typically lower during the day, it is anticipated that the peak period of assessment is therefore during the evening. During this peak evening period, the surrounding uses on Moe-Willow Grove Road are not operating and as such the 24 car parking spaces located within the service road, and along Moe-Willow Grove Road, would be available.
- A further generous cross-section of car parking spaces along Moe-Willow Grove Road are also available to accommodate any additional car parking if required.
- Having regard to the temporal car parking needs of the restaurant, and the surrounding land uses, the 24 on-street car parking spaces within the immediate vicinity of the restaurant can adequately accommodate the statutory requirement for 16 car parking spaces.
- Based on the Car Parking Demand assessment, the proposed increase of patron numbers to 150 is considered appropriate from a car parking perspective.

Upon review, we submit that the application demonstrates a satisfactory level of compliance with the provision based on the following reasons:

- Minimises risk to local traffic by:
 - Majority of the car parking spaces are provided on the site. The Car Parking Assessment demonstrates that the ability to absorb the waived rate of statutory car parking spaces within the service lane is appropriate and adequate.

- Vehicles can enter and exit the site and the service lane in a forward direction and are in accordance with the design standards of Clause 52.06-8.
 - The peak demand for the use is during the evening times and on weekends and will not impact on the operation of surrounding uses within the immediate vicinity of the restaurant that do not operate within usual business hours.
 - The restaurant is within walking distance to services, amenities and public transport (bus) within the town centre, minimising car dependence.
 - The reduction of car parking will support economic development and is consistent with local policy which seeks to ensure that small towns accommodate a variety of employment and business opportunities within the established commercial hub and facilitates synergies between employment activities and sustainable transport.
- The appropriateness of waiving car parking shortfalls is referenced in VCAT case Sansmark Pty Ltd & Ors v City of Borrondara & Ors 22 AATR 103 noting that:

“If it is consistent with the strategic plan for the centre, firstly because the most equitable solution is to deal with car parking on a centre wide basis, and secondly because even in saturated car parking conditions a balance will occur between the level of activity and the car parking supply.”

- Practice Note 22 (Using the Car Parking Provisions June 2015) states that:

“In an Activity Centre, car parking issues have a part to play, but should not dominate when assessing an application for a use or development”.

“Where a change of use or relatively small extension is consistent with the strategic plan for the centre and car parking cannot be easily provided, it will often be more sensible to reduce the car parking requirement, rather than prevent the use of development. Some activity centres will have excellent public transport access, ample car parking or mainly serve local customers who arrive on foot. In such circumstances, an increase in business and activity would increase the overall viability of the centre, and the reduced number of car trips would have a positive impact”.

7.5 Clause 52.27 Licensed Premises

A permit is required to use land to sell or consume liquor if the number of patrons allowed under a licence is to be increased.

Upon review, we submit that the application is generally in keeping with the purpose and relevant objectives of the provision based on the following reasons:

- The restaurant currently operates under a General Liquor Licence approved under PLA0307/07.

- There is no impact from the hours of operation on the amenity of the surrounding area as the current hours of trading are maintained and are not proposed to be extended.
 - The impact of the sale or consumption of liquor permitted by the liquor licence is unlikely to cause adverse impact on amenity to the surrounding area from noise. See section 6.4.
 - The impact of the sale or consumption of liquor permitted by the liquor licence is unlikely to cause adverse impact on amenity to the surrounding area from car parking. See section 7.4.
4. There is no adverse cumulative impact on any existing licensed premises, and the proposed licensed premises on the amenity of the surrounding area, as the existing use and operation of the General Liquor Licence is already well established.

7.6 Clause 52.29 Land adjacent to a Road Zone, Category 1

A permit is required to alter an access to a road in a Road Zone, Category 1 (Moe-Willow Grove Road, Willow Grove).

Upon review, we submit that the application is generally in keeping with the purpose and relevant objectives of the provision based on the following reasons:

- No buildings or works are proposed to alter the existing point of access.
- Majority of the car parking spaces are provided on the site. The Car Parking Assessment demonstrates that the ability to absorb the waived rate of statutory car parking spaces within the service lane is adequate.
- Vehicles can enter and exit the site and the service lane in a forward direction and are designed in accordance with the standards of Clause 52.06-8.
- The peak demand for the use is during the evening times and on weekends and will not impact on the operation of surrounding uses within the immediate vicinity of the restaurant that do not operate within usual business hours.
- The restaurant is within walking distance to services, amenities and public transport (bus) within the town centre, minimising car dependence.
- It is understood that the views of the determining road authority (VicRoads) under section 55 of the *Planning and Environment Act 1987* and Clause 66.03 of the Planning Scheme will be pending.

8.0 Clause 65 Decision guidelines

| Decision guidelines: | Consideration and response: |
|--|--|
| <i>The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.</i> | Satisfactory. See section 7.1 for SPPF and LPPF for assessment. |
| <i>The purpose of the zone, overlay or other provision.</i> | Satisfactory. See section 7 for full assessment. |
| <i>The orderly planning of the area.</i> | Satisfactory. The application demonstrates: <ul style="list-style-type: none"> ▪ Support of the vision in accordance with the Baw Baw Shire MSS and Council Plan 2017-2021. ▪ Compliance with all Title encumbrances. The site is a Crown Allotment however no change to the existing use or development is proposed. ▪ Appropriate integration of the range of polices relevant to the issues to be determined and balances planning objectives in favour of net community benefit and sustainable development in accordance with clause 10.4 of the Planning Scheme. ▪ See section 7 for full assessment. |
| <i>The effect on the amenity of the area.</i> | Satisfactory. This is based on the following reasons: <ul style="list-style-type: none"> ▪ See section 7 for full assessment. ▪ Permit conditions relating to amenity will ensure ongoing protection. |
| <i>The proximity of the land to any public land.</i> | N/A |
| <i>Factors likely to cause or contribute to land degradation, salinity or reduce water quality.</i> | Satisfactory. <ul style="list-style-type: none"> ▪ Avoids vegetation removal. ▪ No earthworks are required. ▪ The site is not located within 100m a waterway. ▪ Demonstrates adequate waste water treatment. See section 7.1 for consideration. |
| <i>Whether the proposed development is designed to</i> | Satisfactory. |

| | |
|---|--|
| <i>maintain or improve the quality of stormwater within and exiting the site.</i> | No buildings and works proposed. Demonstrates suitable infrastructure provision. See section 7.1 for consideration. |
| <i>The extent and character of native vegetation and the likelihood of its destruction.</i> | N/A. |
| <i>Whether native vegetation is to be or can be protected, planted or allowed to regenerate.</i> | N/A. |
| <i>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.</i> | N/A. |
| <i>The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.</i> | N/A. |

9.0 Conclusion

We submit that the site has suitable existing infrastructure, appropriate amenity protection measures and adequate wastewater treatment that can comfortably accommodate the proposed increase in the number of patrons for the restaurant which is critical to support the continued viable operation of the business. We respectfully submit that the responsible authority determines that good and orderly planning outcomes are achieved in favour of net community benefit and is satisfied to Grant a Permit for the application as proposed.

10.0 Appendix

1. Certificate of Title and Title Plan
2. Proposed Site/Floor Plan
3. Car Parking Demand Assessment
4. Previous Planning Permit PLA0063/11.C

T160125Reference: 1800479-TR-LET01-1.0.DOCX
Office: Melbourne

ACN 006 197 235
ABN 38 006 197 235

10 April 2018

Mr. Simon Duck
Willow Grove Duck Inn
14 Moe-Willow Grove Road
WILLOW GROVE, VIC, 3825

Melbourne
1 Glenferrie Road
PO Box 61
Malvern Vic 3144
ph: 03 9524 8888
beveridgewilliams.com.au

Dear Natalie,

**RE: PROPOSED PATRON INCREASE – 14 MOE-WILLOW GROVE ROAD, WILLOW GROVE
CAR PARKING ASSESSMENT**

Beveridge Williams has been engaged by Natalie Clark Town Planning to prepare a Car Parking Assessment for the proposed increase in the number of patrons at 'The Duck Inn' at 14 Moe-Willow Grove Road, Willow Grove. The following presents the findings of this Traffic and Transport Assessment.

EXISTING CONDITIONS

The subject site accommodates 'The Duck inn' restaurant located at 14 Moe-Willow Grove Road, approximately situated in the town centre of Willow Grove. Currently the restaurant operates for lunch during 12:00pm to 2:30pm and for dinner from 5:30pm to 10:00pm Monday to Wednesday and Sunday and 5:30pm to 11:00pm Thursday, Friday and Saturday.

Land use surrounding the subject site is generally residential in nature with residential uses abutting the majority of the site boundaries. South of the subject site is the Willow Grove community centre and the Willow Grove General Store. Within the surrounding area is the Willow Grove Primary School, Willow Grove Recreation Centre and residential developments.

The site fronts onto the eastern side of Moe-Willow Grove Road situated along a service road. The site is an elongated rectangle shape perpendicular to the service road with an area of approximately 2,000sqm. The subject site consists of a frontage of approximately 20m to the service road for Moe-Willow Grove Road and a depth of approximately 100m. The site is generally configured to comprise 'The Duck Inn' building at the front of the site with a 40 space gravel car park located to the rear. Vehicle access to the subject site is positioned at the most northern point of the frontage to the service road and allows for one vehicle to enter or exit at any one time.

Within the immediate vicinity of the subject site, on-street car parking is available along the Moe-Willow Grove service road in the form of 16 angled car parking spaces inclusive of 2 DDA spaces. Further to this, additional indented kerb side parallel parking is provided on Moe-Willow Grove Road adjacent to the service road. This approximately consists of 8 car parking spaces.

Beyond the extent of the service road, the Moe-Willow Grove Road pavement is approximately 14m wide with 7m lanes between the kerb and the centre line marking. These generous dimensions accommodate kerbside parking whilst also maintaining a single traffic flow in each direction.

The subject site locality with respect to the township of Willow Grove is depicted in Figure 1 and Figure 2.

Figure 1: Subject Site Locality

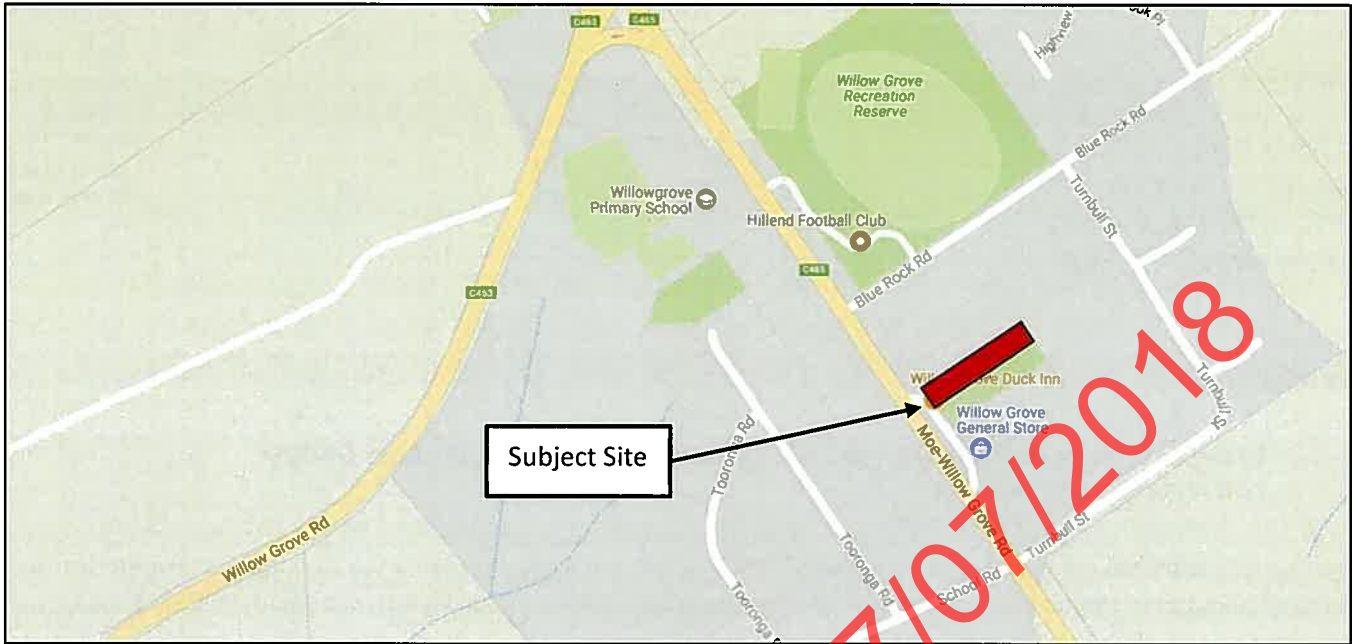
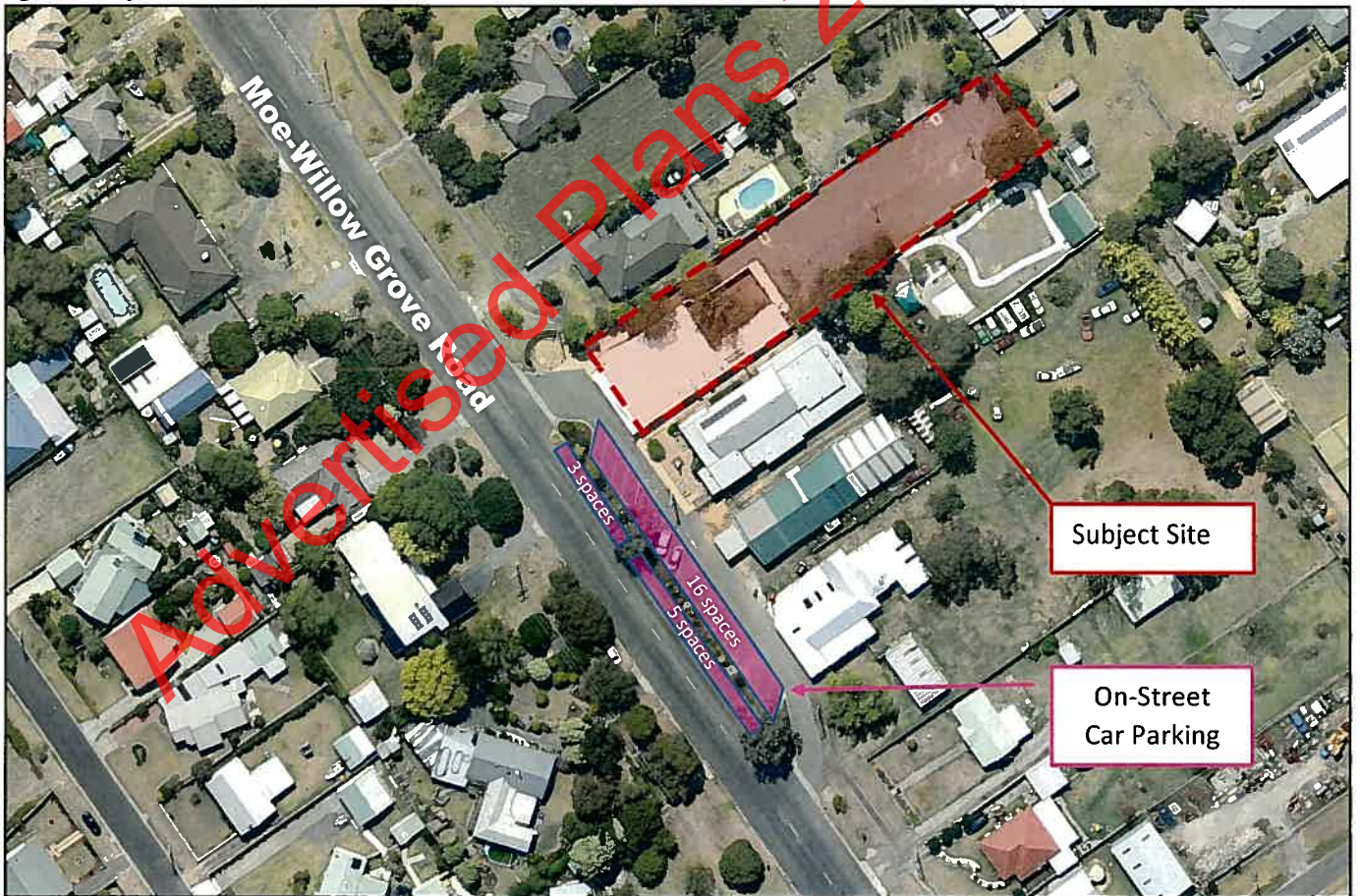


Figure 2: Subject Site Context



PROPOSAL

It is understood that the proposal seeks to apply for an amendment to the existing planning permit to allow for an increase in the maximum number of patrons permitted. Currently, the planning permit (application no. PLA0063/11.C) specifies that:

Except with the written consent of the Responsible Authority, the maximum number of patrons on the premises at any one time shall be as follows:

- *Sunday to Thursday – maximum of 80 patrons*
- *Friday and Saturday – maximum of 110 patrons*

The proposal seeks to amend the condition mentioned above allow the maximum number of patrons permitted on-site to be increased to 150 at any given time, 7 days a week.

CAR PARKING CONSIDERATIONS

Statutory Requirements

The statutory car parking requirements for different uses within the Baw Baw municipality are set out in Table 1 to Clause 52.06 of the Baw Baw Planning Scheme. For a restaurant, under Clause 52.06, a statutory rate of 0.4 spaces per patron permitted is applicable. It is noted that this rate is inclusive of all staff and patron requirements.

Further to this, Clause 52.06-1 states that car parking rates apply to an increase to an existing use by the measure specified in Column C of Table 1 in Clause 52.06-5 for that use. The proposed patron cap of 150 patrons is an increase of 40 patrons from existing conditions.

Application of the statutory rate to the proposed additional 40 patrons equates to a statutory requirement of 16 spaces.

The existing on-site car parking supply caters for the statutory car parking requirements of the existing patron cap and as such the statutory requirement for a further 16 spaces is proposed to be accommodated off-site.

It is noted that Clause 52.06 of the Baw Baw Planning Scheme allows an application to reduce (including reduce to zero) the number of car parking spaces required, subject to preparation of a car parking demand assessment. When considering the reduction of car parking spaces, the responsible authority must consider, amongst other things, the availability of alternative car parking in the locality of the land, including on street parking.

Adequacy of Parking

As noted previously, a total of 24 on-street car parking spaces are available in the immediate vicinity of the subject site comprising 16 spaces within the service road and 8 spaces on Moe-Willow Grove Road.

Considering the existing restaurant operating hours and the typical operations of restaurants, peak parking demands typically occur during the evening with reduced demands occurring throughout the day. As restaurant patronage is typically lower during the day, it is anticipated that the peak period of assessment is therefore during the evening.

At this peak evening period, the surrounding uses on Moe-Willow Grove Road are not operating and as such the 24 spaces located within the service road and on Moe-Willow Grove Road would be available. The available on-street

parking (24 spaces) in the immediate vicinity of the restaurant is therefore considered sufficient to accommodate the statutory car parking requirement of 16 spaces associated with the proposed increased of patron numbers.

Further to the above it is noted that the generous cross section of Moe-Willow Grove Road accommodates additional parking opportunities if required.

SUMMARY

Based on the preceding analysis a summary of the car parking assessment associated with the increase to allow up to an extra 40 patrons (total 150 patrons) on site at the existing restaurant located at 14 Moe-Willow Grove Road, in the township of Willow Grove is provided as follows:

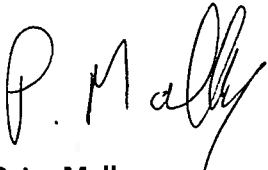
- It is proposed to increase the number of patrons permitted on-site to 150 compared to the existing permit conditions of 80 Sunday to Thursday and 110 Friday to Saturday;
- Under current conditions, the existing on-site car parking supply accommodates the statutory parking requirements of the restaurant;
- The proposed increase in the number of patrons results in a statutory car parking requirement of 16 spaces;
- Having regard to the temporal car parking needs of the restaurant, and the surrounding land uses, it is considered that the 24 on-street car parking spaces in the immediate vicinity of the restaurant can adequately accommodate the statutory requirement for 16 spaces.

Based on the preceding analysis, the proposed increase in patron numbers is considered appropriate from a car parking perspective.

Should you have any queries or require any clarification, please do not hesitate to contact me on 9524 8835 or via email malleyp@bevwill.com.au.

Yours sincerely,

BEVERIDGE WILLIAMS



Peter Malley

TRAFFIC AND TRANSPORT ENGINEERING MANAGER

Phone: 03 9524 8835

Email: malleyp@bevwill.com.au

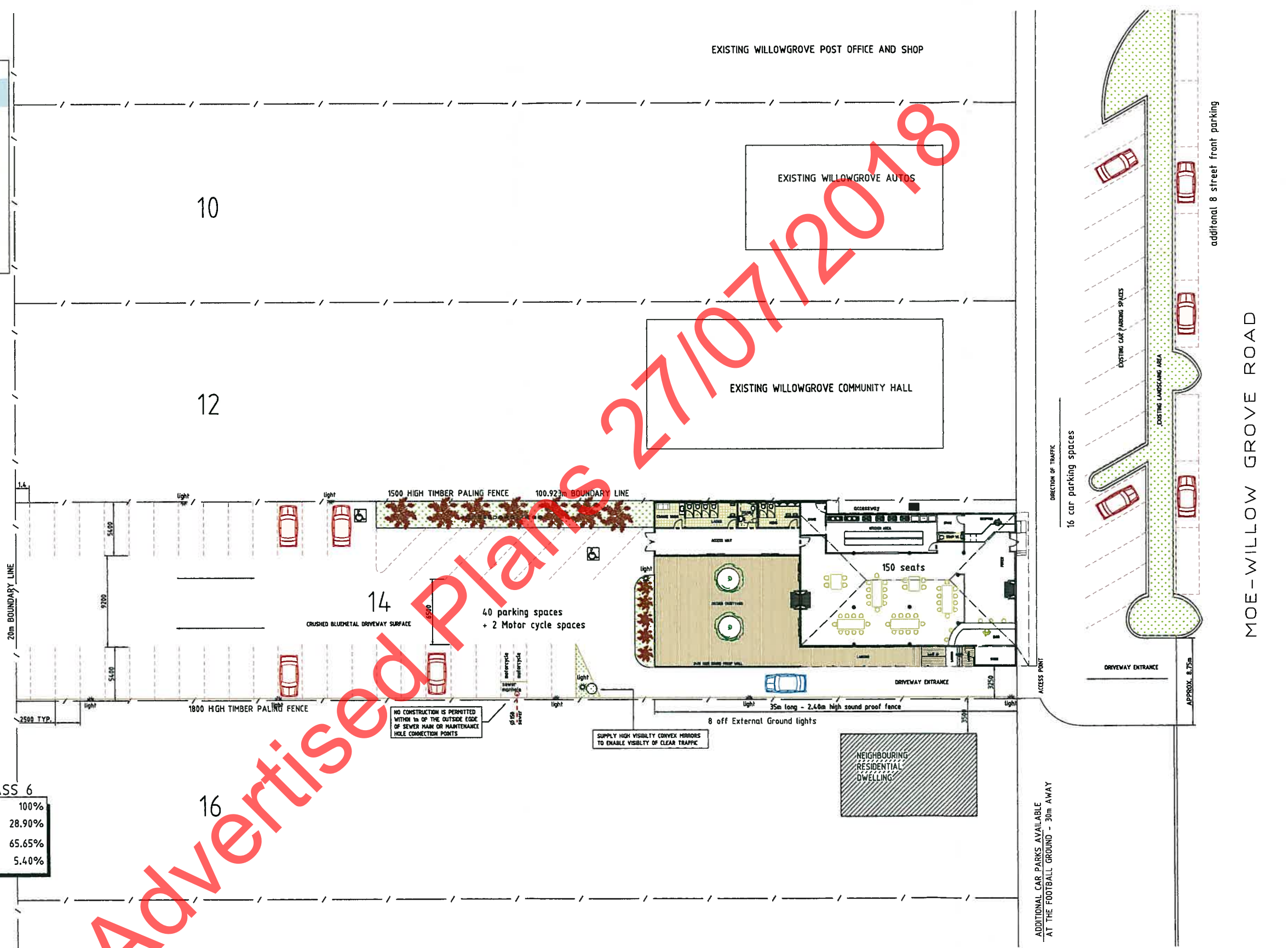
ADDITIONAL CAR PARK SPACES AVAILABLE AT THE WILLOWGROVE FOOTBALL GROUND - APPROX 100



APPROXIMATE LOCATION OF PROPERTY

LOCALITY PLAN

NOT TO SCALE

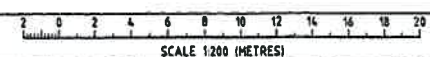


SITE 14 - AREA ANALYSIS - CLASS 6

| | | |
|----------------------------|-----------------------|--------|
| PROPERTY AREA | 2018.46m ² | 100% |
| BUILDING AREA | 583.20m ² | 28.90% |
| CARPARKING & DRIVEWAY AREA | 1325.26m ² | 65.65% |
| GARDEN AREA (PERMEABILITY) | 110.00m ² | 5.40% |

SITE PLAN

Advertised Plans 2710712018



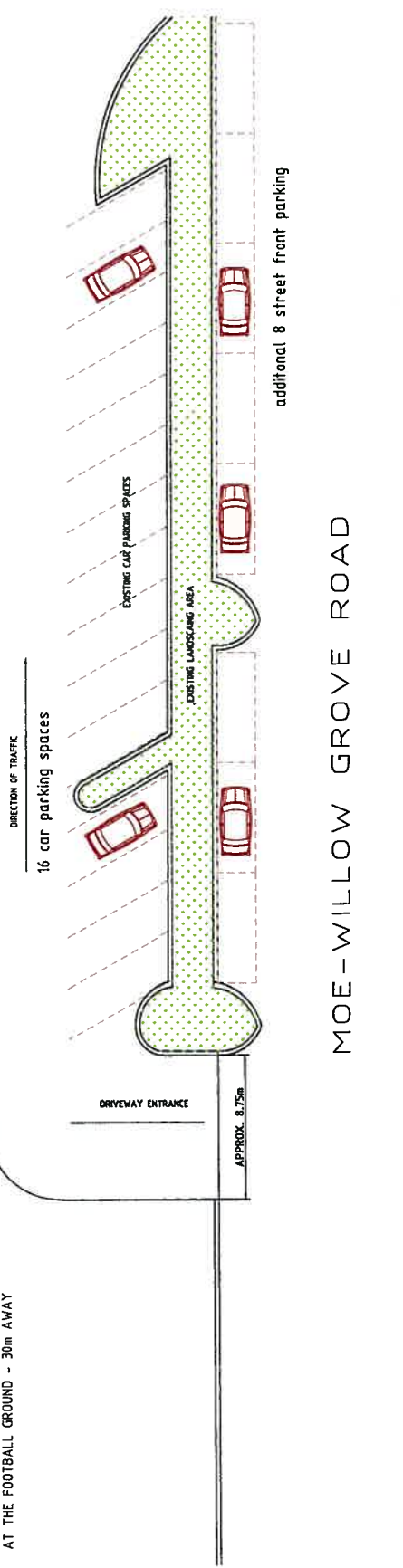
DO NOT SCALE

| | |
|----------|---------------|
| DRAWN: | D.GRECH |
| DATE: | 09/12/10 |
| CHECKED: | SLA |
| 27/04/10 | SHEET No: 1 |
| 26/04/10 | JOB No: |
| DRG. | AT SIZE SHEET |

| | |
|--|------------|
| PROPOSED CAR PARKING ASSESSMENT | |
| 14 MOE-WILLOW GROVE ROAD, WILLOW GROVE | |
| FOR: WILLOW GROVE DUCK INN | |
| SITE & LOCALITY PLAN | |
| SCALE | 1:200 |
| DRG. NO. | Lv3392-001 |
| REV | P2 |



| | |
|-------|------------------------------------|
| P2 | RE-ISSUED FOR PLANNING APPLICATION |
| P1 | ISSUED FOR PLANNING APPLICATION |
| REV # | DESCRIPTION |



MOE-WILLOW GROVE ROAD

**BAW BAW SHIRE COUNCIL
PLANNING
PERMIT**

Application No: PLA0063/11.C
Planning Scheme: Baw Baw Planning Scheme
Responsible Authority: Baw Baw Shire Council

1-32010

APPLICANT: Tanjil Hills Pty Ltd
Attn: Alan Wakefield
14 Moe Willow Grove Road
WILLOW GROVE VIC 3825

ADDRESS OF THE LAND: 14 Moe Willow Grove Road WILLOW GROVE VIC 3825
V 3091 F 049 CA 5 Sec A Willow Grove Township

THE PERMIT ALLOWS:

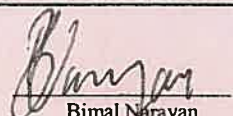
Use & Develop Land with Restaurant, Signage, Reduction of Carparking & Increase Redline Area associated with a liquor license

WHAT WILL THE AMENDED PERMIT ALLOW?:

To increase the number of patrons and the hours of trade.

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

1. The use and/or development as approved must not be altered without the written consent of the responsible authority.
2. All external finishes of the development shall be color treated and maintained in muted non-reflective tones to the satisfaction of the Responsible Authority.
3. The amenity of the area must not be 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.
 - d) Presence of vermin.
 - e) Hours of operation.
4. Except with the written consent of the Responsible Authority, the premises shall only be used for the purpose hereby permitted between the following hours:-
 - Monday to Wednesday - 11.00am till 10.00pm
 - Thursday & Friday - 11.00am till 11.00pm


Bimal Narayan
Authorised Officer

BAW BAW SHIRE COUNCIL

PLANNING PERMIT

Application No: PLA0063/11.C
Planning Scheme: Baw Baw Planning Scheme
Responsible Authority: Baw Baw Shire Council

- Saturday - 9.00am till 11.00pm
- Sunday - 9.00am till 10.00pm

5. Except with the written consent of the Responsible Authority, the maximum number of patrons on the premises at any one time shall be as follows:
- Sunday to Thursday - maximum of 80 patrons.
 - Friday and Saturday - Maximum of 110 patrons
6. All goods, waste material or other refuse shall be obscured from the view of the public and shall be disposed of in a manner to the satisfaction of the Responsible Authority.
7. The area set aside for parking and access as shown on the endorsed plan must only be used for the parking and movement of vehicles and for no other purpose.
8. The occupier of the premises must ensure that vehicles used by its employees or customers are parked at its designated parking spaces within the site and not along the service road in front of the property.
9. Prior to the occupation of the development hereby permitted, a sign directing traffic to the car park must be installed to the satisfaction of the Responsible Authority. The sign must not exceed 0.3 square metres in size.
10. Any external lighting shall be installed and maintained so as to avoid distracting passing motorists or causing nuisance to neighbours.
11. Advertising signs shall not be erected or displayed on the site except with the further approval of the Responsible Authority. Advertising signs must not contain any flashing light.
12. Any advertising signs as approved under this permit must only be illuminated during the hours of operation for the development so as to preserve the amenity of the adjoining residential area.
13. Noise from music sources and activities from within the building, including public address system or the like, shall be installed and/or operated, so as not to be audible from the outside the building.

**BAW BAW SHIRE COUNCIL
PLANNING
PERMIT**

Application No: PLA0063/11.C
Planning Scheme: Baw Baw Planning Scheme
Responsible Authority: Baw Baw Shire Council

14. Prior to the Certificate of Occupancy being issued by the relevant Building Surveyor, the permit holder must install appropriate acoustic boards/barriers in accordance with endorsed plans along the northern boundary of the property to minimise noise (and visual) impact of the proposed use on the adjoining property to the north of the site to the satisfaction of the responsible authority.
- All wastewater shall be treated and disposed of to the reticulated sewer to the satisfaction of the responsible authority.
- Note 1: The serving of any beverage or food on the land requires registration under the Health Act 1958 and the Food Act 1984 prior to the start up of operation.
- Note 2: The permit holder must comply with structural and legislative requirements of the Food Act 1984 Food Standards Code Section 3.2.3 recommended that you contact Council's Health Officer prior to starting any works.
16. All stormwater from the proposed development must be disposed offsite to the satisfaction of the Responsible Authority.
17. Prior to obtaining a Certificate of Occupancy, the developer shall negotiate with the owner of the property at the rear to obtain drainage rights through that property to enable stormwater runoff from the development to discharge to the existing stormwater drain in Turnbull Street. Should negotiations be unsuccessful, the developer shall construct such works as necessary to enable all storm water runoff from the site to be discharged to the existing junction pit in front of the development.
- 18. The owner, the occupier and the operator of the premises shall at all time make reasonable endeavours to ensure that persons resorting to the premises do not create a nuisance and annoyance to neighbours or otherwise disturb the amenity of the area all to the satisfaction of the responsible authority.
19. Prior to the use commencing, a minimum of 40 car spaces must be provided on the land in accordance with the endorsed plans as approved by the Responsible Authority.
20. Prior to the use commencing, the developer shall supply and install a commercially manufactured 'No Right Turn' sign (R2-6A) at the driveway exit from the property, within the property boundary to the satisfaction of the responsible authority.

**BAW BAW SHIRE COUNCIL
PLANNING
PERMIT**

Application No: PLA0063/11.C
Planning Scheme: Baw Baw Planning Scheme
Responsible Authority: Baw Baw Shire Council

21. Prior to the use commencing, all car parking areas and internal roadways are to be constructed with an all-weather sealed surface, drained, line marked and thereafter maintained, all to the satisfaction of the responsible authority.
22. Prior to the connection of stormwater discharge to Council's drainage network or existing water courses, an on-site stormwater detention system must be designed and constructed in accordance with plans and computations submitted to and approved by Council. The on-site stormwater detention system shall be designed by a suitably qualified drainage engineer to limit stormwater runoff to 64 litres per second per hectare. Regardless of the outcome of this design, if stormwater is to be discharged to the kerb and channel, the discharge rate shall not exceed 3 litres per second.
23. Prior to the issuance of a Certificate of Occupancy, the owner of the land must enter into an agreement with the Responsible Authority pursuant to Section 173 of the Planning Environment Act 1987 which, will stipulate that the capacity of the on-site stormwater detention system cannot be reduced and must be maintained to the satisfaction of the Responsible Authority. The cost of preparation, lodgement and registration of the agreement and any subsequent amendment, enforcement, removal or other dealing associated with the agreement shall be borne totally by the owner of the land. The agreement must be registered on the certificate of title for the land. Evidence of the registration of the agreement must be provided to the Responsible Authority prior to the commencement of any use, buildings or works authorised by this permit.

The agreement shall include the following details:

- a) The owner will maintain and not modify the existing on-site stormwater detention system without prior Council written approval, and will allow the on-site stormwater detention system to be inspected by a duly appointed officer of the Council at mutually agreed times.
- b) The owner will pay for all the costs associated with the operation and maintenance of the on-site stormwater detention system.

GIPPSLAND WATER:

24. No Construction is permitted within 1 metre of the outside edge of the sewer main, sewer maintenance hole or sewer connection point.

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Note:

Should any alteration take place relating to water or sewerage requirements, you will need to contact Property Connections for a quote on (03) 5177 4648.

PERMIT EXPIRY:

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

- a) The use and development is not started within two years of the date of this permit:
- b) The use and development is not completed within four years of the date of this permit.

The responsible authority may extend the periods referred to if a request is made in writing before the permit expires or within three months afterwards.

26. All doors and windows (particularly ones facing north and south) of the building must generally remain closed when there is an organised function at the venue or whilst music or a public addressing system is being played within the building. The permit holder must install self closing doors if these doors are to be used to serve customers in the courtyard.
27. No audio broadcasting system (including speakers) is to be installed outside the building.
28. The permit holder shall employ the services of crowd controller(s), licensed under the Private Agents Act, at a ratio of one crowd controller for every fifty patrons and part thereof, whenever there is an organised function conducted on the premises (or otherwise where circumstances warrant) to control the behaviour of patrons to maintain the amenity of the adjoining area to the satisfaction of the Responsible Authority.

Whenever there are two or more crowd controllers employed at any one time, one of the crowd controllers is to be present outside the building to monitor and control the behaviour of patrons arriving and departing the premises.

Note:

'Organised Function' as stipulated under this permit shall generally mean a gathering of 50 or more patrons coming together on the premises to celebrate or achieve a particular event or purpose (This event or purpose may generally include birthday's, wedding's, engagement's, Christmas functions, live music and the like).

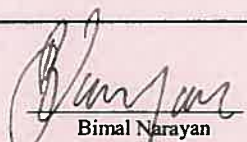
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29. The restaurant operator must, to the best of their ability, ensure that patrons leave in an orderly, quiet and prompt manner, so as to reduce noise heard in the nearby residential properties, to the satisfaction of the Responsible Authority.
30. The concreting of the driveway identified as stage 1 as endorsed under this permit must be finished prior to acting on this amended permit.

| Date: | Details of Amendment: |
|------------------------------|--|
| 16 th May 2012. | This Planning Permit has been amended under Section 75 of the Planning and Environment Act 1987 as follows: a) Increases the redline area to include the 'landing' area. b) The request to increase the number of patrons to 120 has been withdrawn from this application. |
| 6 th August 2013. | c) Variations to Condition No. 4. d) Variations to Condition No. 5. e) Addition of Condition No. 26 to 30 inclusive. |

Advertised Plans 7107/2018


 Bimal Narayan
 Authorised Officer