

Alternative Motion for Planning Permit Application PLA0142/13 for the use of the land for a place of assembly (a maximum of ten (10) country music nights) and display of business identification signage at Lot 2 on Plan of Subdivision 303244H, more commonly known as 525 Mountain Glen Drive, Trafalgar East.

NOTICE OF DECISION TO GRANT A PLANNING PERMIT:

That Council issue a Notice of Decision to Grant a Planning Permit for Planning Permit Application PLA0142/13 for the use of the land for a place of assembly (a maximum of ten (10) country music nights) and display of business identification signage at Lot 2 on Plan of Subdivision 303244H, more commonly known as 525 Mountain Glen Drive, Trafalgar East, subject to the following conditions:

USE AND SIGNAGE TO BE IN ACCORDANCE WITH ENDORSED PLANS CONDITIONS:

1. The use as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
2. The location and details of the sign, including those of the supporting structure, as shown on the endorsed plans, must not be altered without the written consent of the Responsible Authority.

SIGNAGE CONDITIONS:

3. The sign must not contain any flashing/moving light.
4. The sign must not be illuminated.
5. The sign must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land or roads.
6. The signs must be constructed and maintained to the satisfaction of the Responsible Authority.

NUMBER OF EVENTS CONDITION:

7. The total number of events must not exceed ten (10) per calendar year.

NUMBER OF PATRONS CONDITION:

8. No more than 200 persons may be present on the premises at any one time without the written consent of the Responsible Authority.

HOURS OF OPERATION CONDITIONS:

9. Live music may only be performed on site between the hours of 7.00pm and 12.00am (midnight) on the days of approved events.
10. When an event is held, patrons may only be on site from 4.00pm on the day of the event until 10.00am the next day.

AMENITY CONDITIONS:

11. Prior to the commencement of the use of the land, a noise and amenity plan/patron management plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. All activities forming part of the use must comply with the endorsed plan. The plan must include:
 - a) staffing and other measures which are designed to ensure the orderly arrival and departure of patrons;
 - b) signage to be used to encourage responsible off-site patron behaviour;
 - c) the training of staff in the management of patron behaviour;
 - d) staff communication arrangements; and
 - e) measures to control noise emissions from the premises.
12. The permit holder must maintain a register of all events held on the land. This register must be made available to the Responsible Authority, the Victoria Police, the Environment Protection Authority and any other relevant authorities upon their request, to the satisfaction of the Responsible Authority.
13. At all times during the operation of the use, there must be present on the premises at least two (2) persons over the age of 21 years who are responsible for ensuring that the activities on the premises and the conduct of the persons attending the premises do not have a detrimental impact on the amenity of the locality to the satisfaction of the Responsible Authority.

These persons must be authorised by the operator under this permit to make statements at any time on his/her behalf to any officer of the Responsible Authority and of the Victoria Police and/or of Liquor Licensing Victoria authorised under Section 129 of the Liquor Control Reform Act 1998; and/or to take action on his/her behalf in accordance with a direction by such officer.
14. No external sound amplification equipment or loudspeakers are to be used for the purpose of announcement, broadcast, playing of music or similar purpose.
15. Provisions for appropriate garbage receptacles and recycling bins must be made prior to the commencement of each event, to the satisfaction of the Responsible Authority.

16. All goods, waste material or other refuse shall be obscured from the view of the public.
17. All waste material produced as a result of the land use must be removed from the site and its surrounds (including the road reserve of Mountain Glen Drive) within 24 hours of the conclusion of an event. All vehicles removing waste must have fully secured and contained loads so that no wastes are spilled or dust or odour is created to the satisfaction of the Responsible Authority.
18. All internal accessways and carparking areas must be maintained to avoid dust nuisance to any nearby residences to the satisfaction of the Responsible Authority.
19. External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the Responsible Authority.
20. Noise levels emanating from the land must comply with the requirements of the Environment Protection Authority's State Environment Protection Policy (Control of Music Noise from Public Premises) N-2.
21. The use of the land must be managed so that the amenity of the area is not detrimentally affected through the:
 - a) Transport of materials, goods or commodities to or from the land;
 - b) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, wastewater, waste products, grit or oil; and
 - c) Presence of vermin.

LANDSCAPING CONDITIONS:

22. Prior to the commencement of the use, a landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and four copies must be provided. The plan must show:
 - a) a survey (including botanical names) on neighbouring properties within three metres of the boundary;
 - b) buildings and trees (including botanical names) on neighbouring properties within three metres of the boundary;
 - c) details of surface finishes of pathways and driveways;
 - d) a three metre wide landscaping strip along the common boundaries adjoining the neighbouring site on the west and the site on the south. The landscaping strip must consist of approved fast-growing trees

and shrubs. The trees must grow to a minimum of 5 metres in height and form an effective visual screen as viewed from the land to the west and south. The length of this landscaping strip must be a minimum of 100 metres in each direction commencing from the south west corner of the subject site; and

- e) 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.

~~All species selected must be to the satisfaction of the Responsible Authority. (deleted)~~

- 23. Prior to the commencement of the use, or by such later date as may be approved by the Responsible Authority in writing, the landscaping works as shown on the endorsed plans must be carried out and completed to the Satisfaction of the Responsible Authority.
- 24. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.

LOCATION AND DIRECTION OF VEHICLES CONDITIONS:

- 25. The permit holder must ensure that vehicles used by its employees or patrons are parked in the designated parking spaces as approved under this Permit.
- 26. Prior to the commencement of the events, temporary signs directing traffic to the car parking area(s) must be installed within the property boundaries to the satisfaction of the Responsible Authority. The sign(s) must not exceed 0.3 square metres in size and must be removed within 24 hours of the specified closure of the event as under Condition 10.

PROVISION OF LIQUOR CONDITIONS:

- 27. No liquor is to be sold to or provided to patrons without the necessary planning and liquor licensing permits.

ENGINEERING CONDITIONS:

- 28. Prior to the use commencing both driveways to the land are to be upgraded to a width and strength suitable to cater for all vehicles likely to enter the site including removal of the existing timber sign structure between the driveways to the satisfaction of the Responsible Authority in accordance with Council's Infrastructure Design Manual standard drawing SD 255 Typical Swale Drain Vehicle Crossing (Rural Entrance). A sealed all weather surface shall be provided between the property boundary and the edge of the existing seal in Mountain Glen Drive. A Works Within Road Reserve Permit must be obtained from the

Responsible Authority prior to carrying out any works within the road reserve.

29. Prior to the use commencing the driveway crossings to the land shall be constructed or upgraded to accommodate the Standard Vehicle as shown on Council's Standard Drawing, BBSSTD 409 - Vehicle Clearance Template - in accordance with plans and specifications approved by the Responsible Authority.
30. Prior to the use commencing the internal driveway from the property boundary on Mountain Glen Drive to the designated public parking area shall be constructed to a minimum pavement width of 6.0 metres with an all weather surface to the satisfaction of the Responsible Authority. ~~an additional 2.0 metres wide graded area cleared of above ground obstacles on either side of the 6.0 metre wide road pavement for the full length of the driveway. The first 15 metres of the internal driveway from the property boundary shall be sealed 6.0 meters wide, all to the satisfaction of the Responsible Authority.~~

ENVIRONMENTAL HEALTH CONDITIONS:

31. Prior to the commencement of the use of the land, the applicant must provide evidence from a licensed electrician or plumber (i.e. a Certificate of Compliance) that a permanent powered alarm has been fitted to the holding tank for the septic tank wastewater system. The holding tank must have a visible or audible alarm that indicates when the holding tank is 75% full to allow the tank to be pumped out in the event of a pump failure.

COUNTRY FIRE AUTHORITY CONDITIONS:

32. Emergency Management Planning: Prior to the commencement of the use of the land, a risk assessment for the site's public use should be conducted by the event organisers and the property owner. This risk assessment should form the basis for the development of an Emergency Management Plan and procedures for the conduct of these events. The Emergency Management Plan should be to the satisfaction of the Responsible Authority. As a guide the applicant could be referred to: <http://www.mfb.vic.gov.au/Community-Safety/WEM/Workplace-Emergency-Management-Manual.html> where they will be able to access online material to guide their development and maintenance of the document.
33. Essential Safety Measures: Essential Safety Measures should be maintained in accordance with the Occupancy Permit issued on 10 December 2010 (Job No. 10/01172) and the Annual Report submitted on the anniversary date of the issue of the Occupancy Permit (each year) to the Municipal Building Surveyor as required by Regulation 1208 of the Building Regulations. The site should maintain appropriate records

indicating that Essential Safety Measures have been maintained in accordance with the Occupancy Permit.

EXPIRY OF PERMIT CONDITIONS:

- 34. The approval contained in this permit for the sign(s) shown on the endorsed plans expires fifteen (15) years from the date of this permit.
- 35. This permit will expire if the use is not started within **two (2) years** of the date of this permit.

The Responsible Authority may extend the period referred to if a request is made in writing before the permit expires or within six (6) months afterwards.

BUILDING NOTE:

Note 1. An Occupancy Permit will be required to run the events.

ENVIRONMENTAL HEALTH NOTES:

- Note 2. Prior to the commencement of the use of the land, the applicant must provide the Responsible Authority with the names and addresses of any supplier of food and/or beverages. Only businesses or community groups that hold a current Victoria Food Act registration can supply catering/food sales at any event held.
- Note 3. Any business or community group that is engaged to supply food and/or beverages must submit a notification to the Responsible Authority via the Victorian Department of Health Streatrader.
- Note 4. Prior to the commencement of the use of the land, the applicant must provide the Responsible Authority with a list of dates of events to allow inspections of the food/beverage activities to be conducted.
- Note 5. The applicant must provide evidence of an annual service report of the septic tank wastewater system to the Responsible Authority. The service report must address the septic tank, holding tank, disposal trenches and alarm system, to the satisfaction of the Responsible Authority.
- Note 6. Copies of septic tank desludge invoices are to be submitted to the Responsible Authority on an annual basis.