

**9.5 PLANNING PERMIT APPLICATION PLP012/19 FOR BUILDINGS AND WORKS FOR THE CONSTRUCTION OF AN EXTENSION TO AN EXISTING HOTEL, REDUCTION IN CAR PARKING REQUIREMENTS, INCREASE IN LICENCED AREA AND PATRON NUMBERS AT 88-94 HIGH STREET WALLAN**

**Author:** James McNulty - Manager Development Approvals

**File No:** PLP012/19

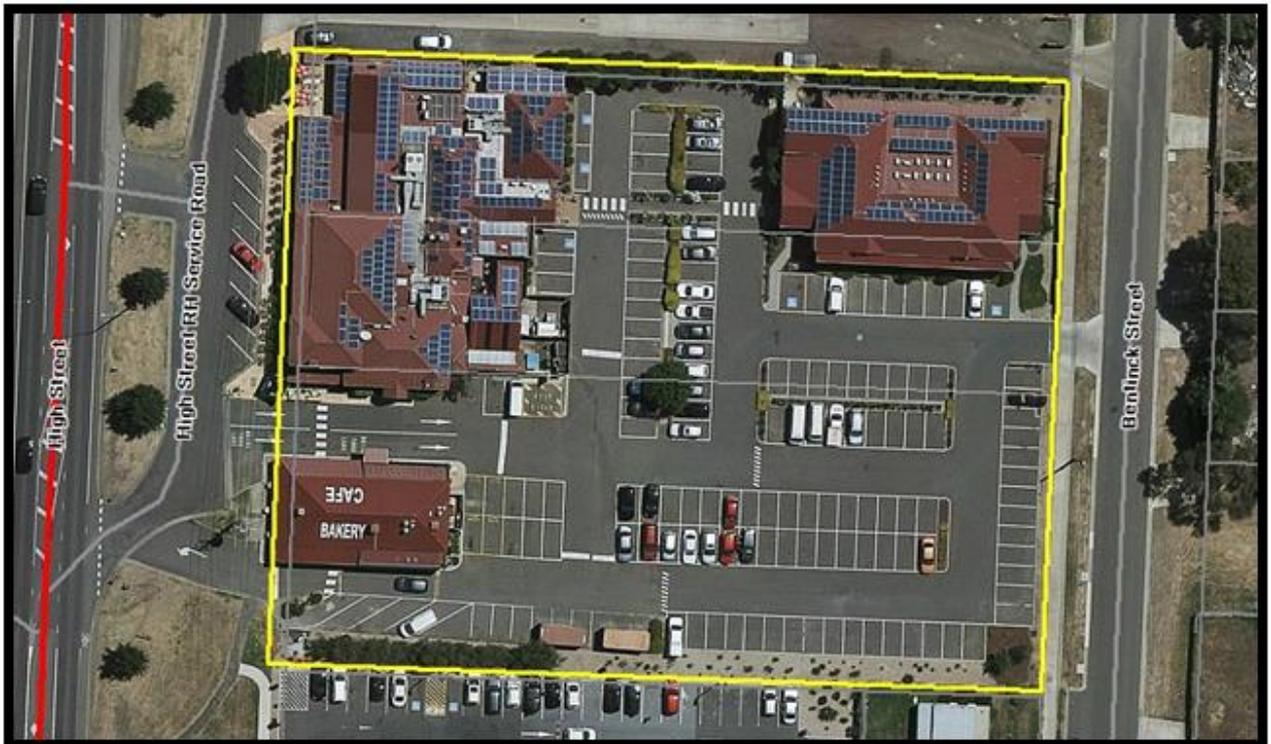
**Attachments:**

1. Existing Conditions
2. Proposed Elevations
3. Proposed Floor Plan
4. Proposed Site Plan
5. Traffic Report
6. Red Line Plan

|   |   |
|---|---|
| <b>Property No.:</b>                                | 112123  |
| <b>Title Details:</b>                               | Crown Allotment 5 Section 17 Parish of Wallan Wallan<br>Crown Allotment 6 Section 17 Parish of Wallan Wallan<br>Land in Plan of Consolidation 353494P |
| <b>Applicant:</b>                                   | Urbis Pty Ltd   |
| <b>Zoning:</b>                                      | Commercial 2 Zone   |
| <b>Overlays:</b>                                    | No Overlays   |
| <b>Objections Received:</b>                         | No Objections have been received  |
| <b>Cultural Heritage Management Plan Required:</b>  | No, not in an area of Aboriginal Cultural Heritage Sensitivity  |
| <b>Officer Declaration of Conflict of Interest:</b> | No officers involved in the preparation of this report have any direct or indirect interest in this matter  |

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## SITE MAP



## SUMMARY

This application was considered by Council at their Ordinary meeting on 16 September 2019, where it was resolved to defer consideration of the application for a month in order to assess an additional submission made by the applicant. This revised assessment report has had regard to the additional information submitted.

The application is for buildings and works for the construction of an extension to an existing hotel, reduction in car parking requirements, increase in licensed area and patron numbers for the Hogan's Hotel at 88-94 High Street in Wallan.

The application was advertised by way of posting letters to adjoining property owners and occupiers and the placement of two signs (facing High Street and Bentinck Street). No objections were received.

The site is zoned Commercial 2 Zone, is not affected by any Overlays and is located within the main business area of Wallan.

The application was also referred to VicRoads externally. Internal discussions were held with Council's Engineering and Strategic Planning Departments who do not oppose the granting of a permit.

The main topics to this application and discussed in this report relate to carparking. Council officers recommend that a planning permit be issued subject to conditions.

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## SITE AND SURROUNDS

### Subject Site Description

The subject land is made up of three parcels of land, legally described as Crown Allotment 5 Section 17 Parish of Wallan Wallan, Crown Allotment 6 Section 17 Parish of Wallan Wallan and Land in Plan of Consolidation 353494P, commonly known as 88-94 High Street Wallan. The land area combined covers approximately 8,200sqm.

The land is rectangular in shape, located on the east side of High Street in the town centre of Wallan. The site is bounded by High Street to the west, and Bentinck Street to the east. Vehicle access is provided from both the High Street (via a service lane) and Bentinck Street frontages. Advertising signage for each business is located on the facades of buildings, including a pylon sign associated with Pretty Sally Cafe.

The site contains an existing hotel (Hogan's Hotel), a café (Pretty Sally Bakery Café) and a motel providing accommodation at the north east corner of the site. Car parking is provided to the rear of Hogan's Hotel and Pretty Sally Bakery.

The subject land including all three parcels of land have a total of 149 car parking spaces shared between the uses occupying the site.

### *Planning Background*

A search of Council's records keeping system indicate that the following planning related decisions have been made on the subject land:

| Permit Number | Decision      | Decision Date | Application Description  |
|---------------|---------------|---------------|--|
| PLA302529/01  | Permit Issued | 19/06/2001    | Hotel Alterations  |
| PLA302853/02  | Permit Issued | 15/03/2002    | Extension of Trading Hours   |
| PLA303178/02  | Permit Issued | 9/01/2003     | Hotel Alterations  |
| PLA303393/03  | Refused       | 11/08/2003    | Motel, Function Room, Pool, Gym and 30 Gaming Machines   |
| PLA303730/04  | Permit Issued | 28/06/2004    | Bottleshop Additions and Extension   |
| PLA304340/05  | Permit Issued | 31/01/2006    | Illuminated Signage  |
| PLA304324/05  | Permit Issued | 21/11/2006    | Use and Development of the land for a motel and business identification signage in accordance with the endorsed plans. |
| P305114/07    | Permit Issued | 28/04/2008    | Extension of licensed trading hours - Gaming Room Only   |

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|            |               |            |  |
|------------|---------------|------------|--|
| P306880/12 | Permit Issued | 16/03/2012 | To construct buildings and works (alterations and office)  |
| PLP124/13  | Permit Issued | 24/09/2013 | Buildings and works (hotel extension) and extension to licensed area   |
| PLP232/14  | Permit Issued | 16/03/2015 | Use and development of a food and drink premises (cafe); display of business identification signage; and alteration of access to a road in a Road Zone, Category 1.<br><br>Notably this proposal converted the existing bottle shop building and extended it by 77sqm of additional floor area, generating an additional 3 car parking spaces. In this instance a reduction of car parking requirements was sought and approved. |
| PLP176/17  | Permit Issued | 2/11/2018  | Installation and display of signage (including electronic business identification signage)   |
| PLP176/18  | Permit Issued | 14/11/2018 | Buildings and works for the installation of a generator  |

Relevant non planning related approvals:

The premises currently operate under an existing liquor license that limits the consumption of alcohol with a cap on patrons and red line under Victorian Commission for Gambling and Liquor Regulation (VCGLR) regulations.

*Title/Restrictions/Agreements*

The titles of the site are not encumbered by any covenants or agreements nor do any easements traverse through the property.

Surrounding Area

The immediate adjoining properties mostly comprise of commercial development, which include McDonalds (to the south) and Home Timber and Hardware (to the north). The site is located east of the Wellington Square shopping centre, which includes a range of specialty shops, Woolworths supermarket, the Wallan Library, a petrol station and a fast food outlet (KFC).

The land to the east of the site is generally residential with a medical centre provided at the south-west corner of Queen Street and Bentinck Street.

Advertising signage can be found on the adjoining McDonalds site (8m high sky sign, and signage fixed to the building), and to the west at Wellington Square (approximately 11m high, multiple tenancy sign).

**PROPOSAL**

The planning permit application is seeking consent to:

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- increase the floor area of the existing hotel:
- increase permitted patron numbers:
- increase the existing red line for the consumption of liquor on the premises; and
- to reduce the number of car parking spaces on the site.

Specific details of the proposal include the following:

#### Buildings and works

- A single storey extension to the rear (eastern) elevation of the hotel building that includes a lounge (110 sqm in floorspace), along with a liquor servery area, office space and a storeroom.
- A new lobby area will be created providing an entrance into the premises from the rear parking area.
- The extended section has a total height of 3.8 metres to the eaves comprising a hipped roof.
- External facing materials will consist of painted and rendered brickwork, Colorbond corrugated roof and powder coated aluminium window frames.
- Internal reconfiguration will be made to the adjoining gaming lounge with the removal of the liquor servery from this area.
- A single storey extension to the eastern elevation to provide additional kitchen and cooking floorspace consisting of a flat roof form to a maximum height of 3.8 metres and will be constructed in painted and rendered brickwork. The extension will remove a small area of the existing service area.
- Enclosure of the side of the existing verandah in the south western corner of the building

#### Increase in patron numbers

- The proposal is seeking to increase patron numbers from 290 to 450, an increase of 160.
- The current number aligns with the existing general liquor license.

#### Consumption of Liquor

- The red line for liquor consumption is to be extended to encompass all proposed extensions that include the proposed 'lounge' and increase to the verandah area.
- The existing liquor license will not be extended to permit additional service hours.
- All proposed areas for consumption will conform to existing service hours.

#### Reduction in car parking requirements

- The proposed increase in floor area of the hotel would enable the premises to accommodate an additional 160 patrons on the premises.
- 11 existing car parking spaces will be removed to facilitate the increase in floor area. These car parking spaces will be built over by the expanded footprint of the premises, encompassing the new lounge area.

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## PLANNING SCHEME PROVISIONS

### Zoning

#### *Commercial 2 Zone*

The site is affected by the Commercial 2 Zone pursuant to Clause 34.02 of the Mitchell Planning Scheme (Scheme) where a planning permit is required to construct a building, or construct or carry out works.

### Overlays

No overlays affect this site.

### Particular Provisions

#### *Clause 52.06 – Car parking*

Pursuant to Clause 52.06-2, before a new use commences or where the floor area or site area of an existing use is increased, the number of car parking spaces required under Clause 52.06-5 must be provided to the satisfaction of the responsible authority.

The table to Clause 52.06-5 requires a total of 0.4 car parking spaces be provided to each patron permitted on the premises.

The plans submitted with the application identify that a total of 138 car spaces will be provided on the land once the extension is completed.

To summarise:

- 64 additional spaces are required due to the increase of 160 patrons ( $0.4 \times 160 = 64$ ) to meet the car parking requirements.
- 149 existing spaces currently exist on the site.
- 11 spaces will be lost as a result of the development and expansion works for the hotel.
- A total of 138 car spaces will be provided on the land.

| Applicable Land Use | Required rate of spaces | Number of patrons currently permitted on site and current car parking requirement | Total number of patrons proposed and required car parking spaces |
|---------------------|-------------------------|---|--|
| Hotel               | 0.4 spaces per patron   | 290 (290 patrons x 0.4 car parking spaces = 116 spaces)                           | 450 (450 patrons x 0.4 car parking spaces = 180 spaces)          |

Pursuant to Clause 52.06-3 (Car Parking), a permit is required to reduce the required car parking provision set out within 52.06-5 of the Mitchell Planning Scheme.

Before deciding on an application Council must consider the decision guidelines of this provision found at Clause 52.06-10. In Summary the decision guidelines include safety,

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security, usability, amenity, design, construction standards and off site affects such as impact on adjoining uses.

Further, under Clause 52.06-7 a car parking plan is required to be submitted that shows the location of car parks that are dimensioned in accordance with the dimensions outlined within the table within Clause 52.06-8.

*Clause 52.27 – Licensed Premises*

Pursuant to Clause 52.27 a planning permit is required to use the land to sell or consume liquor if the following apply:

- The number of patrons allowed under a license is to be increased.

Given that the patron number will be extended and increased, a planning permit is required under Clause 52.27 of the Mitchell Planning Scheme.

Planning Policy Framework (PPF) and Local Planning Policy Framework (LPPF)

| The following clauses of the PPF and LPPF are considered relevant to this application |   |
|---|---|
| Clause 15 – Built Environment and Heritage  | <p>This clause is relevant and has the following objectives:</p> <p><i>Planning should achieve high quality urban design and architecture that:</i></p> <ul style="list-style-type: none"> <li>• <i>Contributes positively to local urban character and sense of place.</i></li> <li>• <i>Reflects the particular characteristics, aspirations and cultural identity of the community.</i></li> <li>• <i>Enhances liveability, diversity, amenity and safety of the public realm.</i></li> <li>• <i>Promotes attractiveness of towns and cities within broader strategic contexts.</i></li> <li>• <i>Minimises detrimental impact on neighbouring properties.</i></li> </ul>  |
| Clause 21.11-9 – Wallan   | <p>This clause is relevant and has the following objective:</p> <ul style="list-style-type: none"> <li>• <i>Reinforce visual and physical connections to Wallan’s surrounding landscape setting.</i></li> <li>• <i>Embrace the existing topography, heritage and natural elements of the site, and integrate these features into the development of Wallan to create a sense of place that is authentic and distinct.</i></li> <li>• <i>Provide a strong sense of arrival into Wallan along key entry roads.</i></li> <li>• <i>Ensure that if future duplication of the Northern highway is required that it enhances the entry into Wallan.</i></li> <li>• <i>Enhance the view of Wallan from the Hume Freeway.</i></li> <li>• <i>Conserve and celebrate existing heritage places within Wallan.</i></li> <li>• <i>Support the precinct structure planning process in assessing Aboriginal heritage in future greenfield housing areas.</i></li> </ul> |

Other Considerations – Wallan Town Centre Master Plans and Urban Design Framework

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The proposal has been considered against the Wallan Town Centre Masterplan and Urban Design Framework (UDF), where the subject land is currently within an existing commercial precinct, identified within Clause 2.0 (Masterplan). The masterplan seeks to encourage the expansion of commercial uses in this precinct to create a vibrant town centre and focal point.

Relevant to this proposal, car parking has been discussed within the Master Plan and UDF. The master plan and UDF discuss the availability of car parking within the Wallan Town Centre commercial precinct where it is identified that there is no shortage of on street parking and off-street parking (within uses such as Wellington Square, Hogan's Hotel and other shopping outlets in Wallan. Clause 2.4 of the document state that:

*"The Town Centre Access and Movement Plan identifies that there is currently a good level of on-street and off-street parking dispersed throughout the town centre, and through their car parking survey work that this provision is currently adequate and has a significant amount of spare capacity (apart from on Hadfield Park event days)"*

## **PUBLIC NOTIFICATION (ADVERTISING)**

Formal notification of the application was given by means of posting notices to adjoining property owners and occupiers, including the erection 2 signs at either street frontage including High Street and Bentinck Street. No objections were received following the two week notification period.

## **REFERRALS**

### External

#### *VicRoads*

VicRoads provided consent subject to required conditions in relation to the application.

### Internal

The application was discussed with Council's Engineering Department who provided a response with conditions requiring that indented car parking be provided along Bentinck Street. Additional information has also been provided by the Engineers to justify this request which will be discussed in the below sections.

## **DISCUSSION**

The application seeks to make alterations and additions to the existing hotel building with extensions to the lounge, ground floor kitchen, and ground floor restaurant.

### Buildings and works

The building and works will blend in with the theme of the existing building. The proposed extension adequately addresses the decision guidelines on the Commercial 2 Zone and relevant planning policy for a number of reasons including:

- The extension will not adversely impact the movement of pedestrians and cyclists, and vehicles providing for supplies, waste removal, emergency services and public transport.

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- Have no impact on the streetscape in terms of its aesthetic as it is to the rear of Hogan's Hotel.
- The land is in common ownership; therefore the maintenance of the common areas will be undertaken as it is currently.
- Sufficient car parking is provided on the subject site. It is deemed that the reduction of car parking is appropriate (discussed later in the report).

#### Car Parking considerations

The proposal will increase the number of patrons from 290 to 450, which is an increase of 160 patrons. At 0.4 car parking spaces to each patron, the proposal requires an additional 64 car parking spaces. The subject land currently contains 149 sealed car parking spaces. The proposed extension works will reduce this number to 138 (note - when the current shipping containers are removed this will reinstate six spaces).

In considering this application, council officers consider it appropriate to reduce the statutory car parking requirement for the following reasons:

- No changes are proposed to the access arrangements from the external road network.
- Indented car parking conditioned to be placed on Bentinck Street to counter the physical loss of car parking due to the expansion which will improve the operation of that street if not offer any additional parking.
- Shade trees in traffic islands will be required through a landscape plan. A condition will be included on the permit to require this providing benefit to existing car parking.
- The physical loss of car parking and the perceived increase of patrons is unlikely to make any noticeable difference than that of the existing conditions.
- The Wallan Structure Plan has identified that there is an abundance of on street and on site car parking within the township based on current uses, allowing opportunities to expand existing uses with capacity to reduce statutory car parking requirements where they can be justified, such as in this instance.
- The existing uses on site all have differing peak usage times.
- The statutory requirements identify a loss of 75 car parking spaces based on the proposed patron numbers, however the actual loss would be closer to 20 spaces. This is explained below:

#### The impact additional patrons are likely to have on actual car parking on the site:

- The submitted traffic impact assessment concluded that on the peak times of Friday to Saturday, the utilisation of car parking spaces peaked from 60% to 73% respectively, of which the busiest day was Saturday (23<sup>rd</sup> March 2019) where 110 of the 149 car spaces were occupied.
- The average car parking utilisation at peak times was 66% (average of 73% and 60% utilisation of existing car parking) of the existing 149, which equates to an average 98 car parking spaces being occupied over both days.

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- The proposal is seeking 55% increase in patronage (290 patrons plus 55% = 450 patrons).
- Total of 138 car parking spaces will be on site.
- Based on observations of the submitted traffic impact assessment, if the patron numbers are increased by 55%, the projected utilisation rates would be closer to the 149 spaces currently provided.
- Therefore, the requested reduction of 75 spaces, would be in reality be more accurately perceived as approximately 20 spaces based on the observations on the two surveyed days, undertaken in March on a Friday and Saturday night, (149 existing spaces, with 138 to be provided in the ultimate arrangement).
- Despite what the current liquor license allows and the proposed increase of 160 patrons sought in this application, it is unlikely that a 110sqm expansion would attract an additional 55% visitors on site, given that this area won't including a restaurant area or function room that typically would result in higher patronage.
- The current parking availability meets the statutory requirement of all three uses on site, explained below:

Existing uses for car parking purposes:

- A motel requires that one car parking space is provided to each unit plus 1 to each manager unit plus 50% of the requirements of any ancillary use. the motel has 24 rooms but no manager unit.
- A food and drinks premises require 4 car parking spaces to each 100sqm of leasable floor area. The current net floor area for the premises is 257sqm. This equates to 8 spaces being required. (If a whole number isn't met, the figure is rounded down to the last whole number - i.e. 257smq becomes 200sqm)
- The existing hotel currently allows for up to 290 patrons, applying a rate of 0.4 spaces per patron would equate to 116 spaces.

| Existing Land Use        | Number of spaces required |
|--------------------------|---------------------------|
| Hotel                    | 116                       |
| Motel                    | 24                        |
| Food and Drinks Premises | 8                         |
|                          | Total: 148                |

*(Note: The above table indicates the current statutory requirements of car parking spaces based on the existing uses in operation. this is not the number of actual car parking spaces available on site, which is 149, 1 more than is actually required).*

Given all of the above, impacts from the loss of car parking spaces and the increase in patrons is unlikely to have a severe impact on parking availability. Given the hotel is mostly frequented on weekends during the evening, there will be sufficient parking on site and within the surrounding area. During all other times, an abundance of car parking will exist on site.

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Whilst the loss of 11 physical car parking spaces and the increase of existing use will reduce the overall availability of parking on site, it should be noted that this decrease for the most part will not have a substantial impact on adjoining uses. The surrounding uses that could possibly have a day to day impact from the decrease include the nearby McDonalds and Hardware Store, however both of these uses sufficiently cater for their own demand. Keeping in mind that all parking on these sites are private and cater to their own patrons.

The only perceived impact from the loss of parking on site would be during special events in Wallan such as market days or other notable occasions that draw large numbers into the town, where there is a perceived expectation that all private car parks share the burden of accommodating patrons. It is acknowledged that any loss of car parking could have an impact on supply for these event days however Officers view that it is unreasonable to limit the expansion of a private business on this basis, in which it's private interests should take priority. Additionally, the shortfall in carparking on site can be easily accommodated in the surrounding street network.

#### Additional Commentary on Requirements for Bentinck Street

Following the September Council decision to defer consideration of this application, officers of the Planning and Engineering teams have reviewed the requirement to provide indented car parking in Bentinck Street. The applicants have argued the need to provide any off site indented car parking as required in the previous officer recommendation based upon their car parking demand assessment provided in their application. They also contend the loss or reduction of the nature strip in this location would have a detrimental impact on the area and others who park, particularly commercial vehicles, in the street already.

Officers contend that the impacts of the development will be greater than that expressed in the car parking report provided in the application. That assessment submitted that all car parks would be available to the sole use of the hotel whereas officers have assessed the impact based on all three uses permitted on the site who utilise the car park. Officers have concluded that whilst the sought reduction in car parking is overall acceptable, there will be pressure placed on on-street car parking in the vicinity of the site and thus Council is justified in conditioning the provision of indented car parking in Bentinck Street.

Further as it has been determined that the development will place burden on on-street car parking, and based upon the fact that Bentinck Street roadway is approximately 7 metres wide, if parking occurs on both sides of the street as is anticipated during peak times of operation, it would only facilitate a single lane of traffic past these.

Given the proximity of this road to the town centre and it's commercial zoning to one side, it is expected that this road will carry significant traffic volumes into the future, given it provides access to commercial facilities and likely higher density housing on the east (supported by the structure plan). This traffic volume is expected to exceed 2000vpd and as such should seek to accommodate two lanes of through traffic to help safely support this volume in line with Council's standards (EDCM). This is supported by the Wallan structure plan which highlights this section of Bentinck Street as the "Peripheral traffic movement network" (shown below).

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Given the proposed additional floor area and patronage to the hotel generated by this proposal and officers assessment that street parking may be required to meet their parking requirements at peak usage times, it is submitted that there is a reasonable nexus to the development to provide a safe parking outcome on the sites frontage to Bentinck Street. Therefore, conditions requiring this provision will still form a part of officer’s recommendation.

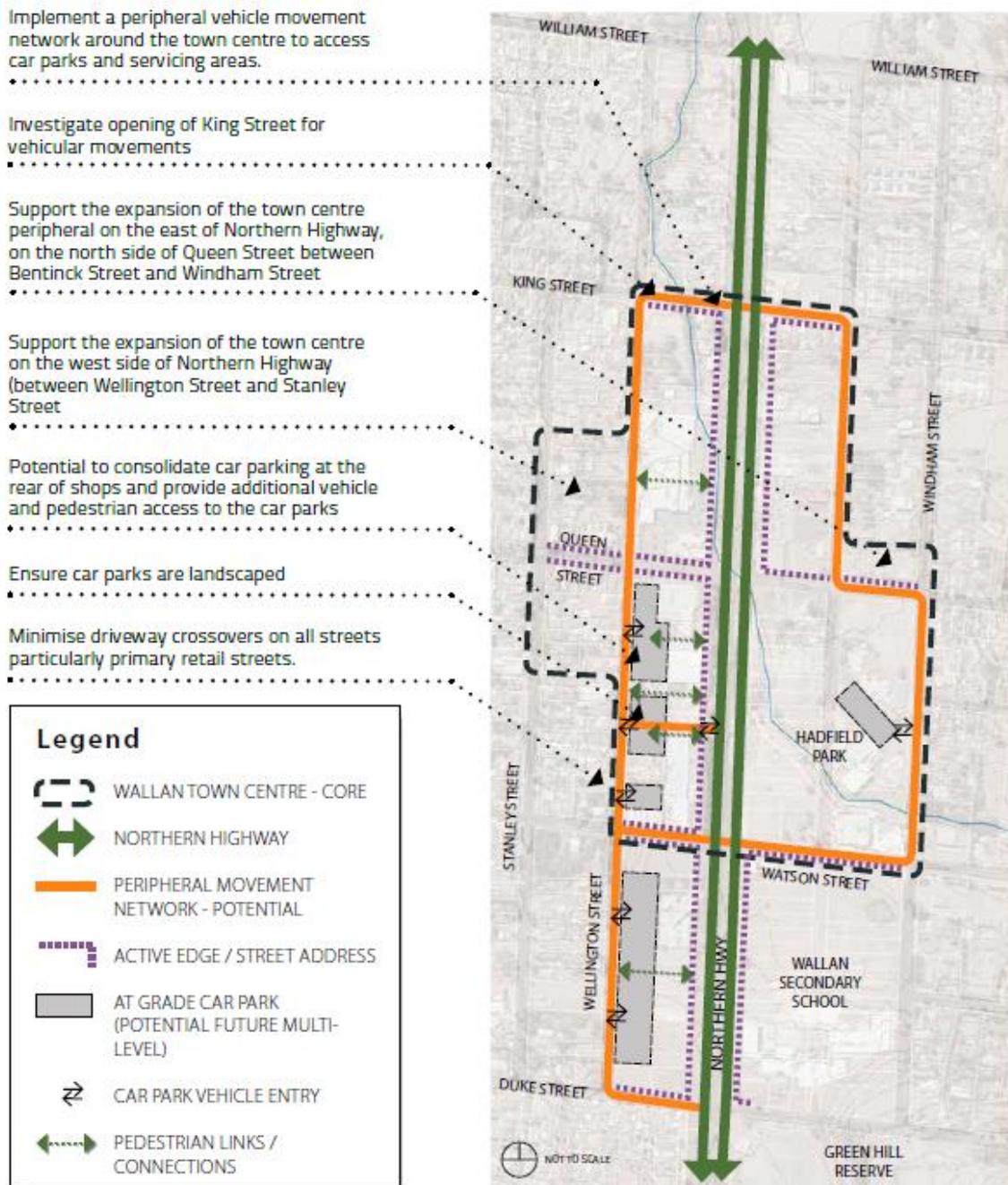


Figure 11. Future peripheral vehicle movement network

Consumption of Liquor and Red Line considerations:

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The application is seeking permission to increase the licensed area of the premises (the redline) to allow the sale and consumption of liquor to encompass the new lounge area (110 sqm), the existing alfresco lounge (29 sqm) and courtyard on the northern elevation (this is existing but not subject to the existing liquor license).

The existing liquor license (No. 31915787) is a late night (general) license and allows for a maximum of 290 patrons on the premises at any time. Existing trading hours are as follows:

For consumption off the licensed premises

- Sunday Between 10 a.m. and 11 p.m.
- Good Friday and Anzac Day Between 12 noon and 11 p.m.
- On any other day Between 7 a.m. and 12 midnight.

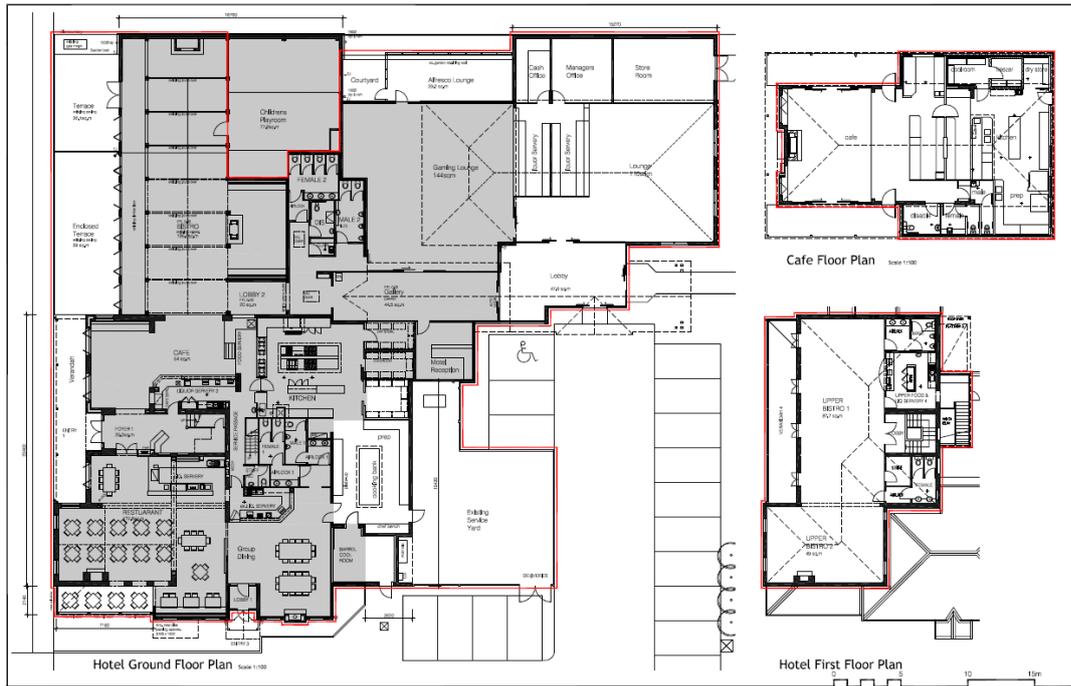
For consumption on the licensed premises

- In the Gaming Room and lounge
  - Sunday Between 10 a.m. and 3 a.m. the following morning.
  - Good Friday and Anzac Day Between 12 noon and 3 a.m. the following morning.
  - On any other day Between 7 a.m. and 3 a.m. the following morning.
- In the remainder of the premises
  - Sunday Between 10 a.m. and 11 p.m.
  - Good Friday and Anzac Day Between 12 noon and 11 p.m.
  - On any other day Between 7 a.m. and 1 a.m. the following morning.

The application is proposing that the liquor license component would also be amended to recognise the expanded building footprint and revised maximum patron numbers.

It is considered that this increase is unlikely to affect surrounding uses given its location within the Wallan Town Centre, and that nearby residential uses will not be adversely impacted on given that all licensed areas will remain indoors. The use of a hotel has been established in this location for a number of years and it is reasonable for this use to expand together with the growth of Wallan, given the lack of similar uses within the town, however this is likely to shift once the projected population reaches 50,000 in the near future.

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(Proposed red line plan)

Implication of this permit based on existing uses

The subject land currently benefits from several permits, of which many are contradictory in terms their limitations on use and car parking requirements. There are also implications on existing use rights and instances where these existing use rights have been intensified through permits to increase licensed areas and building extensions which had no regard to car parking or patron numbers. Given this, it is deemed necessary that this permit place limitation on patronage and formalise existing service of liquor and patron numbers to ensure appropriate monitoring can occur.

Other requests of applicant

The applicant has requested a small number of other changes to conditions of the previous officer recommendation. Condition 5 which related to amplified music was sought to be deleted as it was a double up of a previous condition and would be difficult to enforce.

The applicant also sought the inclusion of clarifying wording into the landscaping conditions around shade trees so that they are included where they will not impact the existing car parking layout. Officers agree with this change and it is reflected in the below recommendation.

Further changes were sought to encourage landscaping in Bentinck Street in place of the indented car parking. As articulated in the foregoing, officers are of the opinion that indented car parking is required as a result of this development therefore no conditional change is recommended to their previous recommendation.

Lastly, the applicant articulated in their presentation to the Community Questions and Hearings Committee that the shipping containers currently on site will be removed following this development. This is a compliance matter to be addressed separately under a previous planning permit.

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PLANNING PERMIT APPLICATION PLP012/19 FOR BUILDINGS AND WORKS FOR THE CONSTRUCTION OF AN EXTENSION TO AN EXISTING HOTEL, REDUCTION IN CAR PARKING REQUIREMENTS, INCREASE IN LICENCED AREA AND PATRON NUMBERS AT 88-94 HIGH STREET WALLAN (CONT.)

## CONCLUSION

The proposal is seeking to develop the land and to increase the permitted use of the existing Hogan's Hotel by constructing a new 'lounge', improved kitchen area and alfresco which would increase the premises overall patron capacity to 450. The proposal includes an extension to the existing licensed area to the new lounge, where the existing restrictions on consumption that currently apply to the gaming room to be carried over to the new lounge area. Various internal alteration are also proposed however no increase to the licensed hours is proposed.

The proposal is generally consistent with the relevant Planning Scheme Provisions within the Mitchell Planning Scheme as it would promote existing commercial and retail uses within proximity to the Wallan Town Centre. The proposal is proposing a significant reduction in car parking however has been supported by a traffic impact assessment and given a good supply of on street parking within immediate proximity to the subject land, can be justified and allowing a reduction to the statutory requirements would have little detrimental impact to the surrounding area.

This permit aims to incorporate the existing approvals relevant to the existing hotel by including patron number, licenses areas and operating hours for the purpose of clarity given that the use is likely operating under existing use rights and these existing use rights are being intensified. Overall the proposal represents an appropriate planning outcome and should be supported subject to conditions.

## RECOMMENDATION

**THAT** Council having complied with the relevant Sections of the *Planning and Environment Act 1987*, resolve to issue a Planning Permit in respect of Application No. PLP012/19 for Buildings and works for the construction of an extension to an existing hotel, reduction in car parking requirements, increase in licensed area and patron numbers at Crown Allotment 5 Section 17 Parish of Wallan Wallan, Crown Allotment 6 Section 17 Parish of Wallan Wallan & Land in Plan of Consolidation 353494P, known as 88-94 High Street Wallan, subject to the following conditions:

### Amended Plans

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the advertised plan but further modified to show:
  - a) A scaled and fully dimensioned site layout plan amended to show the following"
    - i. All car parking spaces available to the land shown accurately and numbered, including all existing disabled spaces.

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- ii. Plans showing the storage containers located along the southern boundary of the property removed from the site and car parking in this area reinstated.
- iii. Unless otherwise agreed in writing, provision of indented parallel car parking in Bentinck Street along the site frontage in accordance with the relevant Design Manual to the satisfaction of the Responsible Authority.
- iv. The provision of landscaping to provide shade trees subject to a comprehensive landscape plan subject to condition 12 of this permit.

### General

2. The development as shown on the endorsed plans must not be altered or modified unless otherwise agreed in writing by the Responsible Authority.
3. The use and development must be managed so that the amenity of the area is not detrimentally affected though 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, reflection or glare, steam, soot, ash, dust, waste water, waste products, grit or oil;
  - d) the presence of vermin; and
  - e) in any other way.to the satisfaction of the Responsible Authority.
4. Noise emanating from the premises must comply with the State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2, to the satisfaction of the Responsible Authority.
5. All commercial waste material associated with the use of the land must be collected to the satisfaction of the Responsible Authority. Vehicles removing waste must be fully secured with contained loads so that no waste is spilled, or dust, or odour is created to the satisfaction of the Responsible Authority.
6. All buildings must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
7. The loading areas must be maintained in good order and appearance to the satisfaction of the Responsible Authority

### Permitted hours of operation and consumption of liquor