




Amend a Planning Permit Application


If you need help to complete this form, read MORE INFORMATION at the end of this form.

 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*. If you have any questions, please contact Council's planning department.

 This form cannot be used to:

- amend a permit or part of a permit if the Victorian Civil and Administrative Tribunal (VCAT) has directed under section 85 of the Act that the responsible authority must not amend that permit or that part of the permit (as the case requires); or
- amend a permit issued by the Minister under Division 6 of Part 4 of the Act (these applications must be made to the Minister under section 971 of the Act).

 Questions marked with an asterisk (*) must be completed.

 Click for further information.


The Land - Address of the land. Complete the Street Address and one of the Formal Land Descriptions

Street Address *

Unit No.:	St. No.: 3	St. Name: Back Eildon Road
Suburb/Locality: Thornton		Postcode: 3712

Formal Land Description *

Complete either A or B.

 This information can be found on the certificate of title.

If this application relates to more than one address, attach a separate sheet setting out any additional property details.

A Lodged Plan Title Plan Plan of Subdivision


OR

B

Planning Permit Details

What permit is being amended?*

The Amended Proposal

 You must give full details of the amendment being applied for. Insufficient or unclear information will delay your application.

What is the amendment being applied for?*

- Indicate the type of changes proposed to the permit.
- List details of the proposed changes.

If the space provided is insufficient, attach a separate sheet.

This application seeks to amend:


What the permit allows

Plans endorsed under the permit

Current conditions of the permit

Other documents endorsed under the permit

Details:

 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.

Development Cost

Estimate cost of 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.

Cost of proposed amended development:	Cost of the permitted development:	Cost difference (+ or -):
<input type="text" value="\$ NA"/>	- <input type="text" value="\$"/>	= <input type="text" value="\$"/>

Insert 'NA' if no development is proposed by the permit.

You may be required to verify this estimate.

Existing Conditions

Describe how the land is used and developed now *

For example, vacant, three dwellings, medical centre with two practitioners, licensed restaurant with 80 seats, grazing.

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.

Use of the land for a cafe

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

Title Information

Encumbrances on title *

Does the proposal breach, in any way, an encumbrance on title such as a 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 (no such encumbrance applies).

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', for example, restrictive covenants.

Applicant and Owner Details

Provide details of the applicant and the owner of the land.

Applicant *

The person who wants the permit.

Name:		
Title:	First Name:	Surname:
Organisation (if applicable): Utupua Pty Ltd		
Postal Address:		If it is a P.O. Box, enter the details here:
Unit No.:	St. No.:	St. Name:
Suburb/Locality:	State:	Postcode:

Please provide at least one contact phone number *

Contact information for applicant OR contact person below	
Business phone:	
Mobile phone:	Fax:

Where the preferred contact person for the application is different from the applicant, provide the details of that person.

Contact person's details*		Same as applicant <input type="checkbox"/>
Name:		
Title:	First Name: Angelina	Surname: Bell
Organisation (if applicable): Bell Legal & Planning		
Postal Address:		If it is a P.O. Box, enter the details here:
Unit No.:		
Suburb/Locality:		

Owner *

The person or organisation who owns the land

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

Name:		Same as applicant <input type="checkbox"/>
Title:	First Name:	Surname:
Organisation (if applicable):		
Postal Address:		If it is a P.O. Box, enter the details here:
Unit No.:		
Suburb/Locality:		
Owner's Signature (Optional):	Date:	day / month / year

Declaration

This form must be signed by the applicant*

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

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 amended proposal and that the owner (if not myself) has been notified of the permit application.	
Signature:	Date: 24/06/2021

Need help with the Application?

If you need help to complete this form, read [More Information](#) at the end of this form or contact Council's planning department. General information about the planning process is available at planning.vic.gov.au

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

Has there been a pre-application meeting with a council planning officer?

<input type="radio"/> No	<input checked="" type="radio"/> Yes	If 'Yes', with whom?
		Date: January 2021



Checklist

Have you:

- Filled in the form completely?
- Paid or included the application fee?
- Attached all necessary supporting information and documents?
- Completed the relevant council planning permit checklist?
- Signed the declaration above?



Please refer to the planning fee schedule for the appropriate fee.

Lodgement

Post:

Murrindindi Shire Council PO Box 138 Alexandra VIC 3714

In person:

Alexandra – 28 Perkins Street

Kinglake – 19 Whittlesea-Kinglake Road

Yea – 15 The Semi Circle

Mobile Library and Customer Service van

Visit <https://www.murrindindi.vic.gov.au/Contact-Us/Contact-Details> - for opening times and van timetable

Contact information:

Phone: (03) 5772 0333

email: customer@murrindindi.vic.gov.au

APPLICATION TO AMEND A PLANNING PERMIT – 2020/103

Use of land for a café - 3 Back Eildon Road, Thornton

Introduction

Planning Permit 2020/103 was issued by Council on 13 October 2020 in respect of 3 Back Eildon Road, Thornton, for the use of the land for a café (**the Permit**). An amendment of the Permit is sought to vary what the permit allows (**the preamble**), and to vary conditions on the Permit.

The following amendments are sought:

- Amend the preamble to include “the use of the land for a market (four times per year) and a reduction in the number of car parking spaces required under Clause 52.06 for a market”;
- Amend condition (4) to increase the hours open to the public;
- Amend condition (5) to increase the maximum number of patrons; and
- Allow live music at the venue on the last Saturday of each month in association with the use of the land for a cafe.

Discussion

The application proposes to amend the preamble of the Permit to include:

- The use of the Land for a market (four times per year) and a reduction in the number of car parking spaces required under Clause 52.06 for a market.

Quarterly market

It is proposed that a market be held at the Subject Land, four times a year, in the months of March, June, September and December. The market will have a maximum of 20 stalls and be located on the oval. It is proposed that the market will run from 7am to 2pm on a Saturday. Stall holders will be drawn from the local and regional area to showcase local product and producers.

These quarterly markets will have a strong focus on family and community engagement and be a drawcard for locals and tourists alike.

Like markets all across regional Victoria, additional car parking will not be provided on site, and it is envisaged that visitors to the market will park in the surrounding area. There is on-street parking in the service road for the Goulburn Valley Highway on the north-east side of the GV Hwy/Back Eildon Road intersection. There is also parking on either side of the Taggerty-Thornton Road, south of the intersection. Temporary parking on the road reserve to the south of 1 Back Eildon Road will also be investigated with VicRoads.



Photo 1- The service road on the northern side of the Goulburn Valley Highway.



Photo 2 – The area on the northwestern corner of the Goulburn Valley Highway and Back Eildon Road intersection.

It is considered that because the market is proposed only four times a year, and will conclude around 2pm on a Saturday, that the local area can accommodate the additional cars in the area for the short period of time during these infrequent events.

Amendment of condition (4)

Condition (4) states:

The cafe may only be open to the public between the hours of 6:30am to 5:30pm daily except with the written consent of the Responsible Authority.

It is proposed to extend the hours open to the public on Friday and Saturdays only, to 9pm. This will enable dinners to be served on these two nights and provide another evening dining option in the area.

We therefore respectfully request that condition (4) be amended as follows:

*The café may only be open to the public between the hours of 6:30am to 5:30pm **Sunday to Thursday and 6:30am to 9:00pm Friday and Saturday**, except with the written consent of the Responsible Authority.*

Amendment of condition (5)

Condition (5) states:

The café may only have a maximum of thirty-six patrons (including indoor and outdoor seating areas) at any one time unless with the prior written consent of the Responsible Authority.

An amendment to condition (5) is sought to have a maximum of 72 patrons, accommodating 36 patrons indoors and 36 patrons outdoors. This is to facilitate the use of the oval, bitumen area and the area under the trees at the frontage of the café building for outdoor dining, particularly in the warmer weather. The effective operation of the cafe is constrained with the current total number of patrons limited to thirty-six. It is envisaged that very few patrons will dine outdoors during the colder months and therefore the increase in the allowable numbers will generally take effect in the warmer months of the year. The proposed increase in numbers will be restricted to the permitted opening hours of the café. An additional five car spaces are proposed in the northeast corner of the site to accommodate the additional patron numbers and an additional four spaces on the western side of the oval for overflow staff car parking or patron parking. Further formed parking on the western side of Back Eildon Road is being discussed with Council.

Please refer to the attached site plan showing the additional car spaces on the Subject Land.

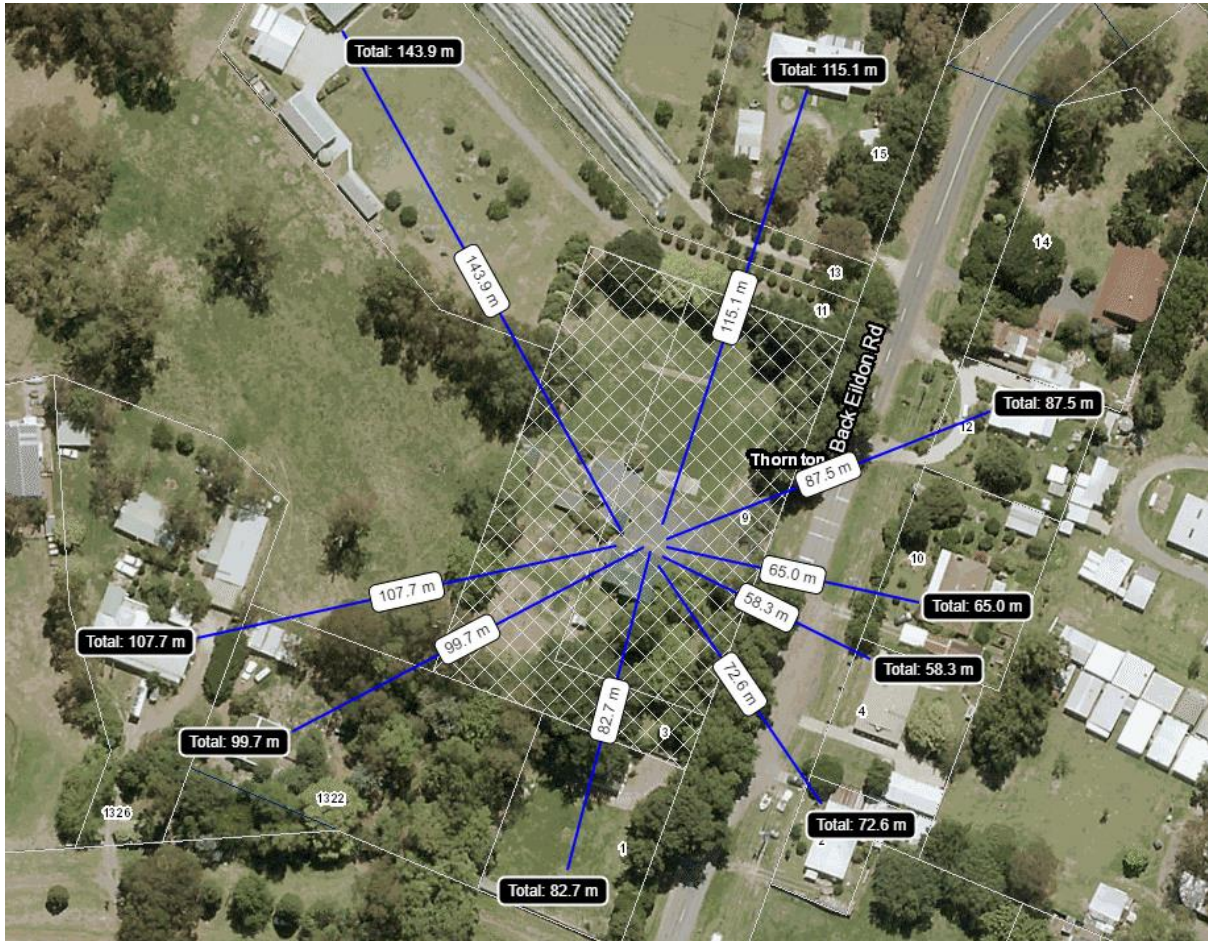
The existing toilet facilities are sufficient for the increase in patron numbers and comply with the requirements of the Building Code of Australia.

Live music

It is proposed to have live music performed at the Subject Land on the last Saturday of each month to provide support for local musicians. Weather permitting, the live music will be performed

outside, within the opening hours of 11am to 5:30pm. It is envisaged that the live music will be performed mostly acoustically but amplified on occasion.

The following plan shows the distance from the café to each of the nearby dwellings:



The closest house to the café is at 4 Back Eildon Road, immediately across the road from the café, at a distance of approximately 58 metres. All other nearby houses are located more than 65 metres from the café.

Given the infrequency of the live music and the hours within which it will be performed, the existing residential uses in the area should not be adversely affected. The opportunity for local musicians to have a place to perform will provide a significant boost to the music industry and the wellbeing of local performers who have been significantly impacted by the Covid-19 pandemic.

Conclusion

The proposed amendments to the Permit are sought to fulfill the intentions of the owners to expand the offering to the community and increase tourism in North East Victoria.

We therefore respectfully request that Planning Permit 2020/103 is amended as follows:

- Amend the preamble to include “the use of the land for a market (four times per year)”;
- Amend condition (4) to increase the hours open to the public;
- Amend condition (5) to increase the maximum number of patrons; and
- Allow live music at the venue on the last Saturday of each month.

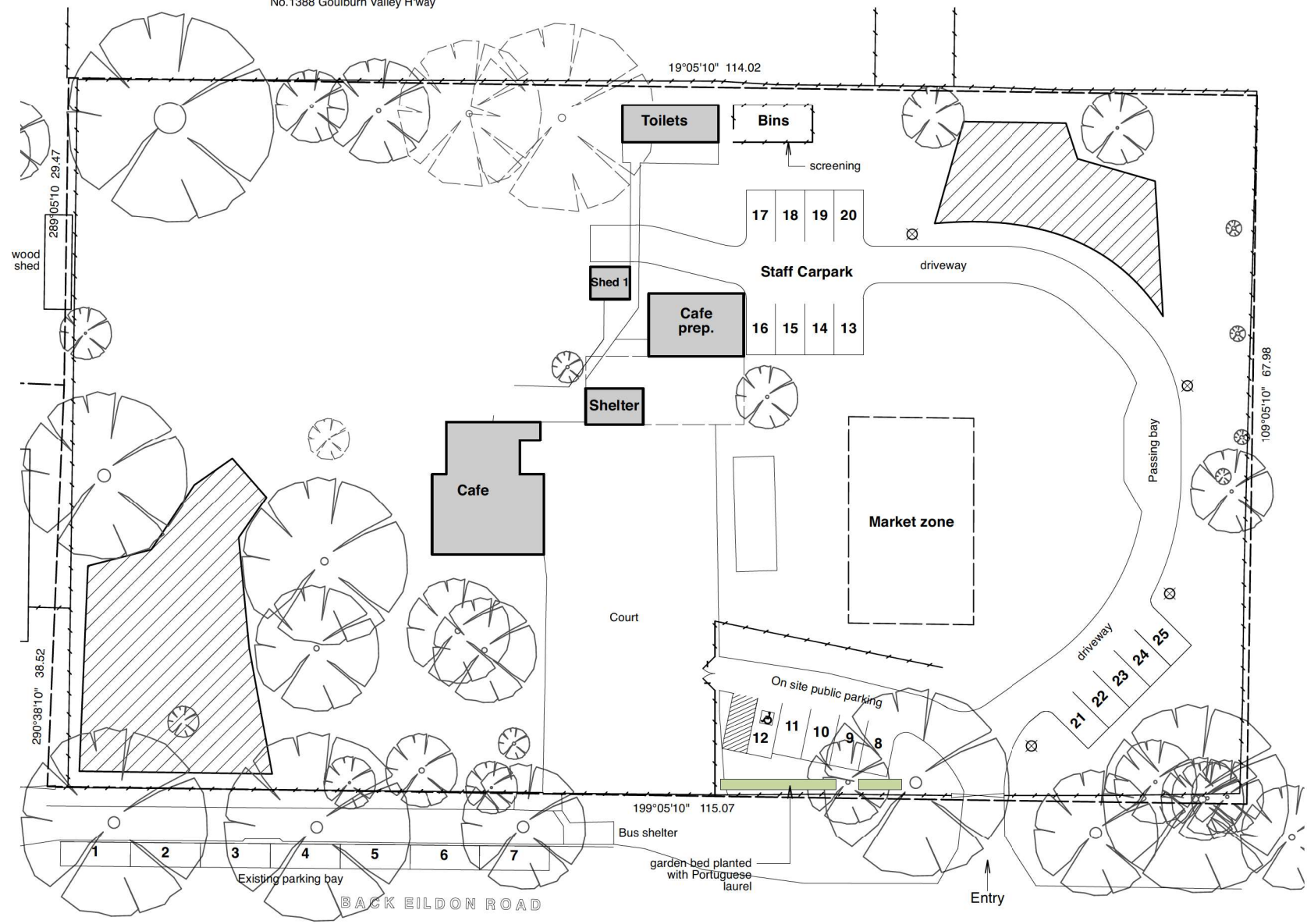
Angelina Bell
Principal Solicitor
Bell Legal & Planning

24 June 2021
Revised 6 October 2021

No.1388 Goulburn Valley H'way

Legend

- Existing building
- Treatment field



Proposed cafe amendment
Scale: 1:400



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REV:	DESCRIPTION:	DATE:
A	Preliminary issue	1/10/21

PROJECT:
**3 - 9 Back Eildon Rd, Thornton
VIC 3712**

CLIENT:
Hedger Constructions
DRAWING TITLE:
Proposed cafe amendment plan

DATE:	5/10/21
SCALE @ A3:	1:100
DRAWN:	DK
PROJECT #:	2013



DRAWING NO: **TP-03**
REVISION: **A**