

## ALPINE SHIRE COUNCIL

Review of Notice of Decision for PP2006-259 for  
the development of a supermarket and speciality shops  
Lot A, PS 526938C; Lot 3, PS120787; Lot 1 & 2, PS604779M, 87-91 Gavan Street,  
Bright

### VCAT reference number P1802/2007 – Merits Review

Save Bright Action Group Inc and others	)	
Bright Supa IGA/Alpineway Supermarket	)	
Pty. Ltd	)	
Bernece Delany	)	Objectors
Bev Gore	)	
Rosslyn Pelley	)	
Condaw Properties Pty Ltd.		Permit applicant

### VCAT reference number P171 – Conditions Review

Save Bright Action Group	)	
Bright Supa IGA/Alpineway Supermarket	)	Objectors
Pty. Ltd	)	
Condaw Properties Pty Ltd.		Permit applicant

### COMMENTS ON AMENDED CONDITIONS CIRCULATED BY THE PERMIT APPLICANT

- **Condition 1.1 (c) Street Art:** The responsible authority agree that this should not now be provided on Star Road (as the revised plans now create more interest in this streetscape). However, the responsible authority is now of the view that there is an ideal opportunity to provide street art on Gavan Street around the pedestrian access into the subject site. Art that creates a sense of place for Bright, and captures the character of the area.

- **Condition 1.1 (d) Star Road: Verandah-** The responsible authority requires some form of pedestrian cover when walking along Star Road. The revised plans have not shown this.
- **Condition 1.2: Star Road: Security gates for the Loading Bay:** The responsible authority requires gates to hide the loading bay access when not in use; to hide this unsightly area and also prevent antisocial behaviour. It is not clear that new plans achieve this.
- **Condition 2: Gavan Street elevations, Corner treatment- verandah:** The responsible authority does not agree that its condition 2 should be deleted. The proposed new treatment does not tie in with the established themes of Bright. The design needs to be more respectful of the rural township feel of Bright.
- **Condition 4.1: Advertising sign: Pylon:** Although an amended site plan or elevation plan of this sign has not been submitted, it is clear that the applicant would like to keep the pylon sign but reduce its size. The responsible authority however require deletion of the free standing pylon sign in the carpark, as it is completely inconsistent with the signage policy for the Bright CBD.
- **Condition 4.2: Advertising sign: Star Road:** It is clear that the applicant is contesting the need to reduce the size of the Coles sign in Star Road. The responsible authority however do not agree that this condition be deleted. The signage in Star Road should be no larger than the existing signage for consistency and fit in with the village atmosphere. It should not exceed 4m2.
- **Condition 5 (d) Waste for hotel:** the responsible authority requires that waste disposal MUST be considered in this application. The application is also for a boundary realignment, which means that waste disposal is a relevant consideration on both allotments. However it is acknowledged that the applicant now plans to contain hotel waste within the building, and is willing to enter into a S173 agreement to ensure this. However, the responsible authority does not agree the Star Hotel waste be collected from the Star Hotel car park. This clearly creates a dangerous scenario in Star Road.

- **Condition 6.1 (b) Bollard lighting in carpark:** The applicant wants to delete the reference to ‘Bollard’ lighting and just have ‘lighting’ in the capark. The responsible authority will not agree to this. The carpark should not become a dominant feature at night if lit up. The small town feel of Bright should be retained.
- **Condition 6.1 (e) Ground covers at the rear of the subject site-** If this condition is to be deleted, then the responsible authority require a condition for alternative treatment for what could become an unsightly, unstable area.
- **Condition 6.1 (d) Drainage plan:** The applicant wants to amend this condition to not have a filter strip in the car park planted with vegetation. The responsible authority believe that this requirement is good from a WSUD point of view. The applicants landscape architect (John Patrick) stated in his expert witness statement that this is a good idea.
- **Condition 6.1 (f) Relocating tree:** The applicant does not want to relocate this tree. The applicant or its representatives had previously agreed to the relocation.
- **Condition 6.1 (f) Footpath along Star Road: (applicant’s revised condition)** The proposal for a contrasting footpath surface may have some merit but how does the applicant propose to delineate the exit of the loading bay into Star Road? This has the potential to stand out in a manner that is not consistent with Bright’s CBD if not carefully conditioned. River stone treatment could be considered to tie it in with Bright, as for example used in Beechworth which has some uneven footpath surfaces to enhance the character of the area (as does Federation Square).
- **Condition 8: Floor area of supermarket:** The responsible authority does not agree to this amendment. It also locks in the stated areas to be set aside for supermarket and other retail outlets so that they cannot be changed later.

• **Condition 9: Star Hotel:**

- The responsible authority does not agree with the continued use of forklifts on the footpath on Gavan Street and Star Road.
  - Trucks entering and exiting the Star Hotel carpark should not be allowed due to a dangerous reversing manoeuvre onto Star Road near the intersection with Gavan Street.
  - There is no indication of how often a waste skip is to be stored in the carpark? The S173 agreement states that car spaces will be used for staff parking (5 spaces provided). In reality will this be the case and how is this to be managed by the hotel?
  
- **Condition 12: Traffic management:** The applicant wants to amend this condition to no longer include a traffic management plan for the Star Hotel. The responsible authority would agree to this but only if condition 9 is amended to include some of the key points that would be otherwise outlined in the traffic management plan.
  
- **Condition 14 (d): Statement of Compliance: Risk and maintenance agreement to use forklift for deliveries to the Star Hotel:** The applicant does not want to provide an assets protection bond. This condition however is not new- if damage is done to the footpath we think it is reasonable that they pay for the damage. Is it possible to include this bond in the risk and maintenance agreement required in the S173 agreement?
  
- **Condition 14.2 Carpark:** The purpose of this condition was to make sure that the Star Hotel can use carparking facilities on the supermarket land. The applicant wants to amend this condition to state 'carparking must be available to the public at all times. The condition worded in this way does not achieve certainty of parking availability for hotel patrons. The responsible authority does not agree to this change.
  
- **Condition 14.2 (a) Sharing of loading/waste disposal facilities on lot 1 and 2:** Waste disposal and deliveries to the Star Hotel is still an issue in terms of traffic safety. It seems it would be far safer to avoid using the Star Hotel carpark for waste pickup and deliveries to the Star Hotel. The reversing manoeuvre for trucks to exit the Star Hotel car park is dangerous and constitutes very bad planning for this proposal. Ideally these facilities should

be provided on the supermarket lot so that vehicles can exit in a forward motion. This was discussed with the applicant throughout the planning process and there is a loosely worded agreement in writing from the applicant to that effect. It is disappointing that they seem to be going back on their word.

- **Condition 16 (a): Waste management: Sharing of facilities:** As mentioned above, the responsible authority strongly believe these facilities should still be shared.
- **Condition 19.4: Noise beyond boundary:** The responsible authority believes that it is not unreasonable to allow background noise to be audible at the boundary of the site, given proximity to a residential zone.
- **Condition 19.5: General amenity: Noise from mechanical plant and equipment:** The applicant claims that condition is a repeat of condition 25.1 and therefore should be deleted. Condition 25.1 however does not require a Certificate of Compliance to be completed within 1 month of occupation to demonstrate compliance with the SEPPN3/89. The responsible authority does not agree with deletion of this condition, and strongly believes that the Certificate of Compliance is a reasonable requirement, specially due to the proximity of nearby residential dwellings.
- **Condition 19.6: General amenity: Outdoor lighting:** The responsible authority would agree to amend this condition to state that no direct light is to be emitted onto Residentially Zoned land.
- **Condition 21: Environmental audit:** This condition is reasonable, and the need for it is supported by the DSE practice note for Contaminated Land.

## **OTHER**

**The responsible authority would still like to see the following to better understand the proposal:**

- An amended site plan detailing all changes

- An amended landscape plan- detailing all changes
- An amended elevation plan of the Star Road elevation (just the building- not the fence)- detailing all changes
- Updated expert evidence from Essential Economics.
- Artists impression to be drawn correctly- it appears that they have included a verandah along Star Road on the Star Hotel building- this verandah does not exist and is proposed under buildings and works. Also artists impression along Star Road has been angled to soften the impact of this development within the streetscape. For example the entrance into the loading bay for the supermarket is not shown; the Star hotel carpark is not shown- it is really hard to understand what it would look like. The responsible authority would like a better impression demonstrating how the proposed building will realistically look in the Gavan and Star Road streetscape.
- Elevation plans don't show existing buildings and works for Star Hotel, or the presence of a security gate.