

Planning Permit Application: TP- 2015-1227
469-473 Cardigan Street, Carlton

8 March 2016

Presenter: Evan Counsel, (Acting) Planning Coordinator

Purpose and background

1. The purpose of this report is to advise the Future Melbourne Committee of an application for planning permit lodged by Melbourne City Council to use the existing building at 469-473 Cardigan Street, Carlton for the purposes of a community Toy Library (place of assembly) (refer to Attachment 2 – Locality Plan).
2. The site is located within the Residential Growth Zone Schedule 1 and is affected by the Heritage Overlay (HO884 - Queen Elizabeth Maternal & Child Health Centre), the Development Plan Overlay Schedule 8 (Carlton Housing Precincts) and the Parking Overlay Schedule 12.
3. The proposed use will be open between the hours of 9.00am and 12.00midday on Friday and Saturday, and will be operated by two volunteers and a paid administration officer. The number of customers will vary, but it is anticipated that less than six people will be on site at any one time.
4. No car parking or bicycle facilities are provided, and no external buildings and works are proposed.
5. Pursuant to Clause 32.07 Residential Growth Zone Schedule 1, a planning permit is required for the use of the site as a Community Toy Library (Place of Assembly). Pursuant to Clause 52.06 (Car parking) and Clause 52.34 (Bicycle Facilities), a planning permit is required to reduce the number of car parking spaces and the number of visitor bicycle parking spaces required under the Planning Scheme.
6. Public notice of the application was given by ordinary mail to the owners and occupiers of adjoining properties and by posting a notice on the frontage of the site.
7. The application has received three objections from adjoining residents.

Key issues

8. Key issues to consider is the appropriateness of the proposed use in a residential area having regards to the scale and intensity of use, proposed operating hours, number of patrons and traffic related matters.
9. The proposed used will operate from the existing building which has been refurbished specifically for community uses, and will occupy a floor area of approximately 45 square metres. The operating hours and the number of people present at the premises are modest. The use is considered to be of a low intensity which will not have an unreasonable impact on the amenity of the surrounding area.
10. It is anticipated that the use will have minimal to no impact on the existing street network. There is sufficient car parking on Cardigan and Keppel Street to accommodate the customers and staff of the Toy Library. There are also bicycle hoops located approximately 20m to the north of Cardigan Street to allow for visitors to the Toy Library to park their bicycle.

Recommendation from management

11. That the Future Melbourne Committee resolves that a Notice of Decision to Grant a Permit be issued subject to the conditions set out in the delegate report (refer to Attachment 4).

Attachments

1. Supporting Attachment (page 2 of 12)
2. Locality Plan (page 3 of 12)
3. Selected Plans (page 4 of 12)
4. Delegate Report (page 5 of 12)

Supporting Attachment

Legal

1. Pursuant to Section 96 of the *Planning and Environment Act 1987 (Act)*, 'a responsible authority must obtain a permit from the Minister before carrying out any use or development for which a permit is required under the planning scheme for which it is the responsible authority unless the planning scheme gives an exemption.
2. Clause 67.01 of the Melbourne Planning Scheme provides an exemption from the provisions of Section 96 of the Act for the use of the land for a place of assembly. Place of assembly includes a library.

Finance

3. There are no direct financial issues arising from the recommendations contained within this report.

Conflict of interest

4. No member of Council staff, or other person engaged under a contract, involved in advising on or preparing this report has declared a direct or indirect interest in relation to the matter of the report.

Stakeholder consultation

5. Pursuant to Clause 67.02 (Notice Requirements) of the Melbourne Planning Scheme, in accordance with Section 52(1)(c) of the Act, public notice of the application was given by ordinary mail to the owners and occupiers of adjoining properties and by posting a notice on the Cardigan Street frontage of the site.

Relation to Council policy

6. Relevant Council policies are discussed in the attached delegate report (refer to Attachment 4).

Environmental sustainability

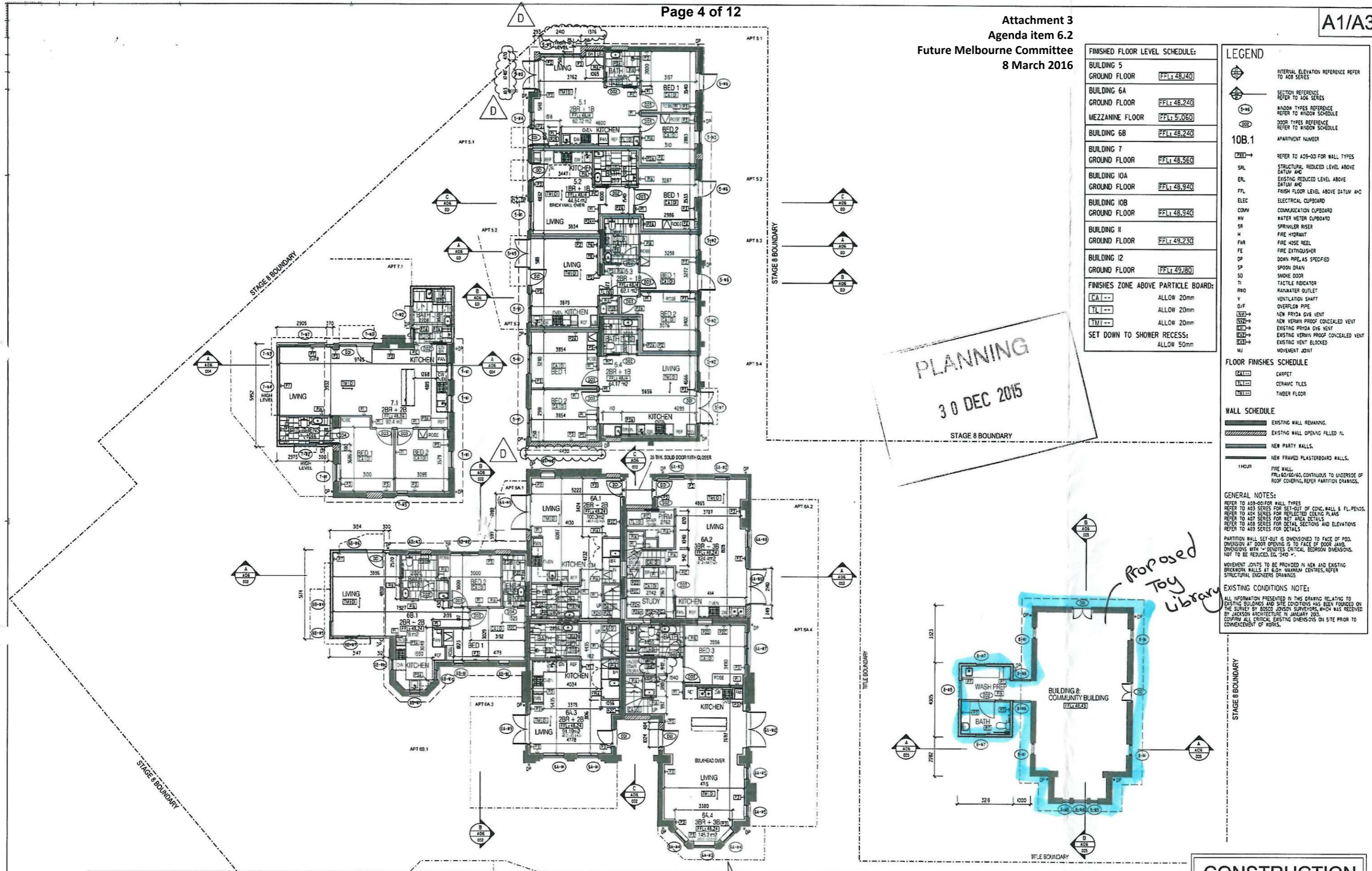
7. Not relevant to this application as Clause 22.19 Energy, Water and Waste Efficiency only applies to applications relating to constructing a building and to construct or carry out works. No external buildings and works are proposed as part of this application.

Locality Plan

Attachment 2
Agenda item 6.2
Future Melbourne Committee
8 March 2016

469-473 Cardigan Street, Carlton





FINISHED FLOOR LEVEL SCHEDULE:

BUILDING 5	GROUND FLOOR	FFL: 48,140
BUILDING 6A	GROUND FLOOR	FFL: 48,240
MEZZANINE FLOOR		FFL: 5,060
BUILDING 6B	GROUND FLOOR	FFL: 48,240
BUILDING 7	GROUND FLOOR	FFL: 48,560
BUILDING 10A	GROUND FLOOR	FFL: 48,940
BUILDING 10B	GROUND FLOOR	FFL: 48,940
BUILDING 11	GROUND FLOOR	FFL: 49,230
BUILDING 12	GROUND FLOOR	FFL: 49,180

FINISHES ZONE ABOVE PARTICLE BOARD:

CAI	ALLOW 20mm
TLI	ALLOW 20mm
TMI	ALLOW 20mm

SET DOWN TO SHOWER RECESS: ALLOW 50mm

LEGEND

- INTERIAL ELEVATION REFERENCE REFER TO A06 SERIES
- SECTION REFERENCE REFER TO A06 SERIES
- WINDOW TYPES REFERENCE REFER TO WINDOW SCHEDULE
- DOOR TYPES REFERENCE REFER TO WINDOW SCHEDULE
- APARTMENT NUMBER
- REFER TO A05-00 FOR WALL TYPES
- STRUCTURAL REDUCED LEVEL ABOVE DATUM AND
- EXISTING REDUCED LEVEL ABOVE DATUM AND
- FRESH FLOOR LEVEL ABOVE DATUM AND
- ELECTRICAL CUPBOARD
- COMMUNICATION CUPBOARD
- WATER METER CUPBOARD
- SPRINKLER RISER
- FIRE HYDRANT
- FIRE HOSE REEL
- FIRE EXTINGUISHER
- DOWN PIPE, AS SPECIFIED
- SMOKE DRAIN
- SMOKE DOOR
- TACTILE INDICATOR
- RAINWATER OUTLET
- VENTILATION SHAFT
- OVERFLOW PIPE
- NEW PRYDA GIVE VENT
- NEW VERMIN PROOF CONCEALED VENT
- EXISTING PRYDA GIVE VENT
- EXISTING VERMIN PROOF CONCEALED VENT
- EXISTING VENT BLOCKED
- MOVEMENT JOINT

FLOOR FINISHES SCHEDULE

- CARPET
- CERAMIC TILES
- TIMBER FLOOR

WALL SCHEDULE

- EXISTING WALL REMAINING
- EXISTING WALL OPENING FILLED IN
- NEW PARTY WALLS
- NEW FRAMED PLASTERBOARD WALLS
- FIRE WALL
- FRLU 60/60/60, CONTINUOUS TO UNDERSIDE OF ROOF COVERING, REFER PARTITION DRAWINGS

GENERAL NOTES:

REFER TO A05-00 FOR WALL TYPES
REFER TO A05 SERIES FOR SET-OUT OF CONC. WALL & FL. PENOS.
REFER TO A04 SERIES FOR REFLECTED CEILING PLANS
REFER TO A07 SERIES FOR NET AREA DETAILS
REFER TO A08 SERIES FOR DETAIL SECTIONS AND ELEVATIONS
REFER TO A03 SERIES FOR DETAILS

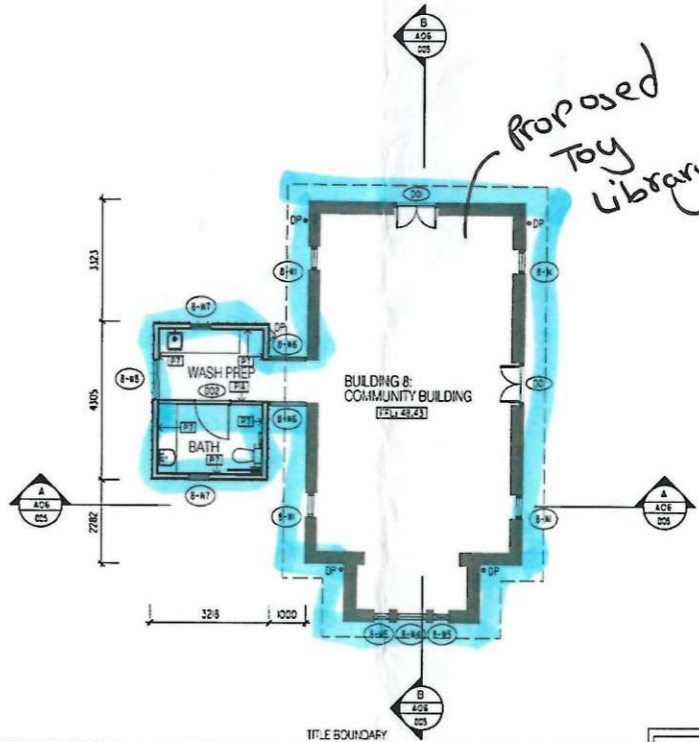
PARTITION WALL SET-OUT IS DIMENSIONED TO FACE OF PBD. DIMENSION AT DOOR OPENING IS TO FACE OF DOOR JAMB. DIMENSIONS WITH * DENOTES CRITICAL BEDROOM DIMENSIONS. NOT TO BE REDUCED, EG. 2400 *.

MOVEMENT JOINTS TO BE PROVIDED IN NEW AND EXISTING BRICKWORK WALLS AT 6.0M MAXIMUM CENTRES, REFER STRUCTURAL ENGINEERS DRAWINGS

EXISTING CONDITIONS NOTE:

ALL INFORMATION PRESENTED IN THIS DRAWING RELATIVE TO EXISTING BUILDINGS AND SITE CONDITIONS HAS BEEN OBTAINED ON THE SURVEY BY BOSCO JOHNSON SURVEYORS, WHICH WAS RECEIVED BY JACKSON ARCHITECTURE IN JANUARY 2015. CONFIRM ALL CRITICAL EXISTING DIMENSIONS ON SITE PRIOR TO COMMENCEMENT OF WORKS.

PLANNING
30 DEC 2015



CONSTRUCTION

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DELEGATED PLANNING APPLICATION REPORT

Application number:	TP-2015-1227
Applicant:	Melbourne City Council
Address:	469-473 Cardigan Street, CARLTON VIC 3053
Proposal:	Use of the building for Melbourne Community Toy Library (Place of Assembly) and a reduction in the car parking and bicycle facilities requirements
Date of application:	30 December 2015
Responsible officer:	Esha Rahman

1 SUBJECT SITE AND SURROUNDS

The subject site is located on the west side of Cardigan Street at a distance of approximately 64m from the intersection of Keppel and Cardigan Streets in Carlton.

The site is currently occupied with the Cardigan Street Chapel building; a single storey red brick heritage building. The building is a registered site on the Heritage Victorian Register.

The building has been refurbished by private developers who have developed the surrounding property in association with the State Government. As part of the development agreement two areas of open space, one inclusive of the chapel, were provided to Melbourne City Council.

It is understood that the building is currently being used as a community hall.

The site is located in a residential area and forms part of a bigger triangular shaped site which is proposed to be developed with public housing and private dwellings, including provision of communal and public open spaces.

An inspection of the site and surrounding area was undertaken on 17 February 2016.

Aerial Photo / Locality Plan



Figure 1: Map of subject site shown in red.



Figure 2: Photo of subject building.



4 STATUTORY CONTROLS

The following clauses in the Melbourne Planning Scheme require a planning permit for this proposal:

Clause	Permit Trigger
Clause 32.07 Residential Growth Zone Schedule 1	Pursuant to the table at Clause 32.07-2, a planning permit is required to use the site for the purposes of Place of Assembly.
Clause 43.02 Heritage Overlay Schedule 884 (Queen Elizabeth Maternal & Child Health Centre, 52-112 Keppel Street, 455-495 Cardigan Street & 960 Swanston Street, Carlton) Clause 43.04 Development Plan Overlay	The overlays at Clause 43.02 and 43.04 outlines that a planning permit is required to construct a building or to construct and carry out works unless exempted by the relevant schedule. The proposal does not seek to construct or carry out any works and therefore no planning permit is required pursuant to these overlays.
Clause 45.09 Parking Overlay Schedule 12	This overlay operates in conjunction with Clause 52.06. Schedule 12 of the Parking Overlay provides maximum car parking rates for residential development and therefore, is not relevant to the consideration of this application.
Clause 52.06 Car parking	Pursuant to Clause 52.06-2 before a new use commences the number of car parking spaces required under Clause 52.06-5 must be provided to the satisfaction of the Responsible Authority. The table at Clause 52.06-5 outlines the following rates for Place of Assembly: <ul style="list-style-type: none"> • 0.3 spaces to each patron permitted. Pursuant to Clause 52.06-3, a permit is required to reduce (including reduce to zero) the number of car parking spaces required under Clause 52.06-5.
Clause 52.34 Bicycle Facilities	Pursuant to Clause 52.34-1 before a new use commences the number of bicycle spaces spaces required under Clause 52.34-3 must be provided to the satisfaction of the Responsible Authority. The table at Clause 52.24-2 requires the following bicycle parking rates for Place of Assembly: <ul style="list-style-type: none"> • Employees: 1 to each 1500 sqm of net floor area • Visitors: 2 pleas 1 to each 1500 sqm of net floor area. The area proposed to be used for the library is less than 1500 sqm (being approximately 45 square metres) in net floor area and therefore there is no requirement to provide bicycle spaces for employees. However, there is a requirement to provide 2 bicycle spaces for visitors.

5 STRATEGIC FRAMEWORK

5.1 State Planning Policy Framework (SPPF)

Relevant provision of the SPPF are listed below:

- Clause 19.02-3 Cultural Facilities

5.2 Local Planning Policy Framework (LPPF)

5.2.1 Municipal Strategic Statement (MSS)

Relevant provisions of the MSS are summarised as follows:

- Clause 21.16-3 identifies Carlton as being a dynamic and diverse local area which accommodates a range of uses including housing, retailing, entertainment, leisure and cultural activities. The Clause further outlines that Carlton will continue to accommodate a mix of retail commercial, education, institutional and residential uses of different scales.

5.2.2 Local Policies

The relevant local policies are summarised as follows:

- Clause 21.10-5 Community Facilities which seeks to provide facilities which meet the needs of the community. The clause outlines the following strategies of relevance:
 - 'Integrate new community facilities or renewed community facilities with residential developments in order to provide the appropriate balance and mix of facilities.
 - Ensure all future community facilities can accommodate multipurpose uses where appropriate and can be adapted to suit the needs of the community.'
- Clause 21.16-3 identified Carlton as being a dynamic and diverse local area which accommodates a range of uses. It states that Carlton will continue to accommodate a range of uses and that in the established residential areas, it is important that new development maintains the neighbourhood's amenity and complements the highly valued heritage buildings and streetscapes.

6 ZONE

The subject site is located within the Residential Growth Zone Schedule 1 which seeks to provide a diversity of housing types at increased densities as well as allow education, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.

7 OVERLAY(S)

The subject site is affected by the Heritage Overlay Schedule 884 Queen Elizabeth Maternal & Child Health, the Development Plan Overlay Schedule 8 and the Parking Overlay Schedule 12. As outlined above, pursuant to these overlays a planning permit is not required as the proposal does not seek to carry out any external buildings and works.

8 PARTICULAR PROVISIONS

The following particular provision applies to the application:

- Clause 52.06, Car Parking
- Clause 52.34, Bicycle Facilities

9 GENERAL PROVISIONS

The following general provisions apply to the application:

- Clause 65, Decision Guidelines, which includes the matters set out in Section 60 of the Planning and Environment Act 1987.
- Clause 67, Applications under Section 96 of the Act

Pursuant to Section 96 of the Planning and Environment Act 1987, 'a responsible authority must obtain a permit from the Minister before carrying out any use or development for which a permit is required under the planning scheme for which it is the responsible authority unless the planning scheme gives an exemption.

Clause 67.01 provides an exemption from the provisions of S96 of the Act for the use of land for a place of assembly.

10 PUBLIC NOTIFICATION

Pursuant to Clause 67.02 (Notice Requirements), in accordance with Section 52(1)(c) of the Act, notice must be given to the owners and occupiers of adjoining land.

Notice of this proposal was given by ordinary mail to the owners and occupiers of surrounding properties and by posting a notice on the Cardigan Street frontage of the site for a 14 day period.

11 OBJECTIONS

The application has received three objections from adjoining residents raising the following concerns (summarised):

- The proposed use is an under-utilisation of the building.
- Proposal location is not central enough to service the City Melbourne's population.
- The recently opened library on Faraday Street appear to be a more convenient venue for the Toy Library given its function, accessibility and number of community rooms.
- The building should be used for multiple community purposes.
- Will add to the parking problems in the area.

12 CONSULTATION

There was no formal consultation meeting arranged however, the applicant communicated with the objectors by providing a response to the concerns outlined.

13 REFERRALS

The application was internally referred to Melbourne City Council's Engineering Department who provided the following comments:

'It is anticipated that the Community Toy Library will have negligible impact on the parking supply in the surrounding streets. It is anticipated that the majority of people who visit the Toy Library will be local residents. For those who may drive to the library, there are sufficient parking spaces available during the proposed hours of operation. Engineering Services has no objection to the proposal.'

14 ASSESSMENT

The proposal seeks approval to use the building for the purposes of a community toy library (place of assembly).

Key issues to consider in the assessment of the application are the appropriateness of the proposed use in a residential area having regard to the scale and intensity of use, proposed operating hours, number of patrons and traffic related matters.

The site is located in the Residential Growth Zone Schedule 1 where a planning permit is required for the proposed use of the site as a place of assembly.

Clause 32.07-11 outlines the following relevant decision guidelines for considered non-residential uses in the Residential Growth Zone:

- 'Whether the use or development is compatible with residential use.
- Whether the use generally serves local community needs.
- The scale and intensity of the use and development.
- The provision of car and bicycle parking and associated accessways.
- The safety, efficiency and amenity effects of traffic to be generated by the proposal.'

The proposed use will operate from an existing building which has been specifically refurbished for community use. The use will occupy a floor area of approximately 45 square metres and will only operate between the hours of 9.00am and 12.00pm midday on Friday and Saturday. Although the number of customers on the site varies, it is anticipated less than six people will be on site at any one time.

The proposed scale and intensity of the use is considered modest and is both compatible and complementary to the residential use of the area. The proposed use will serve the local community needs by providing a place where the community can meet and greet, and borrow toys for their children. The impact of such a use is considered to be of a low intensity and will not have an unreasonable impact on the amenity of the surrounding residential area.

The objectors have raised concern that the proposed use will be an under-utilisation of a building and that the place should be used for multiple community uses.

In response to this, the applicant has outlined that the intention is to use the building more broadly for community purposes, with the Toy Library having 'non-exclusive' occupancy of the building. As mentioned, the library is proposed to operate a total of 6 hours spread over two days. These are limited hours and allow significant capacity for the building to be used for other community purposes.

The proposal does not seek to provide any car parking or bicycle facilities for the proposed use. Both Cardigan and Keppel Streets have on-street parking. There are bicycle hoops located approximately 20m to the north of the subject site on Cardigan Street.

The application was internally referred to Melbourne City Council's Engineering Department who commented that the proposal will have negligible impact on the parking supply in the surrounding streets as it is anticipated that people visiting Toy Library will be local to the area. In the event that people chose to drive there is sufficient on-street parking available during the proposed hours of operation.

A site visit confirmed that it is considered that there will be sufficient on-street parking available in the area to cater for the customers and volunteers to the Toy Library. In addition, the trip to the Toy Library is likely to be short as customers will be going there to return and borrow new toys; a process unlikely to take more than an hour. It is only the two volunteers and the administrator who will be at the library for the full three hours. There is sufficient on-street parking in the area to accommodate for the

three vehicles for three hours or more. The bicycle hoops located within 20m of the subject site will allow for visitors to park their bicycle within close proximity of the subject site.

15 RECOMMENDATION

It is considered that the proposal is consistent with the relevant sections of the Melbourne Planning Scheme, as discussed above, and that a Notice of Decision to Grant a Permit be issued for the proposal subject to the following conditions:

1. The use of any land or building or part thereof as shown on the endorsed plan(s) must not be altered or modified unless with the prior written consent of the Responsible Authority.
2. Except with the prior written consent of the Responsible Authority, the use of the premises as a Toy Library must only be open for the use between the following hours:
 - a. Friday and Saturday: 9.00am and 12.00pm midday
3. The number of staff (volunteers and paid administer) on the land must at no time exceed three unless with the prior written consent of the Responsible Authority.
4. This permit will expire if the use is not started within two years of the date of this permit. The Responsible Authority may extend the permit if a request is made in writing before the permit expires, or within six months afterwards.