|  |  |  |
| --- | --- | --- |
|  |  | *Form 9* |
| PLANNING | Permit No. | 2016/2 |
| **PERMIT** | Planning Scheme | Murrindindi Planning Scheme |
| GRANTED UNDER SECTION 96I OF THE PLANNING AND ENVIRONMENT ACT 1987 | Responsible Authority | Murrindindi Shire Council  |

**ADDRESS OF THE LAND:**

|  |
| --- |
| 1274 Whittlesea-Yea Road KINGLAKE WEST; Lot 7 PS 630072K |

**THE PERMIT ALLOWS:**

|  |
| --- |
| Use and development of the land for a service station, shop, postal agency and food and drink premises under Clause 32.05; display of an internally illuminated identification pole sign under Clause 52.12; and removal of native vegetation under Clause 52.17 |

**THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:**

NO ALTERATION TO LAYOUT

Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted and approved to the Responsible Authority. When approved, the plans will be endorsed and will then form part of permit. The plans must be generally in accordance with the plans prepared by RCP Architects (TP‐01, TP-02 and TP-03, Revision E) dated 20 June 2016 but modified to show:

1. The turn lane arrangements along Whittlesea‐Yea Road amended to reflect the CHR(s) and BAL arrangements shown in Traffix Design drawing G17986‐01 dated 24th June 2015; and
2. ~~Swept paths demonstrating that an 8.8m service vehicle can circulate through the rear loading / waste collection area’.~~
3. The designated area for location of the effluent treatment plant, balance tank and primary effluent irrigation area, generally in accordance with the addendum report prepared by Paul Williams & Associates Pty Ltd dated 18 February 2017;
4. Amendments to the size and location of the main identification signage as follows:
	1. Overall height of the main identification signage to be reduced so that the overall height is not more than 6 metres;
	2. Relocation of the main identification signage adjacent to the Whittlesea-Yea Road. The main identification signage is to be located in the existing road reserve and not less than 5 metres from the edge of the sealed road. The main identification signage must be relocated in a position that minimises the need for trimming of existing native vegetation (such trimming required to maintain view lines from vehicles on Whittlesea-Yea Road to the main identification sign).
5. Deletion of the eastern service road (including the entry and exit return) and hard stand areas to the immediate south of the proposed built form;
6. That the southern egress does not exceed RL510.35;
7. The location of LPG tanks;
8. The location of water storage, including location of the 40,000 litre tank for fire fighting purposes and accessible for fire fighting appliances
9. a 1.8 metre high colourbond fence along the southern and eastern boundaries of the site;
10. Additional landscaping on the southern and western boundaries of the site and screen planting across the northern boundary of the site ;
11. The development and use permitted by this permit as shown on the endorsed plans and described in the endorsed documents must not be altered or modified except with the prior written consent of the responsible authority.

REPORTS REQUIRED

1. Before the development starts, the following reports must be submitted and approved to the Responsible Authority. When approved, the reports will be endorsed and will then form part of permit:
2. a Lighting Impact Report which provides for:
	1. The form of illumination on the site; and
	2. confirms that any light spillage does not unreasonably impact upon the amenity of surrounding existing residential properties and is generally in accordance with the relevant Australian Standards.
3. a Water Balance Report which details the location of and capacities of water tanks for commercial and firefighting purposes on site.

SCHEDULE OF MATERIALS AND COLOURS

1. Before the development starts, a schedule of colours to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the schedule will be endorsed and will then form part of the permit.

RETAINING WALL

1. Before the uses hereby permitted are commenced, plans are to be submitted and approved by the responsible authority showing the construction details of the proposed retaining wall or eastern battered bund, drainage and safety fencing. When approved, the plans will be endorsed and will then form part of the permit.

WASTEWATER MANAGEMENT

1. All sewage and sullage waters shall be treated in accordance with the requirements of the Environment Protection Authority and the responsible authority. All effluent shall be disposed of and contained within the curtilage of the land and shall not discharge directly or indirectly to an adjoining property, street or any watercourse, water storage or dam. Sufficient land shall be set aside and kept available for the purpose of effluent disposal.
2. Prior to the commencement of any works, including site works, the applicant shall obtain a Permit to Install a Septic Tank permit from Council. Sewerage treatment must achieve at least the 20/30 standard to the satisfaction of the responsible Authority.

VEGETATION REMOVAL

1. Before the vegetation removal starts, the boundaries of all vegetation stands to be removed and retained must be clearly marked on the ground or marked with tape or temporary fencing to the satisfaction of the responsible authority.

LANDSCAPING MAINTENANCE

1. The landscaping shown on the endorsed landscaping plan must be maintained to the satisfaction of the responsible authority, including that any dead, diseased or damaged plants are to be replaced.

WASTE MANAGEMENT PLAN

1. Prior to the commencement of the use, a Waste Management Plan for the collection and disposal of garbage and recyclables for all uses on the site must be submitted to and approved by the Responsible Authority. The Waste Management Plan must provide for:
2. The method of collection of garbage and recyclables
3. Designation of methods of collection
4. Appropriate areas of bin storage on site and areas for bin storage on collection days;
5. Litter management.

GENERAL AMENITY PROVISION

1. The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:
2. transport of materials, goods or commodities to or from the land;
3. appearance of any building, works or materials;
4. emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil; or
5. presence of vermin

HOURS OF OPERATION

1. The hours of operation for all uses are 6.00am to 11.00pm on all days including public holidays.

REGULATION OF DELIVERY TIMES

1. Deliveries to and from the site (including waste collection) must only take place between: 7.00am and 5.00pm Monday to Friday and 8.30am and 4.00pm Saturday, Sunday and public holidays.

TRAFFIC AND ACCESS

1. Only two access points to the property will be permitted with the northern access being entry only and the southern access being exit only.
2. Prior to commencement of the use, the following roadworks must be completed at no cost and to the satisfaction of the Roads Corporation:
3. Construction of a CHR(S) right turn lane for the northern entry access generally in accordance with Traffix Design Drawing G17986-01 dated 24th June 2015; and
4. Construction of a BAL left turn lane for the northern entry access generally in accordance with Traffix Design Drawing G17986-01 dated 24th June 2015
5. Before commencement of any works required by VicRoads under this permit a detailed engineering design must be prepared generally in accordance with the accepted functional layout plan and to the satisfaction of VicRoads.
6. The permit applicant is to submit a Detailed Design Road Safety Audit (RSA) of the proposed works to VicRoads for approval.  The RSA must be undertaken by an independent VicRoads pre-qualified audit team and be conducted in accordance with AustRoads – Road Safety Audit.
7. The preparation of the detailed engineering design and the construction and completion of all work must be undertaken in a manner consistent with current VicRoads policy, procedures, and standard and at no cost to VicRoads.
8. Works must not be commenced in, on, under or over the road reserve without first obtaining all necessary approval under the Road Management Act 2004, the Road Safety Act 1986, and any other relevant acts or regulations created under those acts.

VEHICLE ACCESS LANES AND CAR PARK CONSTRUCTION

1. Before the use starts, the areas set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
2. constructed and properly formed to such levels that they can be used in accordance with the plans
3. surfaced with an all-weather-seal coat
4. drained
5. line marked to indicate each car space and all access lanes clearly marked to show the direction of traffic along access lanes and driveways to the satisfaction of the responsible authority.
6. Designed to be compliant with the Design Standards of Clause 52.06 of the Murrindindi Planning Scheme.
7. Comply with disabled parking bays - Australian Standard AS/NZ 2890.6:2009.
8. Provided with public lighting in accordance with AS/NZ 1158.0-2005/Amdt 2-2010 minimum light category P11/P12 and the fitting are to minimize spill lighting on to neighbouring property (including road reserves) in accordance with AS/NZ 4282-1997.
9. Car spaces, access lanes and driveways must be kept available for these purposes at all times.

CAR PARKING FOR DISABLED PERSONS

1. A minimum of 2 car spaces must be provided for the exclusive use of disabled persons. The car spaces must be provided as close as practicable to suitable entrances of buildings and must be clearly marked with a sign to indicate that the spaces must only be utilised by disabled persons. The minimum dimensions of the car spaces must be in accordance with AS2890.06-2009.

PARKING SIGNS

1. Signs to the satisfaction of the responsible authority must be provided directing drivers to the areas set aside for car parking and must be located and maintained to the satisfaction of the responsible authority.

VEHICLE CROSSING REQUIREMENTS

1. Before the use commences and/or buildings are occupied, vehicular crossings must be constructed in accordance with an approved roadworks plan to the satisfaction of the Responsible Authority, and must comply with the following:
2. Any proposed vehicular crossing must have satisfactory clearance to any side-entry pit, power or telecommunications pole, manhole cover or marker, or street tree. Any relocation, alteration or replacement required shall be in accordance with the requirements of the relevant Authority and must be at the applicant’s expense.

DRIVEWAY AND DRAINAGE CONSTRUCTION REQUIREMENTS

1. Before the commencement of any works associated with the provision of vehicle access, drainage and car parking, detailed construction plans demonstrating appropriate drainage and levels compliant with AS 2890 Part 1 Off Street Car Parking and AS 3500 Part 3 – Stormwater Drainage, be prepared in accordance with endorsed plans and to the satisfaction of the Responsible Authority.

STORMWATER MANAGEMENT

1. Before the use commences, drainage plans, including computations and longitudinal sections, must be provided to and approved by the Responsible Authority to the Responsible Authorities nominated point of discharge. Once approved, the plans will be endorsed as part of the planning permit and must not be further altered without the prior written consent of the Responsible Authority.

CONSTRUCTION PHASE

1. All activities associated with the construction of the development permitted by this permit must be carried out to the satisfaction of the responsible authority and all care must be taken to minimise the effect of such activities on the amenity of the locality.

CONSTRUCTION MANAGEMENT PLAN

1. Prior to commencement of works the owner or applicant must submit a “Construction Management Plan” (CMP) for approval by the responsible authority. This plan shall include, but not be limited to:
2. A site specific plan showing proposed erosion & sedimentation control works;
3. Techniques and intervention levels to prevent a dust nuisance;
4. Techniques to prevent mud and dirt being transported from the site to adjacent streets;
5. The protection measures taken to preserve any vegetation identified for retention;
6. Details of a contact person/site manager must also be provided so that this person can be easily contacted should any issues arise;
7. Techniques to ensure that all

ADVERTISING SIGNS

1. Before the development starts, detailed plans showing the location and details of signs, and any supporting structure, 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.
2. The signs must not contain any flashing light.
3. Lighting of signs, including internal illumination, must be designed, baffled and located to the satisfaction of the responsible authority to prevent any adverse effect on adjoining land.
4. Signs may only be illuminated between the hours of between 6.00am and 11.00pm
5. Signs must be constructed and maintained to the satisfaction of the responsible authority.

BAFFLED LIGHTING

1. Outdoor lighting, where provided, must be designed, baffled and located to the satisfaction of the responsible authority such that no direct light is emitted outside the boundaries of the subject land.

SECURITY ALARMS

1. All security alarms or similar devices installed on the land must be of a silent type in accordance with any current standard published by Standards Australia International Limited and be connected to a security service.

WORKSAFE

1. The proposed development must comply with the relevant requirements of the Dangerous Goods Act and its subordinate legislation, particularly the Dangerous Goods (Storage and Handling) Regulations 2000. These standards include, but are not limited to:

\* AS 4897 Design, installation and operation of underground petroleum storage systems

\* AS 1596 Storage systems for LPG

DEPARTMENT OF ENVIRONMENT, LAND, WATER AND PLANNING

1. Before works start, the permit holder must advise all persons undertaking the vegetation removal and works of all relevant permit conditions and associated statutory requirements or approvals.
2. Before works start, a plan to the satisfaction of the responsible authority identifying all native vegetation to be retained and describing measures to be used to protect the identified vegetation during construction, must be prepared, submitted to and approved by the responsible authority. When approved, the plan will be endorsed and form part of this permit. All works constructed or carried out must be in accordance with the endorsed plan.
3. To offset the removal of **0.057** hectares of native vegetation, the permit holder must secure a native vegetation offset, in accordance with the *Permitted clearing of native vegetation \_ Biodiversity assessment guidelines* and the Native vegetation gain scoring manual (DEPI 2013) as specified below:
4. A general offset of **0.003** general biodiversity equivalence units with the following attributes.
5. Be located within the Goulburn Broken Catchment Management Authority area or with Murrindindi Shire.
6. Have a strategic biodiversity score of at least **0.080**.
7. Before any vegetation is removed, evidence that the required offset has been secured must be provided to the satisfaction of the responsible authority. Offset evidence can be:
8. A security agreement, to the required standard, for the offset site or sites, including a 10 year offset management plan and/or
9. A credit register extract from the Native Vegetation Credit Register.
10. A copy of the offset evidence will be endorsed by the responsible authority and form part of this permit. Within 30 days of the endorsement of the offset evidence by the responsible authority, a copy of the endorsed offset evidence must be provided to the Department of Environment, Land, Water and Planning.
11. In the event that a security agreement is entered into as per condition 38, the applicant must provide the annual offset site condition report to the responsible authority by the anniversary date of the execution of the offset security agreement, for a period of 10 consecutive years. After the tenth year, the landowner must provide a report at the reasonable request of a statutory authority.

Note: This condition does not apply to offsets on the native vegetation credit register as these include monitoring requirements.

ENVIRONMENT PROTECTION AUTHORITY

1. Displaced petrol fumes must be collected with a vapour recovery system.
2. A secondary containment system must be provided for liquids which if spilt are likely to cause pollution or pose an environmental hazard, in accordance with the EPA Publication 347 Bunding Guidelines 1992 or as amended.
3. Construction and post-construction activities must be in accordance with EPA Publication 275 Construction Techniques for Sediment Pollution Control 1991 or as amended.
4. Offensive odours must not be discharged beyond the boundaries of the premises.
5. All infrastructure for the storage and handling of Liquefied Petroleum (LP) gas should be designed, constructed and operated in accordance with AS/NZS 1596:2008 The Storage and Handling of LP Gas (Standards Association of Australia).
6. Effluent and waste solvent generated from the washing or cleaning of engines or parts shall not be discharged on or from the premises.
7. Nuisance dust must not be discharged beyond the boundaries of the premises.
8. Noise emitted from the premises must not exceed the recommended levels as set out in Noise from Industry in Regional Victoria (NIRV; EPA Publication 1411, 2011) or as amended.
9. Yea
10. Yea
11. Yea

COUNTRY FIRE AUTHORITY

1. A static tank of 40,000 litres with CFA fittings is to be provided for bushfire fighting purposes only, to the satisfaction of the Country Fire Authority.

PERMIT EXPIRY DATE

1. This permit shall expire if the following circumstances apply:
2. The development is not commenced within two years of the date of this permit
3. The development is not completed and use is not commenced within 4 years of the date of this permit.

A request for an extension of time may be made before or within 6 months after the permit expiry date, where the use or development allowed by the permit has not yet commenced, or within 12 months after the permit expiry date, where the development allowed by the permit lawfully commenced before the permit expired.

**NOTATIONS:**

1. Separate consent for works within the road reserve and the specifications of these works will be required under the Road Management Act.

2. The consent application under the Road Management Act will be treated as a developer funded application which requires payment of fees and charges to VicRoads and submission of detailed design plans and specifications for approval including a detailed design Road Safety Audit.

**THIS PERMIT HAS BEEN AMENDED AS FOLLOWS:**

|  |  |  |
| --- | --- | --- |
| *Date of amendment* | *Brief description of amendment* | *Name of responsible authority that approved the amendment* |
| 23 February 2017 | [full proposal] | Murrindindi Shire Council |

**IMPORTANT INFORMATION ABOUT THIS PERMIT**

**WHAT HAS BEEN DECIDED?**

The Responsible Authority has issued a permit. The permit was granted by the Minister under section 96I of the **Planning and Environment Act 1987** on approval of Amendment No. C57 to the Murrindindi Planning Scheme.

**WHEN DOES THE PERMIT BEGIN?**

The permit operates from a day specified in the permit being a day on or after the day on which the amendment to which the permit applies comes into operation.

**WHEN DOES A PERMIT EXPIRE?**

1. A permit for the development of land expires if—

* the development or any stage of it does not start within the time specified in the permit; or
* the development requires the certification of a plan of subdivision or consolidation under the **Subdivision Act 1988** and the plan is not certified within two years of the issue of a permit, unless the permit contains a different provision; or
* the development or any stage is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit or in the case of a subdivision or consolidation within 5 years of the certification of the plan of subdivision or consolidation under the **Subdivision Act 1988***.*

2. A permit for the use of land expires if—

* the use does not start within the time specified in the permit, or if no time is specified, within two years after the issue of the permit; or
* the use is discontinued for a period of two years.

3. A permit for the development and use of land expires if—

* the development or any stage of it does not start within the time specified in the permit; or
* the development or any stage of it is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit; or
* the use does not start within the time specified in the permit, or, if no time is specified, within two years after the completion of the development: or
* the use is discontinued for a period of two years.

4. If a permit for the use of land or the development and use of land or relating to any of the circumstances mentioned in section 6A(2) of the **Planning and Environment Act 1987**, or to any combination of use, development or any of those circumstances requires the certification of a plan under the **Subdivision Act 1988**, unless the permit contains a different provision—

* the use or development of any stage is to be taken to have started when the plan is certified; and
* the permit expires if the plan is not certified within two years of the issue of the permit.

5. The expiry of a permit does not affect the validity of anything done under that permit before the expiry.

**WHAT ABOUT REVIEWS?**

* In accordance with section 96M of the **Planning and Environment Act 1987**, the applicant may not apply to the Victorian Civil and Administrative Tribunal for a review of any condition in this permit.