

Appendix 6 – Conditions

That Council advise VCAT, the permit applicant and the objector that it would have issued a Notice of Decision to Grant a Permit subject to the conditions outlined below:

1. Before the use and 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 plans submitted with the application but modified to show:
 - a) The vehicle crossings in High street must be to Melton Industrial standards. The vehicle crossings must match the existing vehicle crossings in the surrounding streets.
 - b) A detailed landscape plan with high quality landscaping along the extent of the one metre landscape strip on the site's frontage and around the screened bin area at the building's northern frontage.
 - c) A secondary complementary colour in staggered intervals or bands of varying width to achieve greater articulation and visual interest on the building's western facade.
 - d) The building and canopy with an angled roof form or similar to enhance visual interest.
2. The use and development as shown on the endorsed plans must not be altered without the further written consent of the Responsible Authority.
3. The use and development hereby approved must be managed to the satisfaction of the Responsible Authority so that the amenity of the area is not detrimentally affected, through the:
 - a) Transport of materials, goods or commodities to or from the land.
 - b) Appearance of any building, works or materials.
 - c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.
 - d) Presence of vermin.

In the event of any nuisance being caused to the neighbourhood by activities related to the use, the Responsible Authority may direct, in writing, such actions or works, as deemed appropriate, to eliminate or mitigate such nuisance being undertaken.

Public Transport Victoria (PTV) conditions (4 - 9)

4. Before the commencement of development, or other time agreed in writing with PTV, amended plans to the satisfaction of PTV 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 'Floor Plan Site Plan' plan submitted with the application, but modified to show:

- a) The bus stop relocated to be further north west along High Street (development side) between the proposed development entry and exit access points, as identified on the 'Floor Plan Site Plan'
 - b) Details of all existing infrastructure relocated (where possible) or replaced (where required) in the new location proposed on the 'Floor Plan Site Plan' and in accordance with the standard drawings provided; '*VicRoads Indented Bus Bay*' drawing, standard drawings *STD_ S0065* and *STD_ S0062* and the '*PTV Standard Rural Bus Stop*' drawing.
 - c) Allocated space for wheelchairs within the bus shelter.
 - d) All works must comply with the Disability Discrimination Act — *Disability Standards for Accessible Public Transport 2002*.
 - e) All works must be to the satisfaction of PTV.
5. Before the commencement of the access works along High Street, the bus stop and shelter including all associated infrastructure, must be relocated or replaced at full cost to the permit holder, to the satisfaction of PTV, and deemed compliant with the Disability Discrimination Act — *Disability Standards for Accessible Public Transport 2002*.
 6. Prior to the occupation of the development all works outlined on the endorsed plans for public transport improvements must be completed at full cost to the permit holder, to the satisfaction of PTV, and deemed compliant with the Disability Discrimination Act.
 7. The permit holder must take all reasonable steps to ensure that disruption to bus operations along High Street is kept to a minimum during the construction of the development. Foreseen disruptions to bus operations and mitigation measures must be communicated to PTV fourteen days (14) prior.
 8. PTV requires notice of the relocation of the existing bus stop and all associated infrastructure two weeks (2) prior to relocation.
 9. The permit holder must ensure that public transport infrastructure is not damaged. Any damage to public transport infrastructure must be rectified to the satisfaction of PTV at full cost to the permit holder.

VicRoads conditions (10 - 18)

10. Before the development starts, amended plans must be submitted to and approved by the Roads Corporation. When approved by the Roads Corporation, the plans may be endorsed by the Responsible Authority and will then form part of the permit. The plans must be drawn to scale with dimensions and two copies must be provided. The plans must be generally in accordance with the plans submitted with the application (Drawing No. 913601 Issue B Sheets 1-4 by TTM Consulting Pty Ltd), but modified to show:
 - (i) Separate Left-in and left-out access only to the site generally in accordance with TTM Consulting Drawing 913601 Issue B Sheet 1.
 - (ii) Solid median over the existing flush median at the entry vehicle crossing.
 - (iii) Deceleration lane in accordance with AustRoads Standards.

11. Before the use approved by this permit commences, the roadworks approved by the endorsed plans must be completed at no cost to and to the satisfaction of the Roads Corporation (VicRoads).
12. The development must be managed during construction to ensure that it does not compromise the operational efficiency of the road or public safety.
13. The crossover and driveway must be constructed to the satisfaction of the Roads Corporation and/or the Responsible Authority and at no cost to the Roads Corporation prior to the commencement of the use of the works hereby approved.
14. All disused or redundant vehicle crossings must be removed and the area reinstated to kerb and channel to the satisfaction of and at no cost to the Roads Corporation prior to the commencement of the use or the occupation of the buildings or works hereby approved.
15. All signs must be located within the property boundary.
16. Signs must not obstruct drivers view of traffic control device, or create confusing or dominating background which might reduce the clarity or effectiveness of a traffic control device.
17. The signs must not be flashing or reflective.
18. The luminances of the advertising signs must be such that it does not give a veiling luminances to the advertising sign.

Engineering Services Unit conditions (19 – 30)

19. The amount of hydrocarbon and other oil based contaminants discharged to Council drains must not exceed 5 parts per million.
20. Stormwater must not be discharged from the site other than by means of an underground pipe drain discharged to Council's maintained legal point of discharge.
21. Before the use or occupation of the development starts, the area(s) set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
 - a) Constructed.
 - b) Properly formed to such levels that they can be used in accordance with the plans.
 - c) Sealed with a concrete or asphalt surface.
 - d) Drained.
 - e) Linemarked to indicate each car space and all access lanes.
 - f) Clearly marked to show the direction of traffic along access lanes and drivewaysto the satisfaction of the Responsible Authority.

Car spaces, access lanes and driveways must be kept available for these purposes at all times.

22. Protective kerbs of a minimum height of 150mm must be provided to the satisfaction of the Responsible Authority to prevent damage to fences or landscaped areas.
23. All car parking spaces must be designed to allow all vehicles to drive forwards both when entering and leaving the property.
24. Prior to the commencement of works, any proposed vehicle crossing must be constructed to an industrial standard in accordance with Council's Standard Drawings.

A 'Consent to Work within a Road Reserve' must be obtained from Council prior to the commencement of construction.
25. All disused or redundant vehicle crossings must be removed and the area reinstated to kerb and channel to the satisfaction of the Responsible Authority.
26. All pedestrian access to buildings must be designed and constructed to comply with the Disability Discrimination Act.
27. Before the use and development starts, a landscape plan prepared by a person suitably qualified or experienced in landscape design 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. The plan must be drawn to scale with dimensions and three copies must be provided. The plan must show:
 - a) Location and identification of all proposed plants.
 - b) A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.
 - c) A survey (including botanical names) of all existing vegetation to be retained and/or removed.
 - d) Buildings and trees (including botanical names) on neighbouring properties within three metres of the boundary.
 - e) Details of surface finishes of pathways and driveways.
All species selected must be to the satisfaction of the Responsible Authority.

All landscaping works must be carried out in accordance with the approved landscape plan and Council's Landscape Guidelines for the Shire of Melton 2010.
28. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority and used for no other purpose, including that any dead, diseased or damaged plants are to be replaced.
29. Civil and landscape works must be fully constructed and completed to the satisfaction of the Responsible Authority prior to the commencement of use or occupancy, whichever comes first or applies.
30. All existing conditions affected by the development works must be reinstated at no cost and to the satisfaction of the Responsible Authority.

Environmental Health Unit conditions (31 - 35)

31. The applicant must submit floor and elevation plans for the Coles Express convenience store, along with an Application for Plans Assessment of a Food Premises, prior to construction/fit-out, to the Environmental Health Unit.
32. The applicant must register their food premises with Melton City Council prior to commencing operations.
33. The applicant must submit floor and elevation plans for the Food and Drink Premises [Tenancy 1] (tenant currently unknown), along with an Application for Plans Assessment prior to construction/fit-out, to the Environmental Health Unit.
34. For the construction of both the Food & Drink Premises {Tenancy 1}, the applicant will need to ensure that all liquid wastes are treated through a Trade Waste unit; they should refer their inquiries to Western Water.
35. Before works start, the permit holder must advise all persons undertaking the works on site of all relevant conditions of this permit.

Environmental Services conditions (36 - 39)

36. Before works start, the permit holder must advise all persons undertaking the works on site of all relevant conditions of this permit.
37. The following Environmental Management protocols must be implemented during works:
 - Trees to be retained must be protected in accordance with the *Australian Standard: Protection of trees on development sites AS 4970-2009* (i.e. must be erected at a radius of $12 \times$ the diameter at breast height (DBH) to a maximum of 15 metres but no less than 2 metres from the base of the trunk).
 - The fence must be constructed of star pickets/ chain mesh/ or similar to the satisfaction of the responsible authority. The fence must remain in place until all works are completed to the satisfaction of the responsible authority. Except with the written consent of the responsible authority within the area of native vegetation to be retained and any tree protection zone associated with the permitted use and/or development, the following is prohibited:
 - a. vehicular or pedestrian access
 - b. trenching or soil excavation
 - c. storage or dumping of any soils, materials, equipment, vehicles, machinery or waste products
 - d. entry and exit pits for underground services
 - e. any other actions or activities that may result in adverse impacts to retained native vegetation.
 - Protocols for management of weeds and pathogens during and post construction must be developed and implemented. All noxious weeds must be controlled. Any

weed infestations resulting from soil disturbance and/or the importation of sand, gravel and other material used in the construction process must be controlled.

- Any construction stockpiles and machinery must be placed away from areas supporting native, fill and drainage lines to the satisfaction of the responsible authority.
 - Measures must be taken to ensure that no polluted water and/or sediment laden runoff is to be discharged directly or indirectly into stormwater drains or watercourses during the construction period.
 - All earthworks must be undertaken in a manner that will minimise soil erosion and adhere to *Construction Techniques for Sediment Pollution Control* (EPA 1991) and *Environmental Guidelines for Major Construction Sites* (EPA 1995).
 - No environmental weeds are to be planted. Refer to Melton City Council's *Sustainable Gardening in the Shire of Melton Handbook* (2005) and the Department of Environment, Land, Water and Planning *Advisory list of Environmental Weeds of the Inland Plains Bioregions of Victoria* (available at: <http://www.depi.vic.gov.au/environment-and-wildlife/weeds-and-pests/weed-risk-ratings>).
38. In the event that not all the planted native trees can be avoided through the modification of the design, replacement planting must be undertaken to offset the removal of trees. Council Operations must be consulted to determine appropriate offsets under Council's Tree Planting and Removal Policy (2014).
39. Except where specified on the endorsed plan, no other vegetation may be removed from the site, without the written consent of the Responsible Authority.

Environment Protection Authority (EPA) conditions (40 - 46)

40. Offensive odours must not be discharged beyond the boundaries of the premises.
41. Nuisance dust must not be discharged beyond the boundaries of the premises.
42. Noise emissions from the premises must comply with the requirements of the State Environment Protection Policies No. N-1 (Control of Noise from Commerce, Industry and Trade).
43. 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 347.1 Bunding Guidelines 2015 or as amended.
44. There must be no discharge or seepage of oil from the premises to the land or water (including stormwater) environments.
45. Stormwater contaminated with waste oil, grease, chemicals or sediments must not be discharged beyond the boundary of the premises.
46. Displaced petrol fumes must be collected with a vapour recovery system.

Signage conditions (47 - 50)

47. The location and details of the signs, including those on the supporting structure, as shown on the endorsed plans, must not be altered without the written consent of the Responsible Authority.
48. The sign lighting must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land.
49. The signs must be constructed and maintained to the satisfaction of the Responsible Authority.
50. The signage approved by this permit expires 15 years from the date of issue. All signage must be removed to the satisfaction of the Responsible Authority by this date.
51. This permit will expire if one of the following circumstances applies:
 - a) The development and use are not started within two years of the date of this permit.
 - b) The development is not completed within four years from the date of this permit.
 - c) The use is discontinued for a period of two years.

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires, or within three months afterwards.

Permit Notes

- All vehicle pathways contained within the allotment, other than stated in this permit, must remain the property of the landowners and must not be taken over by Council for future maintenance.
- Any proposed vehicle crossings must have clearance from other services, public light poles, street sign poles, other street furniture, trees and any traffic management devices. If appropriate clearances cannot be achieved, then any of the abovementioned or the vehicle crossings must be relocated to another location to the satisfaction of the Responsible Authorities and at the development's cost.
- Relevant Council consents, including but not limited to a 'Consent to Work within a Road Reserve' will be required from Council prior to the development.
- All drains contained within the allotment, except in drainage easements, must remain the property of the landowners and must not be taken over by Council for future maintenance.
- Separate approval under the Road Management Act for this activity may be required from VicRoads (the Roads Corporation). Please contact VicRoads prior to commencing any works.