

Item 12.12 Planning Application PA 2019/6489/1 - use and development of a childcare centre with associated landscaping, display of business of business identification signs, reduction in car parking, alteration of access to a road in a road zone (category 1), removal and variation of a sewer and drainage easement At 512 - 514 high street and 160 coburns road, melton

Appendix 6 Notice of Decision to Grant a Permit conditions - undated

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#### **Appendix 6 – Notice of Decision to Grant a Permit conditions**

A Notice of Decision to Grant a Planning Permit is recommended to be issued subject to the following conditions:

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 on-site detention system.
  - b) A notation that the vehicle crossing in Carina Drive to Melton Industrial strength standards. The vehicle crossing must match the existing vehicle crossings in the surrounding streets.
  - c) The staircase on the south-east corner of the site setback an additional 2m from the southern boundary.
2. The use and development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
3. Before the development commences, a Car Park Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Car Park Management Plan will be endorsed and will form part of this permit. The Car Park Management Plan must address, but not be limited to, the following (as appropriate):
  - a) A car parking allocation including spaces reserved for the exclusive use of parents and staff;
  - b) details of way-finding, cleaning and security of end of trip bicycle facilities;
  - c) a schedule of all proposed signage including directional arrows and signage, informative signs indicating location of disabled bays and bicycle parking, exits, restrictions etc.
4. Not more than 146 children may be present on the premises at any one time without the written consent of the Responsible Authority.
5. Unless with the written consent of the Responsible Authority, the use may operate only between the hours of:
  - a) 6:30am to 6:30pm, Monday to Friday.
6. The formal plan of subdivision lodged for certification must be in accordance with the approved plan and must not be modified except to comply with statutory requirements or with the further written consent of the Responsible Authority.
7. All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.

The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.

#### **VicRoads (Conditions 8 - 11)**

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8. Before the development starts, amended plans must be submitted to and approved by Roads Corporation. When approved by Roads Corporation, the plans may be endorsed by the Responsible Authority and will then form part of the permit. The plans must be generally in accordance with the plans submitted with the application and annotated as but modified to show:
  - a) Access to the proposed car park is via Carina Drive.
  - b) Construction of the access point on Coburns Road as an angular crossover to provide 'left out' only.
  - c) Installation of a 'No Entry' sign at the access point on Coburns Road.
9. Prior to the commencement of the use hereby approved, the crossover on Coburns Road must be constructed as per the endorsed plan, at no cost to VicRoads and to the satisfaction of the Responsible Authority.
10. The signs must not be flashing, reflective or internally illuminated.
11. Any lighting for the advertising sign must be such that it does not give a veiling luminance to the driver, of greater than 0.25 cd/m<sup>2</sup>, throughout the driver's approach to the advertising sign.
12. All food businesses handling food intended for sale and/or is involved in the safe of food must be registered under the *Food Act 1984* through Council prior to trading. Food business must adhere to the *Food Act 1984* and Australian New Zealand Food Standards Code.
13. It is highly recommended the proposed business go through plan assessment prior to construction to ensure the premises and fit out is compliant under appropriate legislation. Relevant forms can be provided to the applicant by contacting the Environmental Health Unit.

**Western Water (Conditions 14 – 19)**

14. Provision of reticulated water and associated construction works to the development, at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of Western Water.
15. Any existing water service must be disconnected to the satisfaction of Western Water.
16. Existing sewer mains located within the development site must be abandoned, at the developer's expense and to the satisfaction of Western Water.
17. The developer must produce for approval by Western Water an Integrated Water Management Plan (IWMP) that incorporates water efficiency measures and water-sensitive design techniques that reduce reliance on potable water.
18. The IWMP must provide for outcomes that appropriately respond to the site and its context for integrated water management to the satisfaction of Western Water. When approved by Western Water, the IWMP must then form part of the permit.
19. The operator under this permit shall be obliged to enter into an Agreement with Western Water relating to the design and construction of any sewerage or water works required. The form of such Agreement shall be to the satisfaction of Western Water. The

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owner/applicant shall make a written request to Western Water for the terms and conditions of the agreement.

20. Before commencement of the development hereby approved or issue of Statement of Compliance whichever occurs first, the existing stormwater pipe which runs between 514 High Street and 512 High Street must be removed and the pit wall reinstated to the satisfaction of the Responsible Authority.
21. The modified easement must still encompass the existing stormwater pit.
22. Before the development starts, engineering plans and relevant design calculations for the proposed development must be submitted to the Responsible Authority. The engineering plans shall, as a minimum, comprise of the layout plan, the drainage plans, signage and line marking plans, pavement design plans and, where applicable, street lighting plans. All works within the site shall remain the property of the lot owner, except where it is located in an easement, and be maintained by the lot owner to the satisfaction of the Responsible Authority.
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 strength 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. All drainage works must be designed and constructed to meet the following current best practice performance objectives for stormwater quality as contained in the Urban Stormwater – Best Practice Environment Management Guidelines (1999):
  - 80% retention of the typical annual load of total suspended solids
  - 45% retention of the typical annual load of total phosphorus; and
  - 45% retention of the typical annual load of total nitrogenThe amount of hydrocarbon and other oil based contaminants discharged to Council drains must not exceed 5 parts per million.
28. Stormwater must not be discharged from the site other than by means of an underground pipe drain discharged to a legal point of discharge to the satisfaction of the Responsible Authority.
29. The maximum storm water discharge rate from the proposed development is 10.90 litres per second for Northern catchment and 11.23 litres per second for Southern Catchment. An on-site stormwater detention system will need to be installed in accordance with plans and specifications to be submitted to Council's Engineering Services Unit Att: Infrastructure Planning Coordinator for approval
30. The following design parameters for the on-site detention system must be used:

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Northern catchment (catchment A) outlet:

- Time of Concentration for the catchment:  $T_c = 7.30\text{min}$
- Travel time from the discharge point to the catchment outlet:  $T_{so} = 2.30\text{min}$
- Weighted coefficient of runoff at the initial subdivision:  $C_w = 0.45$

Southern catchment (catchment B) outlet

- Time of Concentration for the catchment:  $T_c = 8.85\text{min}$
- Travel time from the discharge point to the catchment outlet:  $T_{so} = 2.0\text{min}$
- Weighted coefficient of runoff at the initial subdivision:  $C_w = 0.45$

31. All on-site stormwater must be collected from the hard surface areas and must not be allowed to flow uncontrolled into adjoining properties.
32. 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) Line marked 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.
33. Car spaces, access lanes and driveways must be kept available for these purposes at all times.
34. 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.
35. 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.
36. All existing conditions affected by the development works must be reinstated at no cost and to the satisfaction of the Responsible Authority.
37. All works associated with the development that is retained as the responsibility of the owner of the site to upkeep must be maintained in perpetuity to a standard that is to the satisfaction of the Responsible Authority. Otherwise rectification works at the direction of and to the satisfaction of the Responsible Authority must be undertaken within a timeframe as directed by the Responsible Authority.
38. The use and development must be managed to the satisfaction of the Responsible Authority so that the amenity of the area is not detrimentally affected, through:
  - a) Transport of materials, goods or commodities to or from the land.
  - b) Appearance of any building, works or materials.

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- 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.
  - e) Any other way as determined by the Responsible Authority.
39. Construction activities must be managed so that the amenity of the area is not detrimentally affected, through:
- a) Transport of materials, goods or commodities to or from the land.
  - b) Inappropriate storage of any works or construction materials.
  - c) Hours of construction activity.
  - d) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste and storm water runoff, waste products, grit or oil.
  - e) Presence of vermin.
  - f) Any other way as determined by the Responsible Authority.
40. Before the 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.
41. 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.
42. Prior to the commencement of onsite works, a Construction Management Plan must be prepared and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of this permit. The Construction Management Plan must include, but not limited to the following:
- a) Proposed working hours;
  - b) Haulage routes to the site;
  - c) Traffic management;
  - d) Noise;
  - e) Public safety;
  - f) Methods of dust suppression;
  - g) Sediment control and gross pollutant management;
  - h) Procedures to ensure that no significant adverse environmental impacts occur as a result of the development;
  - i) Earthworks (Consistent with Construction Techniques for Sediment Pollution Control (EPA, 1991);

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- j) Showing where stockpiling, machinery wash down, lay down, storage and personnel rest areas occur;
- k) Vehicle exclusion areas; and
- l) Weed management measures to be undertaken during and post construction.

In addition, the construction management plan must ensure:

- All machinery brought on site to be weed and pathogen free;
  - All machinery wash down, lay down and personnel rest areas to be clearly fenced and located in disturbed areas.
  - Contractors working on the site to be inducted into an environmental management program for construction work.
  - Best practice erosion and sediment control techniques to be used to protect any native flora and fauna.
43. 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.
44. The signs must be constructed and maintained to the satisfaction of the Responsible Authority.
45. 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.
46. The sign lighting must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land.
47. Prior to commencement of the development, a waste management plan prepared by a person suitably qualified or experienced in waste management must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed under the permit. The Plan must detail (but not limited to this):
- a) The location and space allocated for storage of waste and recyclable materials, bins and containers.
  - b) The type of waste and recyclable materials, bins and containers.
  - c) The garbage and recycling equipment (e.g. vehicles and lifting equipment) to be used;
  - d) The frequency and timing of waste collection.
  - e) Calculation of weekly waste and recyclable volumes.
  - f) The path of access for both users and collection vehicles.
  - g) Demonstrate how all collection vehicles can enter and exit the premises in a forward direction. Vehicles must not reverse from the site at any time.
  - h) Measures to manage and minimise noise, odour and litter.
  - i) Recognition that a private contractor (not Council) will be responsible for waste collection and that vehicles can collect waste in a safe manner without causing nuisance to surrounding residents.
48. This permit will expire if one of the following circumstances applies:
- a) The use and development is 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.
  - d) The plan for removal and variation of the easement is not certified within two years of the date of this permit.

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- e) The registration of the removal and variation of the easement is not completed within five years from the date of certification of the plan of removal and variation of easement.

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires, or within six months afterwards (for a request to extend the time to commence the development) or twelve months after the permit expires (for a request to extend the time to complete the development).

**NOTES:**

- The proposed development requires the construction of a crossover. Separate approval under the Road Management Act for this activity may be required from VicRoads. Please contact VicRoads prior to commencing any works.
- 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.
- Council's waste collection vehicles will not enter any allotment to collect bins.
- 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.
- Relevant permits, including but not limited to a road opening permit will be required from Council prior to development.
- The proposed vehicle crossing must have clearance from other services, public light poles, street sign poles, other street furniture and any traffic management devices.