

**Appendix 6 – Notice of Decision to Grant (Conditions)**

Notice of Decision to Grant a planning permit is recommended to be issued subject to the following conditions:

1. Before the use 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 main access driveway and location of all areas on-site to be used for staff and patron parking.
  - b. The provision of a building permit for Building 19 (Hayshed) to satisfy condition 2, bushfire emergency plan to satisfy condition 3 and acoustic report to satisfy condition 5.
  - c. The provision of the various plans required to satisfy condition 6 and a report by a suitably qualified Road Safety Auditor to satisfy condition 40.
2. Before the use starts, a Private Building Surveyor (PBS) will need to be appointed by the land owner(s) to review Building 19 (Hayshed) and will be required to issue a building permit for the change of use to a group accommodation. The permit for the change of use must be submitted to the Responsible Authority.

**Country Fire Authority (Condition 3)**

3. Before the development is occupied or the use commences, a bushfire emergency plan (BEP) to the satisfaction of the Responsible Authority and CFA must be submitted to and endorsed by the Responsible Authority. The BEP must clearly describe the proposed emergency management arrangements and should address the following matters:
  - a. Premises details
    - Describe property and business details.
    - Identify the purpose of the BEP stating that the plan outlines procedures for:
      - i. **Closure of premises** on any day with a Fire Danger Rating of Code Red or Extreme in Central District.
      - ii. **Evacuation** (evacuation from the site to a designated safer off-site location).
      - iii. **Shelter-in-place** (remaining on-site in a designated building).
  - b. Review of the BEP
    - Outline that the plan must be reviewed and updated annually prior to the commencement of the declared Fire Danger Period.
    - Include a *Version Control Table*.
  - c. Roles & Responsibilities
    - Detail the staff responsibilities for implementing the emergency procedures in the event of a bushfire.
  - d. Emergency contact details
    - Outline organisation/position/contact details for emergency services personnel

- e. Bushfire monitoring procedures
  - Details the use of radio, internet and social networks that will assist in monitoring potential threats during the bushfire danger period.
  - Describe and show (include a map) the area to be monitored for potential bushfire activity.
- f. Action Statements – trigger points for action
  - i. Prior to the Fire Danger Period
    - Describe on-site training sessions and fire equipment checks.
    - Identify maintenance of bushfire protection measures such as vegetation management (including implementation of protection measures required by any endorsed Bushfire Management Plan).
  - ii. Closure of premise during forecast Fire Danger Rating of Code Red or Extreme.
    - Outline guest notification procedures and details of premises closure (including timing of closure).
  - iii. Evacuation
    - Identify triggers for evacuation from site. For example, when evacuation is recommended by emergency services.
    - Details of the location/s of the offsite emergency assembly location.
    - Transport arrangements for staff and guests.
  - iv. Shelter-in-place
    - Show the location and describe the type of shelter-in-place.
    - Triggers for commencing the shelter-in-place option.
    - Procedures for emergency assembly in the shelter-in-place building.
- 4. The use of the land for a function centre and group accommodation uses, must at all times be used in association with the use of the land for agricultural purposes to the satisfaction of the Responsible Authority (camping and glamping are not ancillary to the permitted uses and require their own permit).
- 5. Any access to the uses hereby permitted must be from the existing access points on Diggers Rest-Coimadai Road, and no access is permitted from Cornwall Park Court.
- 6. Before the use commences, an assessment of noise emissions must be undertaken by a suitably qualified acoustic consultant and noise attenuation measures must be undertaken to ensure noise generated by the use cannot be heard from any neighbouring dwelling including its verandah, all to the satisfaction of the Responsible Authority. The attenuation measure must also include a noise limiting system to ensure compliance with SEPP N-2. When approved, the report will be endorsed and will then form part of the permit.
- 7. Before the use commences, the following plans must be provided to the satisfaction of Responsible Authority once approved, the plans will be endorsed and will then form part of the permit:
  - a. An Aboriginal Cultural Heritage Sensitivity Management Plan that has systems in place to ensure that any person/s entering the land, person/s using the land or persons forming part of the approved use of the land cannot and will not enter any area of Aboriginal Cultural Heritage Sensitivity. This plan must include:

- i. Types of signage, fencing and or restrictive practices used to ensure that this does not occur.
  - ii. A site plan showing where these areas are.
- b. Site Layout Plan that includes the following:
  - i. Coordinates of a proposed mown and dust free Helipad Area.
  - ii. A proposed fire safe emergency assembly area.
  - iii. Provision of an alternate emergency access gate to the site, or 2 points of entry and exit.
  - iv. Protection of native vegetation and drainage lines / waterways and areas of Aboriginal Cultural Heritage Sensitivity.
  - v. Food van or outdoor food preparation / serving area.
- c. Waste Management Plan that includes the following:
  - i. The location of major and minor storage receptacles / bins.
  - ii. A schedule of how and when the smaller receptacles will be emptied into larger receptacles during the event.
  - iii. The total required receptacles.
  - iv. The locations of receptacles on a map including the provision of a minor receptacle located every 50 metres around the main attraction areas and at the beginning of the car parking areas.
- d. Environment Management Plan that includes the following:
  - i. A notation that no person, item, waste receptacle, vehicle is to enter within 200 metres of a waterway traversing the land.
  - ii. An hourly security patrol of these areas to ensure environmental damage does not occur.
  - iii. A water tanker present for the duration of the event(s).
- e. Security Management Plan that provides the following:
  - i. A minimum of 2 security staff must be dedicated to patrolling the property boundary to surrounding Roads and properties at all times during the course of event.
- f. External Traffic Management Plan that provides the following:
  - i. Approvals granted for external site and traffic management.
  - ii. How patrons will be enforced to not park on neighbouring lands and roads, or on native vegetation.
- g. Internal Traffic Management Plan and Car Parking Plan that provides the following:
  - i. Traffic marshals placed no more than 75 metres apart.
  - ii. A plan of how the parking areas will be filled up systematically to ensure maximum efficiency and safety.
- 8. The layout of the use as shown on the endorsed plans must not be altered without the prior consent of the Responsible Authority.
- 9. The group accommodation must not be used as a normal place of residence.
- 10. The use must operate in accordance with the management plans endorsed at all times to the satisfaction of the Responsible Authority. Any improvements that the Responsible Authority feels is necessary must be implemented within a reasonable timeframe.

11. The entire use must be contained within the land in the areas shown on the endorsed plans, and must only be used by patrons of the event(s) to the satisfaction of the Responsible Authority.
12. At all times during the operation of the use, there must be present on the premises a person over the age of 21 years who is responsible for ensuring that the activities on the premises and the conduct of persons attending the premises do not have a detrimental impact on the amenity of the locality to the satisfaction of the Responsible Authority (referred to in this permit as 'the Manager'). The Manager must be authorised by the operator under this permit to make statements at any time on his/her behalf to any officer of the Responsible Authority, any officer of the Victoria Police, any officer of the Victorian Commission for Gambling and Liquor Regulation authorised under section 129 of the Liquor Control Reform Act 1998 or any other authorised officer and to take action on his/her behalf in accordance with a direction by such officer.
13. Any use of the land must be managed so that the amenity of the area is not detrimentally affected:
  - a. By the transport of materials, goods or commodities to or from the land;
  - b. By the inappropriate management of the use;
  - c. By the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste and storm water runoff, waste products, grit or oil;
  - d. By the presence of vermin;
  - e. By the parking of vehicles or attendance by person to the land and area; and
  - f. In any way as determined by the Responsible Authority.
14. On the request of the Responsible Authority, a report must be submitted that includes a copy of an Analysis and Review report, which, without limitation, assesses the following aspects of the requested functions such as:
  - a. Compliance with, and suitability of, the permit conditions and all management plans prepared for the function centre;
  - b. Actions taken to repair and remediate roads and any damage caused by the functions;
  - c. Security incidents;
  - d. The effectiveness of the control of litter;
  - e. Any damage to the land and adjacent land; and
  - f. Any rehabilitation of the land required.
15. Patrons must not be permitted into the land for the purpose of attending functions outside of the days specified in condition 17.

16. No more than 150 patrons plus event staff are permitted in Building 13 (Function Centre Building) or on the land in areas approved for the function centre use at any one time unless otherwise agreed in writing by the Responsible Authority.
17. Should the car parking areas be filled, no further patrons may be allowed on the site and entrance ways must be blocked to ensure the site is not over used.
18. The use can only operate between the hours of:
  - a. Monday to Thursday 8:30 am to 8:30 pm.
  - b. Friday to Saturday 10:00 am to 11 pm.
  - c. Sunday 10:00 am to 8:30 pm.
  - d. Public holidays 10:00 am to 8:30 pm (overrides 19. a.)

The hours must not be varied, changed or extended without the written consent of the Responsible Authority. (Other requirements may need to be met to comply with EPA legislation.)
19. The approved use of the land for a function centre and group accommodation must always be used in association with agriculture and must cease if the use of the land for agriculture ceases.
20. The operators of the permitted uses must ensure that they notify and ensure patrons of the function centre/ group accommodation to exit the site quietly, so as to not disturb neighbouring properties and roads. This shall include a sign in a prominent location within the car park so that it can be easily seen by patrons leaving the site (particularly at night time).
21. Patron numbers must be monitored during the event check-in process to ensure that the maximum number of patrons permitted is not exceeded. Information which records patron numbers that have attended the event(s) on the site must be made available upon request to the satisfaction of the Responsible Authority.
22. No individual campfires or cooking is to occur outside of the function centre building or area permitted by the Responsible Authority upon the operator's request, which must be made at least 14 days prior to the event. Alternatively, ongoing approval may be granted for a food van or cooking area.
23. The serving and consumption of food and drinks must be confined to the function centre building or area approved for such as shown on the endorsed plan.
24. Adequate provision must be made for the storage and collection of garbage, bottles and other solid wastes in bins or receptacles to the satisfaction of the Responsible Authority.
25. All bins and receptacles used for the collection and storage of garbage, bottles and other solid waste must be kept in an area screened from view to the satisfaction of the Responsible Authority and must be emptied and disposed of off-site weekly.
26. All bins and receptacles must be maintained in a clean and tidy condition and be free from offensive odour.

27. Litter must not be unlawfully deposited beyond the boundaries of the premises to the satisfaction of the Responsible Authority. Where litter is detected outside of the land, every effort must be made to ensure this is appropriately removed and disposed of.
28. Disposal of wastewater must be controlled to the satisfaction of the Responsible Authority and all toilet / sanitary facility waste must be suitably disposed of. Where portable type units are used, they must be located so that they can be pumped out during an event if required. An adequate amount of toilets / sanitary facilities must be provided to cover the potential number of attendees and toilet facilities are to be located away from food storage and food service areas and away from any dams or waterways to the satisfaction of the Responsible Authority.
29. No external sound amplification equipment or loud speakers are to be used for the purpose of non-safety related announcements, broadcasts, playing of music or similar purpose.
30. A public address system must be installed within the function centre area and building to advise patrons of any emergency situation on the land to the satisfaction of the Responsible Authority.
31. Noise levels emanating from the premises must not exceed those required to be met under State Environment Protection Policy (Control of Music Noise from Public Premises), No. N-2.
32. Noise generated from the use hereby permitted must not be audible at any other dwelling on adjacent land to the satisfaction of the Responsible Authority.
33. The event(s) must be managed to ensure that the parking of all vehicles associated with the function centre is confined within the designated parking areas shown on the endorsed plan, and no parking is to be permitted outside of the event boundary (including within any road reserves in the surrounding area) to the satisfaction of the Responsible Authority.
34. Patron vehicles once parked within the event site may not move throughout the site unless the vehicle is exiting the site and ushered by traffic marshals. If patrons are entering / exiting the land traffic marshals must be present to ensure that all vehicles park systematically and are safely moved out of a parking area and directed along the internal access ways to exit the land to the satisfaction of the Responsible Authority.
35. Access to the areas of land used for the function centre must be given to all authorities including the Responsible Authority and to any emergency services at all times without hindrance, and the owner, occupier and function management must provide such irrevocable consent to the Responsible Authority in writing within 7 days of the use commencing, allowing for access to occur at all times during the setup, running of and completion of any suspected function in the opinion of the Responsible Authority or other Authorities.

**Council's Traffic & Transport Department (Conditions 35-39)**

36. Before the use starts, the areas set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:

- a. Paved with crushed rock or gravel of adequate thickness as necessary to prevent the formation of potholes and depressions according to the nature of the sub-grade and the vehicles which will use the areas.
- b. Adequately drained.
- c. Marked to indicate each car space and all access lanes to the satisfaction of the Responsible Authority.

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

37. Before the use starts, the car park design must be proof-checked by a suitably qualified Road Safety Auditor for all users including pedestrians, cyclists, public transport users and vehicles. All recommendations must be applied to the car park design and constructed accordingly. A copy of the report must be provided to the Responsible Authority. All pedestrian access to buildings must be designed and constructed to comply with the Disability Discrimination Act.
38. All car parking spaces must be designed to allow all vehicles to drive forwards both when entering and leaving the property.
39. A minimum of 1 per 50 car spaces must be provided for the exclusive use of disabled persons. The car spaces must be provided as close as practicable to a suitable entrance of the building and must be clearly marked with a sign to indicate that the spaces must only be utilised by disabled persons. The dimensions of the disabled car spaces must be in accordance with the current Australian standards, AS 2890.6.
40. Before the use starts, all conditions provided by VicRoads are to be addressed and implemented in relation to access to the arterial road network.

**VicRoads (Conditions 40-41)**

41. Access is limited to the sealed accessway on the approved plans to the satisfaction of the Responsible Authority and VicRoads.
42. Informal accessways from the sealed driveway to Diggers Rest-Coimadai Road requires treatment to avoid the use of these informal accessways, to the satisfaction of the Responsible Authority and VicRoads.

**Council's Environment & Sustainability Department (Conditions 42-50)**

43. The Bushfire Emergency Plan must address defendable space requirements for bushfire protection in accordance with the Melton Planning Scheme. The Bushfire Management Plan must detail native vegetation required to be removed to achieve defendable space requirements for each of the dwellings to be used as group accommodation.
44. Before any future development/works, 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 form part of this permit. The plans must clearly show:
  - Native vegetation proposed to be removed to create defendable space around each dwelling to be used for group accommodation;

- Native vegetation permitted to be removed under exemptions in the Melton Planning Scheme (such as clause 52.12; Bushfire Protection: exemptions);
  - Native vegetation that must be retained and protected;
  - Location of vegetation protection fencing – refer to condition 45.
45. Before any future development/works commences, a fence must be erected along the vehicular access and parking area to protect indigenous trees to be retained. This fence must protect the trees by demarcating the Tree Protection Zone and must be erected in accordance with the *Australian Standard for Protection of Trees on Development Sites* (AS4970; 2009) - at a radius of 12 × the diameter at a height of 1.4 metres to a maximum of 15 metres but no less than 2 metres from the base of the trunk of the tree, unless otherwise specified by a qualified arborist (with certificate 5 in arboriculture/horticulture). The fence must be constructed of star pickets/ chain mesh/ or similar to the satisfaction of the Responsible Authority.
- a. The fence must remain in place throughout the development to the satisfaction of the Responsible Authority.
- b. Except with the written consent of the Responsible Authority, within the Tree Protection Zone, the following are prohibited:
- Trenching or soil excavation
  - Storage or dumping of any soils, materials, equipment, vehicles, machinery or waste products
  - Parking of vehicles or machinery
  - Entry and exit pits for underground services
  - Any other actions or activities that may result in adverse impacts to retained native vegetation.
46. Before any future development/works commences, an Environmental Management Plan (EMP) must be prepared and the EMP must be endorsed by the Responsible Authority. The EMP must be implemented to the satisfaction of the Responsible Authority. The EMP must include (where applicable):
- Contractors working on the site must be inducted into an environmental management program;
  - A Vegetation Protection Plan (conditions 43-45);
  - Proposed working hours;
  - Haulage routes to the site;
  - Methods of dust suppression;
  - Sediment control and gross pollutant management;
  - Procedures to ensure that no significant adverse environmental impacts occur as a result of the development;



- Location of stockpiling, machinery wash down, lay down, storage and personnel rest areas and vehicle exclusion areas;
  - A Weed Management Plan, including (not limited to):
  - Protocols for management of weeds before, during and post works
  - All vehicles, earth-moving equipment and other machinery must be cleaned of soil and plant material before entering and leaving the site to prevent the spread of weeds and pathogens
  - All declared noxious weeds must be controlled
  - All weed infestations resulting from soil disturbance and/or the importation of sand, gravel and other material must be controlled
  - All construction stockpiles and machinery must be placed away from areas supporting native vegetation to be retained and watercourses/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 works (including the removal of native vegetation);
  - 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);
  - Water run-off must be designed to ensure that native vegetation to be protected on adjacent sites and watercourses are not compromised; and
  - Non-compliance must be rectified immediately to the satisfaction of the Responsible Authority and at no cost to Council.
47. No environmental weeds are to be planted (refer to Melton City Council's *Gardens for Wildlife Booklet* (2018) and the Department of Environment, Land, Water and Planning's *Advisory list of Environmental Weeds in Victoria* (DELWP 2018; Arthur Rylah Institute for Environmental Research technical Series Report Number 287).
48. Pruning of indigenous trees must only be undertaken by a suitably qualified arborist (Level 5) and be carried out in accordance with *Australian Standard 4373 – 2007 Pruning of Amenity Trees* to the satisfaction of the Responsible Authority. The use of an excavator, backhoe, bulldozer blade or loader to trim branches of trees is not permitted.
49. Pruning of indigenous trees must only be < 1/3 of the tree canopy, unless an exemption applies to the removal of the tree in the Melton Planning Scheme.
50. A suitably qualified arborist (Level 5) must be on-site during all works within the Tree Protection Zones of trees to be retained to ensure all efforts are taken to avoid impact on the root zones, to monitor root damage and carry out any amelioration to disturbed roots.
51. Prior to the removal or lopping of any tree, the tree must be examined by a suitably qualified zoologist with relevant permits. If native fauna species are located, they must be salvaged and relocated on site.

**Council's Environmental Health Department (Conditions 51-55)**

52. The applicant will be required to install or alter an all-waste on-site waste water system to the requirements of Council's Environmental Health Unit and satisfaction of the Responsible Authority. The system must be installed, operated and maintained in accordance with the Environment Protection Authority's current edition of the Code of Practice – Onsite wastewater management and the Australia New Zealand Standard AS/NZS 1547:2012 – On-site wastewater management.
53. Prior to any development the applicant shall apply for a Permit to Install/ Alter a Septic Tank in accordance with Part IXB of the Environment Protection Act 1970. The application is available by contacting the Environmental Health Unit.
54. If the sewer becomes available, the premises must be connected within 3 months.
55. All food businesses selling, storing, handling or preparing food from fixed, mobile or temporary premises must be registered under the Food Act 1984.
56. All temporary accommodation must be registered under the Public Health and Wellbeing Act 2008.
57. This permit will expire if one of the following circumstances applies:
  - (a) The use is not started within two years of the date of this permit.
  - (b) 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 six months afterwards.

**Notes**

- No serving of liquor must be permitted in Building 13 without the granting of a separate town planning permit by Council.
- Refer to exemptions under Clause 52.12 (Bushfire protection: exemptions) for exemptions to create defendable space around buildings used for accommodation.
- Waste water associated with the event on the land must be treated and disposed of in accordance with the relevant State Environment Protection Policy under any Environment Protection Act.
- The applicant must ensure that all itinerant food vendors on the land have Food Act Registration and have submitted a Statement of Trade in advance for the applicable event dates to the satisfaction of the Responsible Authority.