

Item 12.9 - Planning Application PA PA2014/4641 - Use and development of the land for the purpose of restricted retail, trade supplies, landscape gardening supplies, office, convenience restaurant and food and drink premises, creation of access to a road in a Road Zone (Category 1) and variation of particular provision requirements related to loading and unloading, service station, car wash and bicycle facilities, all with associated car parking and landscaping, and removal of native vegetation At 24 High Street, Melton

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Plans

1. Before the 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 layout plan addressing and complying with pedestrian, landscaping, delivery vehicle access and routes, car park lighting and other requirements in Council's Off-street Car Parking Guidelines.
 - b) A revised cross-section for the internal road from the traffic signals to Council's satisfaction.
 - c) Additional pedestrian paths within the car park to Council's satisfaction.
 - d) Landscape treatment though out the car park areas of the site in accordance with Councils Off-street Car Parking Guidelines.
 - e) Deletion of car parking spaces at the rear of the restricted retail 02 building and replacement with full size landscape beds for canopy tree planting in accordance with Councils Off-street Car Parking guidelines.
 - f) A secondary pedestrian entrance to the rear of the restricted retail 02 building.
 - g) Deletion of all proposed signage from elevation plans, which do not form part of this planning permit.
 - h) Detailed floor plans of all buildings showing the uses of each room.
 - i) All waste storage areas must be recessed into the built form and employing appropriate screening and landscape treatments to minimize visual impacts on surrounds.
 - j) 103 Bicycle parking spaces in locations to Council's satisfaction.
 - k) Extension of landscaping buffer adjacent the northern boundary to the Melton Highway frontage.
 - l) Detailed landscaping plan must be prepared by a suitable landscape professional, that must show:
 - i. Details of surface finishes of pathways and driveways;
 - ii. 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;
 - iii. Landscaping and planting within all open areas of the site;
 - iv. All species selection must be to the satisfaction of the Responsible Authority;
 - v. Increase landscape setback to minimum 5m along the Melton Highway / High Street frontage and along the northern boundary in accordance with the Melton Industrial Design Guidelines;

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- vi. Landscaping within the road reserve to Council's satisfaction, including the relocation of trees for the Rotary Club and the associated plaques.
- m) Detailed amended colour/material elevations to be provided to Council satisfaction with changes including (but not limited to):

Service Station

- i. Activate the Service Stations key interfaces by relocating the facilities Convenience Restaurant Component to a location occupying the entire western side of the building and incorporate extensive large scale glazing and canopy treatments along the restaurants northern, western and southern boundaries.

This could be achieved through flipping the layout of the building and incorporating requested additional fenestration and articulation treatments.

- ii. Relocate the two waste storage areas from the southern side to the eastern side of the building to ensure that this service area is not visible from the internal connector road.
- iii. Incorporate additional larger scale fenestration (glazing) on the buildings eastern elevation to assist in activating and providing surveillance to the internal service road.
- iv. Incorporate additional complimentary (subtle) colours and finishes to assist in breaking up expansive sections of single coloured rendered finishes on the buildings eastern, southern and northern elevations to better articulate and to create visual interest.

Workshop

- v. Incorporate additional complimentary (subtle) colours / finishes and large scale fenestration treatments (glazing) to assist in breaking up expansive sections of single coloured rendered finishes on the buildings southern and northern elevations to better articulate and to create visual interest.
- vi. Incorporate additional complimentary (subtle) colours / finishes, larger scale fenestration (glazing) and canopy treatments to area adjacent to the main entry on the building western elevation, to reinforce the prominence of the entry and building sense of address.
- vii. Amend northern elevation to show entry door.

Convenience Restaurants (Two)

- viii. Incorporate additional larger scale fenestration (glazing) treatments on the western and southern elevations of both buildings in areas adjacent south west corner to provide additional activation and surveillance of internal service roads.
- ix. Amend floor plans to show canopy areas on southern side of buildings.

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Restricted Retail

- x. Incorporate additional height on the buildings corners and in the centre to assist in modulating the building roof form to create a better sense of articulation and reduce impressions of building bulk.
- xi. Incorporate additional complimentary (subtle) colours / finishes and large scale fenestration treatments (glazing) to assist in breaking up expansive sections of single coloured rendered finishes on the buildings southern and northern elevations to better articulate and to create visual interest.
- xii. Incorporate additional complimentary (subtle) colours / finishes and larger scale fenestration (glazing treatments to area adjacent to the rear entry on the buildings eastern elevation, to reinforce the prominence of the entry and building sense of address.

Restricted Retail 02 Premises

- xiii. Incorporate additional rear entry on the eastern elevation of the building to provide alternative access to large rear car parking area. Ensure rear entry incorporates larger scale fenestration (glazing) and canopy treatments to reinforce the prominence of the entry and building sense of address.
 - xiv. Incorporate additional large scale fenestration treatments (glazing) to assist in breaking up expansive sections of single coloured rendered finishes and to provide additional amenity to staff room areas on the buildings eastern elevation.
 - xv. Incorporate additional complimentary (subtle) colours / finishes to assist in breaking up expansive sections of single coloured rendered finishes on the buildings eastern elevation to better articulate and to create visual interest.
 - xvi. Incorporate additional large scale fenestration treatments (glazing) to assist in breaking up expansive sections of single coloured rendered finishes on the northern section of buildings western elevation to create a better sense of building articulation and to create visual interest.
2. The development as shown on the endorsed plan(s) must not be altered without the written consent of the Responsible Authority.

Engineering

- 3. Prior to the development commencing, a stormwater management strategy must be submitted and approved by Melbourne Water and Council.
- 4. Stormwater discharge must be retarded to pre-development flows, meet stormwater quality best practice requirements and be consistent with the approved Stormwater Management Strategy. Construction of drainage works must be completed prior to commencement of any development works.

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5. The intersection of the Access Road and the Melton Highway shall be located to the satisfaction of VicRoads and Council and constructed to the satisfaction of the both Authorities. The intersection works must be fully completed and functional prior to Practical Completion of civil works of the Access Road.
6. A shared path must be constructed along the extent of the development boundary in Melton Highway and High St and connect to existing paths to the satisfaction of the Responsible Authority. Detailed engineering plans must be submitted and approved by the Responsible Authority prior to construction works commencing. The shared path must be constructed prior to the commencement of use or occupancy within the development, whichever comes first or applies.
7. Prior to the commencement of any works, detailed engineering plans for the east-west, 4 lane road, including road plans, landscape plans, other ancillary plans and associated documents must be submitted and approved by the Responsible Authority. The plans must comply with Council's Engineering Design and Construction Manual to the satisfaction of the Responsible Authority.
8. Prior to the commencement of any building works, the east-west, 4 lane road must be fully constructed (including ancillary works and landscaping) to the satisfaction of the Responsible Authority and vested in Council at no cost to Council.
9. 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.
10. Before the development 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 Responsible Authority.
11. The amount of hydrocarbon and other oil based contaminants discharged to Council drains must not exceed 5 parts per million.
12. Stormwater must not be discharged from the land other than by means of an underground pipe drain discharged to Council's maintained legal point of discharge.
13. 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 driveways

to the satisfaction of the Responsible Authority.

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

14. Car parking spaces must be provided for the exclusive use of disabled persons to the satisfaction of the Responsible Authority. 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.
15. Any proposed vehicle crossing must be constructed to an industrial standard in accordance with Council's Standard Drawings.
16. All pedestrian access to buildings must be designed and constructed to comply with the Disability Discrimination Act. It must also comply with Council's Off-street Car Parking Guidelines.
17. Civil and landscape works must be fully constructed and completed to the satisfaction of the Responsible Authority prior to the commencement of any use or occupancy, whichever comes first or applies.
18. All civil and landscape works within the land must be maintained by the land owner to a standard and regularity that is to the satisfaction of the Responsible Authority.
19. All existing conditions affected by the development works must be reinstated at no cost and to the satisfaction of the Responsible Authority.

Use

Service Station

20. Any trailers hired from the site to be stored within the service station area of the subject site.

Workshop / Motor Vehicle Repairs

21. The use of the workshop / motor vehicle repairs must be wholly located within the building, and no works or storage of any goods or materials are to be undertaken / located outside the building including in the surrounding car park areas.

Waste Management Plan

22. Prior to the commencement of development, a waste management plan must be submitted to and approved by the Responsible Authority. If municipal collection is not possible, an on-site waste collection must be arranged and managed by the property's owners corporate and to the satisfaction of the Responsible Authority.

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General

23. Unless otherwise agreed or as shown on the endorsed plans, mechanical / air-conditioning services excluding solar panels are not to be installed on the roof of the building.
24. 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 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.

Landscaping

25. Before the development starts or by such later date as is approved by the Responsible Authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
26. 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.
27. Prior to the commence of works, detailed landscape plans must be submitted and approved by the Responsible Authority showing the landscaping in the road reserve adjoining the site.

The plans must show the relocation and reinstatement of the existing trees and associated Rotary Plaques to a location on the Road Reserve to the satisfaction of the Responsible Authority in consultation with the Rotary Club.

Environment

28. Prior to the removal of any native vegetation, vegetation to be removed must be clearly marked on site in accordance with the approved plan. The Responsible Authority must inspect the vegetation prior to removal.
29. In order to offset the removal of 0.933ha of native vegetation, the applicant must provide an offset that meets the following requirements, and is in accordance with the permitted clearing of native vegetation – biodiversity assessment guidelines and the native vegetation gain scoring manual:

The offset must:

- a) Contribution a gain of 0.849 general biodiversity equivalence units.
- b) Be located within the Port Phillip & Western Port Catchment Boundary.
- c) Have a strategic biodiversity score of at least 0.666.

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30. Before any native vegetation is removed, evidence that an offset has been secured must be provided to the satisfaction of the Responsible Authority. This offset must meet the offset requirements set out in this permit and be in accordance with the permitted clearing of native vegetation – biodiversity assessment guidelines and the native vegetation gain scoring manual. Offset evidence can be either:
 - a) A security agreement, to the required standard, for the offset site or sites, including a 10 year offset management plan.
 - b) A credit register extract from the Native Vegetation Credit Register.
31. All earthworks must be undertaken in a manner that will minimise soil erosion and adhere to Construction Techniques for Sediment Pollution Control, EPA, 1991.
32. 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.
33. 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.
34. Environmental weeds as referred to in the Advisory List of Environmental Weeds of the Inland Plains Bioregions of Victoria must not be planted on the subject land.

General

35. Construction activities must be managed 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) 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.

Section 173 Agreement

36. The Section 173 Agreement required in accordance with Condition 39 of this planning permit must be entered into prior to the commencement of works.

Before the use and/or development starts, application must be made to the Registrar of Titles to register the Section 173 agreement on the title to the land under Section 181 of the Act.

The landowner under this permit must pay the reasonable costs of the preparation, execution and registration of the Section 173 agreement

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VicRoads

37. Before the use approved by this permit commences, the following road works on Keilor-Melton Road must be completed at no cost to and to the satisfaction of the Road Corporation:
 - a) Left in / left out crossover mid way between the Gateway and the Melton Highway/High Street roundabout; and
 - b) Left in only on the northern corner of the site to provide access to the proposed petrol station.
38. Separate consent for works within the road reserve and the specification of these works is required under the Road Management Act. For the purposes of this application the works will include provision of:
 - a) Left in / left out crossover mid way between the Gateway and the Melton Highway/High Street roundabout; and
 - b) Left in only on the northern corner of the site to provide access to the proposed petrol station.
39. For the construction of the signalised intersection of Keilor-Melton Road (opposite the Gateway) the applicant must enter into a Section 173 Agreement with VicRoads and Council for the funding, timing and construction arrangements. The Roads Corporation legal costs are to be paid in full by the applicant.
40. The crossover and driveway for the proposed access points detailed above are to 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 commence of the use hereby approved.
41. Prior to the commencement of use hereby approved, the access lanes, driveways, crossovers and associated works must be provided and available for use and be:
 - a) Formed to such levels and drained so that they can be used in accordance with the plan.
 - b) Treated with an all weather seal or some other durable surface.
42. A scaled functional layout plans showing the three proposed access points to the development on Keilor-Melton Road including features such as pavement, kerb/shoulders, line marking, power poles, trees and other road furniture within 100m of the proposed access. The functional layout plan must also demonstrate how all the proposed accesses fit into, operate and interact with Keilor-Melton Road. This must include any required turning movements into or out of the three proposed access points.
43. The submission of swept path analysis for the appropriate design vehicle for all movements associated within all the proposed access points, including how the largest design vehicle that could be reasonably anticipated to use the site may enter and exit the development in a forward direction.

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Public Transport Victoria

44. Before the development starts, or other time agreed in writing with Public Transport Victoria, amended plans to the satisfaction of Public Transport Victoria 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) A pedestrian path connecting the new footpath on the eastern (development) side of the Melton Highway/High Street roundabout with the existing footpath on the western side. The width and design must be to Council's specifications and *Disability Discrimination Act* (DDA) 1992 compliant.
45. Before the occupation of the development the footpath works, as shown on the endorsed plans, must be constructed at a cost born by the permit holder to the satisfaction of Public Transport Victoria an deemed compliant with the *Disability Discrimination Act* (DDA) 1992.
46. The permit holder must take all reasonable steps to ensure that disruption to bus operation is kept to a minimum during the construction of the development. Foreseen disruptions to bus operations and mitigation measures must be communicated to Public Transport Victoria fourteen (14) days prior.

Expiry

47. This permit will expire if one of the following circumstances applies:

- The development is not commenced within two years of the date of this permit.
- The development is not completed within four years from the date of this permit.
- The use is not commenced within five years of the date of this permit.

In accordance with Section 69 of the Planning and Environment Act 1987, an application may be submitted to the Responsible Authority for an extension of the periods referred to in this condition.

Notes:

- All drains contained within the allotment, except in drainage easements or assets vested ultimately to Council, must remain the property of the landowners and must not be taken over by Council for future maintenance.
- All vehicle pathways contained within the allotment, except road assets vested ultimately to Council, must remain the property of the landowners and must not be taken over by Council for future maintenance.
- Consent of works may be required from the Road or Services Authorities.
- 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.