

**Appendix 9 – Notice of Decision to Grant (Conditions) - dated 18 November 2019**

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

1. Before the use and development commences three (3) copies of amended layout plans 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 generally in accordance with the plans submitted with the application but modified to show:
  - a. Changes required by Country Fire Authority (Condition 46) contained in this permit.
  - b. Detailed construction plans in accordance with the recommendations in the approved geotechnical report.
2. Before the development starts, a geotechnical report prepared by a suitably qualified and experienced geotechnical engineer 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 report must identify:
  - (a) The locations on the Land in which the risk of land subsidence is lower and recommend design, construction and on-going mitigation and maintenance measures to mitigate risk within tolerable levels.
  - (b) That the author of the geotechnical report has the qualifications and experience of a 'suitably qualified and experienced geotechnical practitioner'.
3. Before the use starts or occupation of the development starts, certification of the completed development must be submitted by a suitably qualified and experienced geotechnical engineer.
4. 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, Harkness Road section required to be spray sealed, the drainage plans, signage and line marking plans, pavement design plans and, where applicable, street lighting plans.
5. Before the use or occupation of the development starts, the constructed section of Harkness Road from the northern boundary of the Arnolds Creek estate to a point 10 m north of the vehicle entrance to the subject land must be spray sealed in accordance with plans and specifications submitted to and approved by the Responsible Authority. The spray seal must be maintained to the satisfaction of the Responsible Authority.
6. Any detailed design of buildings or works or measures relating to the use in the recommendations of the approved acoustic report must at all times be complied with to the satisfaction of the Responsible Authority and any works must be carried and completed before the use starts.
7. In the event that on-site car parking becomes insufficient and causes a nuisance to surrounding land, additional car parking must be provided on the site, to the satisfaction of the Responsible Authority within three months or a request in writing by the Responsible Authority.
8. Before the use or occupation of the development 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.
- d. to the satisfaction of the Responsible Authority.

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

9. The use and development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
10. Worship or prayer sessions must comply with the following provisions:
  - a. Except with the written consent of the Responsible Authority, no worship or prayer sessions must be conducted outside the following times:

Monday to Friday	
• Morning	5 am to 6.30 am
• Afternoon	12.30 pm to 2 pm
• Evening	5 pm to 8 pm
• Night	8.30 pm to 10.30 pm
Saturday and Sunday	
• Morning	5 am to 6.30 am
• Afternoon	10.30 am to 3 pm
• Evening	5 pm to 8 pm
• Night	8.30 pm to 10.30 pm
  - b. Except with the written consent of the Responsible Authority, there must be no more than one worship or prayer session in each time period specified in paragraph (a).
  - c. Except with written consent of the Responsible Authority, each worship prayer session must not exceed 45 minutes.
  - d. Despite, paragraphs (a), (b) and (c), worship or prayer sessions may be conducted at any time between 7 am to 11 am on two days in each calendar year when the holidays know as Eid Al- Fitr and Eid Al-Adha are celebrated.
11. Not more than 60 persons may be present on the premises at any one time without the written consent of the Responsible Authority.
12. All landscaped gardens and planting as shown on the endorsed plan must be maintained to the satisfaction of the Responsible Authority and must not be used for any other purpose.
13. Vehicles under the care, management or control of the operator of the use, including staff and patron vehicles must not be parked in any nearby roads or road reserve.
14. No nuisance or annoyance must be caused by the operation of the use to persons beyond the site.

15. No external sound amplification equipment or loud speakers are to be used for the purpose of announcement, broadcast, playing of music or similar purpose.
16. 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.
  - e. or in any other way.All to the satisfaction of the Responsible Authority.
17. 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.
18. 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.
19. Any detailed design of buildings or works or measures relating to the use in the recommendations of the noise assessment prepared by Marshall Day Acoustics dated 3 June 2019 must at all times be complied with to the satisfaction of the Responsible Authority and any works must be carried out and completed before the use starts.
20. External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the Responsible Authority.
21. No polluted and / or sediment laden runoff is to be discharged directly or indirectly into Melbourne Water's drains or watercourses.

**The following must be undertaken to the requirements and the satisfaction of Council's Environmental Health (Condition 22):**

22. Apply for an installation of a waste water treatment system.

**The following must be undertaken to the requirements and the satisfaction of Council's Engineering Services Unit (Conditions 23- 31):**

23. Storm water drainage from any proposed development shall be directed to a point 18m downslope from the building for disposal.
24. All car parking spaces must be designed to allow all vehicles to drive forwards both when entering and leaving the property. (Note that turning templates will need to be provided to Council for verification).
25. Any proposed vehicle crossing must be constructed to industrial standard in accordance with Council's Standard Drawings. A road-opening permit shall be obtained from Council prior to construction.
26. Any proposed vehicle crossings must have clearance from public light poles, street sign poles, other street furniture, trees and any traffic management devices.
27. All pedestrian access to buildings shall be designed and constructed to comply with the Disability Discrimination Act.
28. 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.
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 works affected by the development works shall be reinstated at no cost and to the satisfaction of the Responsible Authority.
31. 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.

**The following must be undertaken to the requirements and the satisfaction of Council's Environmental Services Unit (Conditions 32 - 44):**

32. Prior to the commencement of any works, the permit holder must advise all persons undertaking the works on site of all relevant conditions of this permit.
33. Before works start, a native vegetation protection fence must be erected around all patches of native vegetation and trees to be retained on site. Fencing must be erected in accordance with the *Australian Standards for protection of trees on development sites: AS4970:2009*. This fence must be erected around the patch of native vegetation at a radius of 12 x the diameter at a height of 1.3 metres to a maximum of 15 metres but no less than 2 metres from the base of the trunk of all indigenous trees. Fencing must include No-Go zone signage and 'tree protection zone' signage. The fence must be constructed of star pickets/chain mesh/or similar to the satisfaction of the Responsible Authority. The fence must permanent in nature and remain in place throughout construction and the use of the development to the satisfaction of the Responsible Authority.
34. 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. All other actions or activities that may result in adverse impacts to retained native vegetation.
35. Native vegetation on the roadside must not be lopped, destroyed or removed when installing the entrance treatment. The entrance must be sited at least five metres from the canopy of the nearest tree.
36. Native vegetation on the land must not be damaged, lopped, trimmed or destroyed, except with the written consent of the Responsible Authority through a planning permit application.
37. 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.
38. All weed infestations resulting from soil disturbance and/or the importation of sand, gravel and other material used in the construction process must be controlled.
39. The endorsed Land Management Plan must be implemented in full to the satisfaction of the Responsible Authority (Land Management Plan: 171-197 Harkness Road, Melton West; Ecology and Heritage Partners, 2019). A Monitoring Report must be submitted to and approved by the Responsible Authority at 1, 5 and 10 years from commencement of the Land Management Plan (commencement date of 2019). The monitoring report must summarise progress on completion of management actions outlined in the Land Management Plan. Any noncompliance identified in the Monitoring Report or by the Responsible Authority must be rectified immediately at no cost to Council.
40. Lighting must be designed so that light does not spill onto the adjacent Melton Gilgai Woodland Conservation Reserve.
41. Any construction stockpiles, fill and machinery must be placed away from native vegetation, drainage lines/waterways and the Melton Gilgai Woodlands Conservation Reserve to the satisfaction of the Responsible Authority.
42. 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) or updated versions.
43. Before works start, a Construction Environmental Management Plan (CEMP) must be prepared and the CEMP must be endorsed by the Responsible Authority. The CEMP must be implemented to the satisfaction of the Responsible Authority. The CEMP must include:
- a. Contractors working on the site must be inducted into an environmental management program for construction work;
  - b. Any native vegetation permitted to be removed must be clearly marked on site;
  - c. A Vegetation Protection Plan (Conditions 33-34);
  - d. Proposed working hours;

- e. Haulage routes to the site;
  - 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. Location of stockpiling, machinery wash down, lay down, storage and personnel rest areas and vehicle exclusion areas;
  - j. Protocols for management of weeds before, during and post works, including:
    - I. 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;
    - II. Location of a designated washdown area to achieve the above;
    - III. All declared noxious weeds must be controlled;
    - IV. All weed infestations resulting from soil disturbance and/or the importation of sand, gravel and other material must be controlled;
  - k. 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;
  - l. 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;
  - m. Water run-off must be designed to ensure that native vegetation to be protected on adjacent sites and watercourses are not compromised; and
  - n. Non-compliance identified by the Responsible Authority must be rectified immediately at no cost to Council.
44. 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).

**The following must be undertaken to the requirements and the satisfaction of Country Fire Authority (Conditions 45 - 46):**

45. The bushfire mitigation measures forming part of this permit or shown on the endorsed plans, including those relating to construction standards, defendable space, water supply, and access, must be maintained to the satisfaction of the responsible authority and the relevant fire authority on a continuing basis. This condition continues to have force and effect after the development authorised by this permit has been completed.

46. Bushfire Management Plan

Before the development starts a bushfire management plan must be submitted to and endorsed by the Responsible Authority. The plan must show the following bushfire mitigation measures, unless otherwise agreed in writing by the CFA and the Responsible Authority:

- a) Defendable Space

Show an area of defendable space for a distance of 40 metres around the proposed building where vegetation (and other flammable materials) will be modified and managed in accordance with the following requirements:

- Grass must be short cropped and maintained during the declared fire danger period.
- All leaves and vegetation debris must be removed at regular intervals during the declared fire danger period.
- Within 10 metres of a building, flammable objects must not be located close to the vulnerable parts of the building.
- Plants greater than 10 centimetres in height must not be placed within 3m of a window or glass feature of the building.
- Shrubs must not be located under the canopy of trees.
- Individual and clumps of shrubs must not exceed 5 sq. metres in area and must be separated by at least 5 metres.
- Trees must not overhang or touch any elements of the building.
- The canopy of trees must be separated by at least 5 metres.
- There must be a clearance of at least 2 metres between the lowest tree branches and ground level.

b) Construction Standard

Nominate a minimum Bushfire Attack Level of BAL – 12.5 that the building will be designed and constructed.

c) Water Supply

Show 10,000 litres of effective water supply for fire fighting purposes which meets the following requirements:

- Be stored in an above ground water tank constructed of concrete or metal.
- Have all fixed above ground water pipes and fittings required for firefighting purposes made of corrosive resistant metal.
- Include a separate outlet for occupant use.
- Be readily identifiable from the building or appropriate identification signage to the satisfaction of the relevant fire authority.
- Be located within 60 metres of the outer edge of the approved building.
- The outlet/s of the water tank must be within 4 metres of the accessway and unobstructed.
- Incorporate a separate ball or gate valve (British Standard Pipe (BSP 65 millimetre) and coupling (64 millimetre CFA 3 thread per inch male fitting).
- Any pipework and fittings must be a minimum of 65 millimetres (excluding the CFA coupling)

d) Access

Show the access for fire fighting purposes which meets the following requirements:

- All weather construction.
- A load limit of at least 15 tonnes.
- Provide a minimum trafficable width of 3.5 metres

- Be clear of encroachments for at least 0.5 metre on each side and at least 4 metres vertically.
- Curves must have a minimum inner radius of 10m.
- The average grade must be no more than 1 in 7 (14.4 per cent) (8.1 degrees) with a maximum of no more than 1 in 5 (20 per cent) (11.3 degrees) for no more than 50m.
- Dips must have no more than a 1 in 8 (12.5 per cent) (7.1 degrees) entry and exit angle.

47. 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.

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

- 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 Council consents, including but not limited to a 'Consent to work with a road reserve' will be required from Council prior to development.
- 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.
- Melbourne Water - Preliminary land and flood level information available at Melbourne Water indicates that the subject property is subject to overland flooding from Arnolds Creek. For a storm event with a 1% chance of occurrence in any one year, the applicable flood level for the property is 168.15 metres to Australian Height Datum (AHD). The proposed site of development is not subject to flooding, as it is approximately 300 metres away from Arnolds Creek.
- Country Fire Authority- Some of the bushfire protection measures have been incorporated in a plan however not all measures have been correctly shown and or referenced. The submitted bushfire management plan must only show the bushfire protection measures required.