



Form 9

Section 96J

**PLANNING PERMIT GRANTED UNDER SECTION 96I OF
THE PLANNING AND ENVIRONMENT ACT 1987**

PERMIT NUMBER:	PLN/2022/359
PLANNING SCHEME:	Macedon Ranges Planning Scheme
RESPONSIBLE AUTHORITY:	Macedon Ranges Shire Council
ADDRESS OF THE LAND:	LOT 43 including R-2, as identified on PS 549356W P/Gisborne 101-105 Willowbank Road GISBORNE
THE PERMIT ALLOWS:	Construction of buildings and associated works for a supermarket (370m ²), medical centre (452m ²), office (300m ²) and food and drink premises (two cafes – 170m ²) and a reduction in the number of car parking spaces under Clause 52.06 (Car Parking).

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

- Before the development starts, an electronic copy of amended plans must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions and generally in accordance with the plans prepared by Clarke Hopkins Clarke Ref. No. 210037 dated 10.06.2022 but modified to show:
 - A driveway separation island with maximum 70-degree angle to Brady Road with the splay outside.
 - The location of a "No right turn sign" along Brady Road.
 - The location of a rainwater tank with a minimum capacity of 10,000 litres to capture stormwater from the rooftops of the buildings for harvesting and re-use.
 - The location of a pedestrian crossing line on Brady Road.
 - The location of a stormwater detention system demonstrating a 10-year ARI post-development flow restricted to the predevelopment stage.
- The development as shown on the endorsed plans must not be altered without the written consent of the responsible authority.
- Before the development starts, three copies of a landscape plan to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plan will be endorsed and will then form part of this permit. The landscape plan must be drawn to scale with dimensions and generally in accordance with the endorsed site plan. The landscape plan must show:
 - A survey (including botanical names) of all existing vegetation to be retained and/or removed and any natural features.
 - The area or areas set aside for landscaping.

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- c) A planting schedule of all proposed trees, shrubs/small trees and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.
 - d) The location of each species to be planted and the location of all areas to be covered by grass, lawn or other surface material.
 - e) Paving, retaining walls, fence design details and other landscape works including areas of cut and fill.
 - f) An irrigation system to all landscaped areas that includes any deep-rooted trees and shrubs around the perimeter and internal to the site.
 - g) Landscaping along the eastern façade of the supermarket and northern façade of the medical centre in the form of groundcovers and vertical landscape climbers to create a 'green-wall'.
 - h) The removal of the two existing street trees in the road reserve of Willowbank Road to allow for the construction of a new crossover and to reduce any future building façade/tree conflicts.
 - i) The location of new street trees in the road reserves of Willowbank Road and Brady Road adjacent to the new development.
 - j) The street tree species selection including small to medium size at maturity to ensure no future conflicts with the building and facade.
 - k) Trees spaced at a minimum of every 10 metres and in appropriate locations. A plant schedule for proposed tree species showing a minimum supply size of a 45 litre pot and 1.6 metres in height.
 - l) The following notations:
 - *Tree planting is to occur between April and September to maximise establishment and survival.*
 - *Tree locations shown on this plan are a guide only and may require adjustment to coordinate with final service locations, Powercor requirements, and 'as constructed' infrastructure.*
 - *Before installed, street tree locations are to be set out and approved on the land by the responsible authority.*
 - *It is the responsibility of the contractor to confirm the location of all underground services before any excavation starts.*
4. Before the buildings are occupied, landscaping as shown on the endorsed landscape plans must be completed, unless approved in writing by the responsible authority, and must be maintained to the satisfaction of the responsible authority for a period of two (2) years from the practical completion of the landscaping. During this period, any dead, diseased or damaged plants or landscaped areas must be replaced or repaired during the period of maintenance and must not be deferred until the completion of the maintenance period.
 5. No more than seven (7) medical practitioners may operate from the premises at any one time without the written consent of the responsible authority.
 6. The development 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) Appearance of any building, works or materials.

- c) Emissions of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.
 - d) Presence of vermin.
7. Noise levels emanating from the premises must not exceed those required to be met under State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1 to the satisfaction of the responsible authority.
 8. All external lighting must be designed, baffled and located so as to prevent adverse effect on adjoining land to the satisfaction of the responsible authority.
 9. All exterior plant equipment located on the rooves of the buildings must be installed in a manner to be visually obscured from nearby roads, surrounding properties and acoustically treated in accordance with condition 7 to the satisfaction of the responsible authority.
 10. Before the buildings are occupied, a 2.4 metre high acoustically rated perimeter fence must be constructed along the western and southern boundaries of the site.

MRSC Engineering & Projects Conditions

11. Before the buildings are occupied, a potable water supply (rainwater tank) with a storage capacity of at least 10,000 litres must be provided for use by the development to the satisfaction of the responsible authority.
12. No polluted and/or sediment-laden run-off is to be discharged directly or indirectly into drains or watercourses.
13. Soil erosion control measures must be employed throughout the construction stage of the development to the satisfaction of the responsible authority.
14. Before works start, engineering plans detailing the stormwater drainage must be submitted and approved by the responsible authority and the plan and supervision fees paid. The plans must be drawn to scale with dimensions and show:
 - a) A drainage system for the whole of the development with a legal point of discharge approved by the responsible authority and any other statutory authority from which approval must be received for the discharge of drainage.
 - b) Stormwater runoff from all buildings, tanks and paved areas drained to a legal point of discharge.
 - c) All drainage courses or outfall drainage lines required to the legal point of discharge, and which pass through lands other than those within the boundaries that is constructed at no cost to the responsible authority.
 - d) All drainage courses contained within expressed drainage easements.
 - e) The flow paths of a 1 in 10 year ARI storm so that no private property is inundated.
 - f) The drainage system must have provision for runoff from the upstream catchments and include any downstream works necessary to manage flows from the development.
 - g) A gross pollutant trap incorporated into the drainage system.
15. Before development starts, a construction management plan must be submitted to and approved by the responsible authority. The construction management plan must show:
 - a) Measures to control erosion and sediment and sediment-laden water runoff including the design details of structures.

- b) Measures to control air emissions including dust.
- c) Measures to prevent the spread of environmental weeds and pathogens.
- d) The location of any construction wastes, equipment, machinery, and/or earth to be stored/stockpiled during construction.
- e) The location of access to the land for construction vehicle traffic.
- f) The location of any temporary buildings or yards.

The construction works on the land must be undertaken in accordance with the endorsed construction management plan to the satisfaction of the responsible authority.

16. Before the buildings are occupied, the area(s) set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be to the satisfaction of the responsible authority:
- a) Constructed.
 - b) Properly formed to such levels that they can be used in accordance with the plans.
 - c) Surfaced with an all-weather seal coat or treated to the satisfaction of the responsible authority to prevent dust and gravel from being emitted from the land.
 - d) Drained and maintained.
 - e) Clearly 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.
17. Car spaces, access lanes and driveways must be kept available for these purposes at all times to the satisfaction of the responsible authority.
18. No fewer than 57 car spaces must be provided on the land for the development including two (2) spaces clearly marked for use by disabled persons.
19. Before the buildings are occupied, two new crossovers within the road reserves of Willowbank Road and Brady Road must be constructed with a sealed surface and a driveway separation island to the satisfaction of the responsible authority.
20. Before the buildings are occupied, the driveway to the development must be constructed to meet the following requirements to the satisfaction of the responsible authority:
- a) The driveway must be constructed to a standard so that it is accessible in all weather conditions and capable of accommodating a vehicle of 15 tonnes for the trafficable road width.
 - b) The driveway must have a minimum trafficable width of 3.5 metres, be clear of encroachments 4 metres vertically and have no obstructions within 0.5 metres on either side of the formed width of the driveway.
 - c) The average grade must be no more than 1 in 7 with a maximum of no more than 1 in 5 for no more than 50 metres.
 - d) Dips must have no more than a 1 in 8 entry and exit angle.
21. Before the buildings are occupied, an environmental management plan must be submitted to and approved by the responsible authority. The plan must detail how issues such as erosion prevention, temporary drainage, dust generation, and sediment control will be managed, on-site, during the operation of the use permitted. Details of a contact person/site manager must also be provided so that this person can be easily contacted should any issues arise.

Expiry of Permit

22. This permit will expire if one of the following circumstances applies:
- a) The development is not commenced within two years of the date of this permit.
 - b) The development is not completed within four years of the date of this permit.

DRAFT

Date Issued:

Signature of the Responsible Authority: _____

OFFICIAL

IMPORTANT INFORMATION ABOUT THIS PERMIT

WHAT HAS BEEN DECIDED?

The responsible authority has issued a permit. The permit was granted by the Minister under section 96I of the Planning and Environment Act 1987 on approval of Amendment No.C153macr to the Macedon Ranges Planning Scheme.

WHEN DOES A PERMIT BEGIN?

The permit operates from a day specified in the permit being a day on or after the day on which the amendment to which the permit applies comes into operation.

WHEN DOES A PERMIT EXPIRE?

1. A permit for the development of land expires if:
 - the development or any stage of it does not start within the time specified in the permit, or
 - the development requires the certification of a plan of subdivision or consolidation under the *Subdivision Act 1988* and the plan is not certified within two years of the issue of the permit, unless the permit contains a different provision; or
 - the development or any stage of it is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit or in the case of a subdivision or consolidation within five years of the certification of the plan of subdivision or consolidation under the *Subdivision Act 1988*.
2. A permit for the use of land expires if:
 - the use does not start within the time specified in the permit, or if no time is specified, within two years after the issue of the permit, or
 - the use is discontinued for a period of two years.
3. A permit for the development and use of land expires if:
 - the development or any stage of it does not start within the time specified in the permit; or
 - the development or any stage of it is not completed within the time specified in the permit, or if no time is specified, within two years after the issue of the permit; or
 - the use does not start within the time specified in the permit, or if no time is specified, within two years after the completion of the development, or
 - the use is discontinued for a period of two years.
4. If a permit for the use of land or the development and use of land or relating to any of the circumstances mentioned in Section 6A(2) of the *Planning and Environment Act 1987*, or to any combination of use, development or any of those circumstances requires the certification of a plan under the *Subdivision Act 1988*, unless the permit contains a different provision:
 - the use or development of any stage is to be taken to have started when the plan is certified; and
 - the permit expires if the plan is not certified within two years of the issue of the permit.
5. The expiry of a permit does not affect the validity of anything done under that permit before the expiry.

WHAT ABOUT REVIEWS?

- In accordance with section 96M of the Planning and Environment Act 1987, the applicant may not apply to the Victorian Civil and Administrative Tribunal for a review of any condition in this permit.