



AMENDED PLANNING PERMIT

PERMIT NUMBER:	PLN/2010/477
PLANNING SCHEME:	Macedon Ranges Planning Scheme
RESPONSIBLE AUTHORITY:	Macedon Ranges Shire Council
ADDRESS OF THE LAND:	1-3 Station Street RIDDELLS CREEK
THE PERMIT ALLOWS:	Development of the land for a supermarket, shops and a café with outdoor advertising signage and a reduction in standard car parking requirements

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

1. Prior to the commencement of any works amended plans must be submitted to and approved by the responsible authority. Such plans are to be drawn to scale with dimensions and three copies are to be provided. When approved, such plans will be endorsed as evidence of their approval and will thereby be the endorsed plans in connection with this permit. The plans are to be generally in accordance with the plans tendered as exhibit RA5 to the Victorian Civil and Administrative Tribunal in planning review proceeding P680/2013 but modified to show:
 - (a) location of all external lighting;
 - (b) screening of air conditioning units on roofs to be depicted on all drawings of elevations;
 - (c) the west to east pedestrian link from the Lake Reserve to the town square area beside building A to be not less than 1.5m in width;
 - (d) changes to car parking layout to accord with appendices F and G attached to the written report of John Kiriakidis tendered at the said hearing before the Victorian Civil and Administrative Tribunal; and
 - (e) a landscaping/revegetation plan to be in general accordance with the Hansen plan LCD-001 dated 05/09/13 which plan is to show:
 - (i) location of planting;
 - (ii) number of species to be planted;
 - (iii) type of species to be planted including botanical name and species should be indigenous and native to the locality;
 - (iv) completion date of works;
 - (v) maintenance of the works;
 - (vi) appropriate screening to the adjacent reserve to the west;
 - (vii) Advanced trees with the ability grow to high height are to be shown on the landscaping strip on the southern boundary such trees are to be chosen from the following species list:

- messmate (*Eucalyptus oblique*)
- candle Bark (*Eucalyptus rubida*)
- narrow-leaved peppermint (*Eucalyptus radiata*)
- yellow Box (*Eucalyptus melliodora*) and

(viii) Landscaping behind building A.

2. External lighting is to be located and baffled to the satisfaction of the responsible authority to prevent adverse affect on adjoining land.
3. Unless with the written consent of the Responsible Authority, the landscaping shown on the endorsed plans must be undertaken prior to the occupation of the building(s) and thereafter maintained to the satisfaction of the responsible authority.
4. Prior to the commencement of the development Lot I PS 307526A, Lot I TP88648IX, Lot I TP 844997W, Lot I TP 844916A and Lot I TP944810K must be consolidated and a copy of the Plan of Consolidation and proof of its registration must be submitted to the Responsible Authority.
5. The following ongoing requirements must at all times be met, to the satisfaction of the Responsible Authority:
 - (a) noise generated from air conditioners or mechanical plant or such equipment must comply with the relevant State Environment Protection Policies;
 - (b) all external lighting must be designed, located and fitted with suitable baffles or otherwise to prevent the emission of direct light onto adjoining properties and the road;
 - (c) no goods or materials are to be stored or left exposed outside the building(s) so that they are visible from any public road or thoroughfare; and
 - (d) except with the consent of the Responsible Authority the loading and unloading of goods must only be carried out on the land.
6. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
7. Sediment discharges from any construction sites within the property must be restricted in accordance with Construction Techniques for Sediment Pollution Control (EPA 1991) and Environmental Guidelines for Major Construction Sites (EPA 1995).
8. The development is to be constructed to the satisfaction of the Responsible Authority in accordance with standards and requirements contained within the Policy "Macedon Ranges Engineering Requirements for Infrastructure Construction" applicable at the time of lodgement of the engineering plans.
9. The access and exit to the development from Station Street is to be constructed to the satisfaction of the Responsible Authority generally in accordance with the concepts provided in GTA Report dated September 2013 Issue A.



10. All works to Station Street, Kilmore Gisborne Road and Sutherland Road and related modifications to road surfaces including the establishment of pedestrian islands/crossings required by Macedon Ranges Shire Council and VicRoads are to be undertaken at the applicant's cost.
11. Prior to any works commencing the applicant is to provide Engineering Plans which demonstrate that the internal roadways are adequate for the circulation of all vehicles intended to access the site.
12. Not less than 179 car parking spaces are to be provided of which four are to be the dimensioned for and designated for the use of disabled motorists.
13. The shopping centre parking bays are to be limited to a maximum of 2 hour parking duration with the exception of car spaces located in vicinity of the supermarket loading dock.
14. Prior to the occupation of the development a sign to the satisfaction of the Responsible Authority is provided at the south end of the supermarket restricting the use of car spaces beyond it to staff only.
15. Prior to the occupation of the development all vehicle crossings must be constructed in accordance with the Macedon Ranges Shire Council's industrial standards to the satisfaction of the responsible authority. Crossings are to be a minimum of 10.0m from any intersection, 1.0m from any power pole, sign or service pit and a minimum of 3.0m from any street tree. The crossing must be sealed.
16. Prior to the occupation of the development all car parks and access ways are to be completed with a sealed construction and the line marking of the bays to the satisfaction of the Responsible Authority to conform to the Macedon Ranges Shire Council planning scheme dimensions.
17. Prior to the commencement of any works, a "Storm Water Drainage Plan" is to be submitted and approved by the Responsible Authority. The design is to also show how the development is to be provided with an underground drainage system within its own boundaries and such that:
 - (a) all buildings and paved areas including car parking area are provided with underground drainage and Gross Pollutant Traps;
 - (b) the drainage system must be designed to limit downstream flow to predevelopment levels;
 - (c) the development as a whole is provided 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 and all new drainage is to be connected via underground piping into Council's existing drainage network;
 - (d) all drainage courses within the development must pass through easements;
 - (e) 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 of the development must be constructed at the cost of the applicant and the applicant must secure adequate easements for such drainage to be constructed within;
 - (f) the flow paths of a 1% annual exceedance probability storm need to be determined and the development designed such that no private property is inundated by such a storm;

- (g) flow paths must be indicated on the plans; and
 - (h) the quality of the water discharged is to be in accordance with the Water Sensitive Urban Design principles.
18. A fee of 3.25% of the value of the drainage works and civil works outside the site are to be paid prior to approval of the engineering plans.
 19. Prior to occupation, the development is to be provided with a drainage system to the design approved by the Responsible Authority.
 20. Works on the road reserve or drainage assets of the council are to be undertaken and completed to the satisfaction of the responsible authority in relation to which the Responsible Authority will take into consideration in deciding whether prior asset protection permission was obtained from the council.
 21. Prior to the occupation of the development the existing footpath in Station Street is to be reinstated and a pedestrian crossing established.
 22. Prior to the occupation of the development remedial upgrade works to Station Street for the length of the property boundary are to be completed and all car spaces are to be line marked.

VicRoads

23. Vehicle access to and from the development is to be only via the access crossing to Station Street as depicted on the endorsed plans.
24. A type "CHR(S)" intersection treatment must be provided at the Gisborne-Kilmore Road/Station Street intersection in accordance with the 2009 edition of the Austroads publication, "Guide to Road Design — Part 4A: Unsignalised and Signalised Intersections". The treatment must incorporate retaining the two 3.5 (mm.) metre wide sealed through lanes and include a 3.2 (mm.) metre wide right turn lane based on Fig. 7.18 of the above publication.
25. The existing left turn pavement on Gisborne-Kilmore Road at Merrifield Street intersection must be retained and the intersection works must be constructed prior to the development coming into use.
26. The development must not proceed until a functional layout plan detailing the above intersection treatment is approved in writing by VicRoads. The limits of the functional layout must be to 100m north and 200m south from Station Street in Gisborne-Kilmore Road and to just east of Sutherlands Road in Station Street.
27. The detailed design drawings and specifications for the above required roadworks must be prepared, and the works carried out to the satisfaction of and at no cost to VicRoads.
28. The proponent must not commence any works in, on, under or over the Gisborne-Kilmore Road reserve without having first applied for and received written consent from VicRoads for those works in accordance with Section 63 of the Road Management Act 2004.



Western Water

29. Payment of new customer contributions for each separately metered property created by the development, such amount being determined by Western Water at the time of payment.
30. The owner/applicant must fund a feasibility study for the proposed water supply and sewerage services needed to serve the development.
31. During construction the existing sewer mains within the development site are to be marked and fenced to prevent damage by heavy vehicles. Crossing points over the sewer mains are to be kept to a minimum and must have a mounding treatment over the sewer mains.
32. Prior to development commencing the owner/developer is to arrange with Western Water to have the sewer mains within the development site checked with a CC TV to determine the condition of the sewer mains. Once the development is complete the sewer mains are to be checked again with a CC TV to determine if the construction works have caused any damage. The before and after CC TV work is to be carried out at the cost of the owner/developer and any damage that may have been caused to the sewer by the construction works is to be repaired or replaced at the owner/developers cost.
33. Provision of easements in favour of Western Water over all existing and proposed sewer mains located within private property. The easement must be 3.0 metres wide for combined sewer and drainage easements and 2.5m wide for a dedicated sewerage easement.
34. A Build Over Agreement is required to be entered into with Western Water for all paved concrete areas built over the sewer mains. All buildings must be located outside of the easement widths as requested.
35. Western Water requires full details of all drainage crossings and of other drainage works around Western Water's sewer mains. Western Water is to be contacted prior to drainage crossings taking place and is to be provided with a reasonable opportunity to witness the construction of the crossings.
36. All fire services and hydrant reels are to be fitted with a check meter.
37. The operator under this permit must 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 must be to the satisfaction of Western Water. The owner/applicant must make a written request to Western Water for the terms and conditions of the agreement.

Melbourne Water

38. No polluted and/or sediment laden runoff is to be discharged directly or indirectly into Melbourne Water's drains or watercourses.
39. Finished floor levels of proposed buildings must be a minimum of 600mm above the applicable flood level.
40. Any proposed roads or vehicle parking areas must have finished surface levels no lower than 350mm below the applicable flood level.

41. Prior to the issue of an Occupancy Permit, a certified survey plan, showing finished floor levels (as constructed) reduced to the Australian Height Datum, must be submitted to Melbourne Water to demonstrate that the floor levels have been constructed in accordance with Melbourne Water's requirements.
42. Any vehicular and/or pedestrian access must be designed and constructed to comply with the following safety criteria associated with the applicable flood level. (A) Depth of flow does not exceed 0.35m; (B) Velocity of flow does not exceed 1.5m/s; (C) The Depth x Velocity product does not exceed 0.35 m²/s.
43. Any earthworks must be done such that the volume of cutting within the floodplain is equivalent to or greater than the volume of filling. Prior to the commencement of works, volume calculations must be submitted to Melbourne Water demonstrating that the volume of filling does not exceed the volume of cutting.
44. Prior to the commencement of works separate application, direct to Melbourne Water, must be made for any new or modified storm water connection to Melbourne Water's drains or watercourses. Prior to accepting an application, evidence must be provided demonstrating that Council considers that it is not feasible to connect to the local drainage system. (Note: contact Asset Services on telephone 9235 1414 for Melbourne Water's connection requirements, including payment of appropriate fees).
45. Prior to the commencement of works, the Owner must enter into and comply with an agreement with Melbourne Water Corporation for the acceptance of surface and storm water from the subject land directly or indirectly into Melbourne Water's drainage systems and waterways, the provision of drainage works and other matters in accordance with the statutory powers of Melbourne Water Corporation.
46. Prior to undertaking any works on or near a Melbourne Water asset (including waterways), the contractor must be in receipt of a Melbourne Water Permit to Work. Any individual carrying out works on Melbourne Water's assets must be recipient trained.
47. Prior to commencement of construction a Site Environmental Management Plan (SEMP) must be submitted to Melbourne Water for approval, specifying relevant actions in a practical way to ensure that they are implemented effectively.
48. The SEMP must include a site map detailing the location and design of all measures including the following:
 - (a) silt fencing;
 - (b) access tracks;
 - (c) spoil stockpiling;
 - (d) trenching locations; and
 - (e) machinery/Plan Locations.
49. No buildings, works, car parking, filling or paving is permitted within 10 metres setback from the top of bank on either side of the tributary to Riddells Creek that passes by part of the eastern boundary of the land.

50. No public access to the 10 metre riparian zone on either side of the tributary to Riddells Creek that passes by part of the eastern boundary of the land.
51. Maintenance tracks a minimum of 5 metres in width must be included within the 10 metre riparian setback.
52. Prior to the development plans being endorsed and the commencement of works, a detailed landscape plan must be submitted to and approved by Melbourne Water. The plans must show:
- (a) title boundaries;
 - (b) drawing description (e.g. for planning approval only, for cost estimation only, for construction);
 - (c) toe of bank and top of bank of the tributary to Riddells Creek that passes by part of the eastern boundary of the land established by a registered licensed surveyor;
 - (d) a survey (including botanical names) of all existing vegetation to be retained and/or removed including weed species;
 - (e) details of surface finishes of any pathways, car parking and driveways;
 - (f) proposed grading and drainage design including any new or modified stormwater connections to the tributary to Riddells Creek that passes by part of the eastern boundary of the land;
 - (g) details for the proposed bank treatment including a minimum of three cross sections which extend from the toe of the bank of the tributary to Riddells Creek that passes by part of the eastern boundary of the land to the proposed, building envelope;
 - (h) details of any new and existing fencing within the floodplain;
 - (i) a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities to be planted on the land and along the riverbank with several mature trees and shrubs to be planted adjacent to the tributary to Riddells Creek that passes by part of the eastern boundary of the land to provide additional visual screening of the new development from the Waterway;
 - (j) all species should be consistent with Melbourne Water's flood valley grasses forest Ecological Vegetation Class; and
 - (k) the plans must show no new structures, impervious surfaces or non- indigenous garden beds within 10 metres from the top of the bank as specified by Melbourne Water.
53. Prior to construction commencing, a draft maintenance agreement must be submitted to and accepted by Melbourne Water for the creek corridor defining the responsibilities of Land Owner and Melbourne Water regarding maintenance.
54. Prior to the development plans being endorsed and the commencement of works, a detailed landscape management plan for the tributary to Riddells Creek that passes by part of the eastern



boundary of the land embankment and the 10 metre vegetated buffer above the top of must be submitted and approved by Melbourne Water. The management plan must specify the timeframe for the proposed landscape works (specifically outlining the staged progressive restoration of the river bank) and the proposed maintenance regime, scope of responsibility and schedule for the works.

Note: The applicable flood level for the property is 363.1 metres to Australian Height Datum (AHD).

CFA

Hydrants

55. Operable hydrants, above or below ground must be provided to the satisfaction of the Country Fire Authority.
56. The maximum distance between these hydrants and the rear of all building envelopes (or in the absence of the building envelope, the rear of all lots) must be 90m and hydrants must be no more than 120m apart.
57. Hydrants must be identified as specified in 'Identification of Street Hydrants for Firefighting purposes' available under publications on the Country Fire Authority web site (www.cfa.vic.cio.v.au)

Access Roads

58. Driveways/roads must be constructed to a standard so that they are accessible in all weather conditions and capable of accommodating a vehicle of 15 tonnes for the trafficable road width.
59. The average grade must be no more than 1 in 7 (14.4%) (8.1 degrees) with a maximum of no more than 1 in 5 (20%) (11.3 degrees) for no more than 50 metres. Dips must have no more than a 1 in 8 (12%) (7.1 degree) entry and exit angle.
60. Roads must have a minimum trafficable width of 6.4m to allow for suitable access for emergency fire fighting vehicles.
61. Driveways/roads on the site more than 60m in length must have a turning circle with a minimum radius of 10m.
62. The traffic island treatment in Station Street adjacent to the entry to the proposed development (both the centre section and the section across Station Street from the entry point) must be designed in such a way so as not to impede the passage of emergency fire fighting vehicles. The trafficable width between these two traffic island treatments must not be less than 4m and the turning curve must have a minimum radius of 7m.
63. Traffic islands provided in Station Street are to be paint only and able to be driven over.
64. Street trees in Station Street are not to be pruned, lopped or altered except with the prior consent of the responsible authority.

VicTrack

65. No drainage or effluent is to enter or be directed to railway land, unless prior approval from VicTrack has been obtained and subject to conditions set by it.
66. Prior to the commencement of works, the Applicant/Developer must submit to VicTrack, drainage design plans and specifications for the review and approval of VicTrack.
67. No waste, soil or other materials resulting from the works are to be stored or deposited on railway land.
68. Entry onto railway land is at the discretion of V/Line, the Rail Operator, and is subject to any conditions imposed by it.
69. No excavation, filling or construction is to take place on or near the common boundary with railway land without the prior approval of the Rail Operator and then on conditions set by it.
70. No works are to interfere with railway infrastructure.
71. No lighting is to be erected that throws light onto the railway tracks or interfere with the sight of train drivers.

Note: These conditions are requested to ensure that the proposed development will not disrupt rail infrastructure or services both during the construction period and on an ongoing basis. It is necessary to mitigate all risks to rail operations or assets arising from the construction of the development.

Expiry

72. This permit will expire if one of the following circumstances applies:
 - (a) The development is not commenced within three years of the date of this permit.
 - (b) The development is not completed within five years of the date of this permit.

In accordance with Section 69 of 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.

This Permit has been issued at the direction of the Victorian Civil and Administrative Tribunal – Order P680/2013, Date of Order 19 December 2014.

THIS PERMIT HAS BEEN AMENDED AS FOLLOWS:

Description of Amendment	Date of Amendment
Planning Permit PLN/2010/477 is hereby extended for a further period of two (2) years. This permit will expire if the development is not commenced by 22 December 2019 and completed by 22 December 2021.	12 December 2017

WHAT HAS BEEN DECIDED?

The Responsible Authority has issued a permit.

WHEN DOES A PERMIT BEGIN?

A permit operates:

- from the date specified in the permit, or
- if no date is specified, from:
 - (i) the date of the decision of the Victorian Civil and Administrative Tribunal, if the permit was issued at the direction of the tribunal, or
 - (ii) the date on which it was issued, in any other case.

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 5 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 APPEALS?

- The person who applied for the permit may appeal against any condition in the permit unless it was granted at the direction of the Victorian Civil and Administrative Tribunal where, in such case, no right of appeal exists.
- An appeal must be lodged within 60 days after the permit was issued, unless a Notice of Decision to grant a permit has been issued previously, in which case the appeal must be lodged within 60 days after the giving of that notice.
- An appeal is lodged with the Victorian Civil and Administrative Tribunal.
- An appeal must be made on a Notice of Appeal form which can be obtained from the Victorian Civil and Administrative Tribunal, and be accompanied by the prescribed fee.
- An appeal must state the grounds upon which it is based.
- An appeal must also be served on the Responsible Authority.
- Details about appeals and fees payable can be obtained from the Victorian Civil and Administrative Tribunal. The address of the Victorian Civil and Administrative Tribunal is 55 King Street, Melbourne, 3000. The telephone number is (03) 9628 9777. Internet www.vcat.vic.gov.au.