PO Box 151 KYNETON Vic 3444 Tel: (03) 5422 0333

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## **AMENDED PLANNING PERMIT**

PERMIT NUMBER:

PLN/2016/241/A

PLANNING SCHEME:

Macedon Ranges Planning Scheme

**RESPONSIBLE AUTHORITY:** 

Macedon Ranges Shire Council

ADDRESS OF THE LAND:

PC375471, 45-51 Aitken Street GISBORNE VIC 3437

THE PERMIT ALLOWS:

Development of a supermarket, development and use of a public car park, display of advertising signage, use of land for a licenced premises (Packaged Liquor Licence) and alteration of access to

Road Zone Category 1

#### THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

- 1. Before the development commences, three copies of 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 this permit. The plans must be generally in accordance with the plans of November 2016 and prepared by Architecture Q but modified to show:
  - a) Provisions of appropriate pedestrian links west and east of the central car park access way to service customers utilising the southern portion of the car park, in accordance with AustRoad Guidelines 2017 Guide to Traffic Management Part II: Parking.
  - b) An additional verandah form along the entire length of the Aitken Street building frontage (west elevation) to a width of 2.5m, to match the proposed verandah form along the building's southern elevation.
  - c) Stairs provided from the car park to Council's Public Open Space Reserve. Such access should occur near car parking space 69 and must be generally in accordance with the Type B Retaining Wall Image shown on the submitted plans TP06 Revision B. Stairs to be designed to comply with relevant standards to the satisfaction of the Responsible Authority.
  - d) Staff car parking space designated and all other on site car parking spaces restricted to a maximum of two hours.
  - e) Amendments required by Western Water conditions.
- 2. Before the development commences, three copies of an amended 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 landscaping plan must be generally in accordance with the landscape plan of November 2016 prepared by Architecture Q. The plan must show:
  - a) Modifications as required by Condition 1.
  - b) The two new street trees to be Quercus Palustris Pin Oak and meet the following additional requirements:
    - Tree supply size of 100L.

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Date Issued:

30 May 2017

Signature of the Responsible Authority:





PLN/2016/241/A CONDITIONS CONTINUED:

- A Council Representative to be present prior to the installation to approve final locations and supervise planting.
- Tree planting detail to be provided and to include a minimum 600mm diameter Greenwell Watersaver and three hardwood stakes
- 3. The development as shown on the endorsed plans must not be altered unless with the prior written consent of the Responsible Authority.
- 4. Prior to the occupation of the development, lots Lot 2, LP 84787 (Title Vol. 8787 Fol. 491), Lot 3, LP 84787 (Title Vol. 8787 Fol. 492) and Lot 5, PS 402075 (Title Vol. 11362 Fol. 319) as covered by this permit must be consolidated to make one allotment under the *Subdivision Act 1988*, to the satisfaction of the Responsible Authority.
- 5. Prior to the occupation of the development, a development contribution of \$15.45 (as at July 2013) per 100sqm of gross leasable floor area must be paid to the Responsible Authority in accordance with the Gisborne Development Contributions Plan, July 2013. Prior to payment of the contribution, the amount payable will be adjusted on 1 July each year in accordance with Schedule 2 of Clause 45.06 of the Macedon Ranges Planning Scheme.
- 6. Prior to the commencement of any works, the owner/s of the lots must enter into an agreement with the Responsible Authority in accordance with Section 173 of the Planning and Environment Act 1987. The agreement must provide that:
  - a) To ensure public access (vehicular and pedestrian) is guaranteed across the proposed on site car park at all times in favour of the Macedon Ranges Shire Council.
  - b) An agreed management regime for the ongoing pedestrian use of the stairs and gate to the Council Public Open Space Reserve. This will require Aldi to construct the stairs and gate to Council requirements to thereafter be maintained by Council. Aldi must maintain access to the car park from the stairs at all times.

Prior to the occupation of the development:

- a) 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 same Act.
- b) The owner/s must pay all costs (including Council's costs) associated with the preparation, execution, registration and (if later sought) cancellation of the Section 173 Agreement.
- 7. Unless with the prior written consent of the Responsible Authority, before the occupation of the development, the following must be undertaken to the satisfaction of the Responsible Authority:
  - a) The landscaping works shown on the endorsed plans must be carried out, completed and thereafter maintained to the satisfaction of the Responsible Authority.
  - b) The pedestrian stairs from the car park to the Council Public Open Space Reserve as shown on the endorsed plans must be constructed and completed to the satisfaction of the Responsible Authority.
- 8. Only those trees marked "tree to be removed" on the endorsed plans are permitted to be removed or destroyed, to the satisfaction of the Responsible Authority.
- 9. The development hereby permitted must be managed so that the amenity of the area is not detrimentally affected, through the:

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PLN/2016/241/A CONDITIONS CONTINUED:

- a) Transport of materials, good 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.
- 10. 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.
- 11. Goods must not be stored or left exposed outside the building so as to be visible from any public road or thoroughfare, to the satisfaction of the Responsible Authority.
- 12. The loading and unloading of goods from vehicles, and the delivery of goods to and from the premises, must, at all time, be carried out entirely within the site and be conducted so as to not disrupt the circulation and parking of vehicles on the land, to the satisfaction of the Responsible Authority.

## **Engineering and Major Projects**

- 13. Prior to the commencement of works, an "Asset Protection Permit" must be obtained from Council for any of the following circumstances:
  - a) Entering a building site by means of a motor vehicle having a gross weight exceeding two tonnes.
  - b) Occupying
  - c) Connecting any land to a stormwater drain.
  - d) Opening, altering or repairing a road.
  - e) Opening, altering or repairing a drain.
  - f) Accessing a building site from a point other than a crossover
- 14. Prior to the commencement of works, a Construction Management Plan must be submitted to and approved by the Responsible Authority. The management plan must show:
  - a) Measures to control erosion and sediment and sediment laden water runoff including the design details of structures.
  - b) Dust control.
  - c) Where any construction wastes, equipment, machinery and/or earth is to be stored/stockpiled during construction.
  - d) Where access to the site for construction vehicle traffic will occur.
  - e) The location of any temporary buildings or yards.

Development works on the land must be undertaken in accordance with the endorsed Construction Management Plan to the satisfaction of the Responsible Authority.

15. Prior to the commencement of use, the development is to be provided with a drainage system to a design approved by the Responsible Authority and such that:

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PLN/2016/241/A CONDITIONS CONTINUED:

- a) The development as a whole is provided with 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) All outfall drains 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 no cost to the Responsible Authority.
- c) Stormwater runoff from all buildings, tanks and paved areas must be drained to a legal point of discharge.

Detailed construction plans for the above works must be submitted to and approved by the Responsible Authority including payment of plan checking and supervision fees.

- 16. Prior to the commencement of use, the areas set aside for the parking of vehicles and access driveways as shown on the endorsed plans must be:
  - a) Constructed in concrete or asphalt to the satisfaction of the Responsible Authority.
  - b) Properly formed to such levels that they can be used in accordance with the plans.
  - c) Drained and maintained.
  - d) Line marked to indicate each car space and all access lanes.
  - e) Clearly marked to show the direction of traffic along access lanes and driveways.

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

- 17. Prior to the commencement of use, the following 'as-constructed' documentation for road, drainage and public open space assets must be submitted to and approved by the Responsible Authority:
  - a) As-constructed drawings in hardcopy A3 format that include all alterations made during construction.
  - b) As-constructed drawings in AutoCAD (2000) and Acrobat PDF formats that include all alterations made during construction.
  - c) Asset information in digital format and in the form of a schedule of quantities.
- 18. The development is to be constructed in accordance with Macedon Ranges Shire Council's Policy Engineering Requirements for Infrastructure Construction (June 2010).
- 19. No polluted and/or sediment laden run-off is to be discharged directly or indirectly into drains or watercourses. Soil erosion control measures must be employed throughout the development works in accordance with Construction Techniques for Sediment Pollution Control (EPA 1991) and Environmental Guidelines for Major Construction Sites (EPA 1995) to the satisfaction of the Responsible Authority.

### VicRoads

- 20. Prior to the development hereby approved by this permit comes into use:
  - a) Detailed design plans must be submitted to and approved by the Roads Corporation. The plans must be drawn to scale with dimensions and copies must be provided to the Roads Corporation.

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Date Issued:	30 May 2017	Signature of the Responsible Authority:	



PLN/2016/241/A CONDITIONS CONTINUED:

The plans must be generally in accordance with the approved functional layout (Drawing Number 16038112, Dated 18 October 2016) with the following inclusions:

- i. A pavement arrow at the entry to the one-way service road and immediately north of the proposed Aldi crossover on the one-way service road;
- ii. A cut-thru for pedestrians shown in the line marking on the Aldi crossover; and
- iii. All footpath alterations to be DDA compliant.
- b) Upon the approval of detailed design stage layout, a 'Detailed Design Stage' Road Safety Audit (RSA) must be submitted to the Roads Corporation for approval. The RSA must be undertaken by an independent VicRoads pre-qualified audit team and be conducted in accordance with AustRoads Guide to Road Safety Part 6 Road Safety Audit (2009).

When the detailed engineering layouts are approved, an additional copy must be submitted to the Roads Corporation. The detailed engineering plans for roadworks must be amended to address any issue raised in the Road Safety Audit to the satisfaction of the Roads Corporation and the Responsible Authority prior to the approval of the plans.

- c) The following roadworks must be completed to the satisfaction of and at no cost to the Roads Corporation:
  - i. The reconstruction of the one-way service road:
  - ii. The alteration of the;
  - Shared path:
  - Crossover to 19 Hamilton Street (the Telegraph Hotel);
  - Line marking for the car parks.
  - iii. Trimming or removal of the street tree north of the crossover to 19 Hamilton Street.
  - iv. The installation of all signs;
  - v. Extension of the central median on the Gisborne-Melton Road (Aitken Street).
  - vi. The removal of the three crossovers made redundant by the proposal and the reinstatement of the kerb and channel.

#### Melbourne Water

- 21. Perimeter fencing may be erected along the eastern boundary of number 49 and 51 Aitken Street if it is visually permeable, to encourage an open public connection and site lines with the waterway reserve.
- 22. Pollution and sediment laden runoff shall not be discharged directly or indirectly into Melbourne Water's drains or waterways.
- 23. 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.
- 24. Prior to commencement of works, a Site Environmental Management Plan (SEMP) must be submitted to Melbourne Water for approval. The SEMP must include a site map detailing the

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Date Issued: 30 May 2017 Signature of the Responsible Authority:



PLN/2016/241/A CONDITIONS CONTINUED:

location and design of all measures to mitigate impact on the South Gisborne Drain during construction (e.g. sediment and pollution control):

- Silt fencing and sediment control
- Access tracks
- Spoil stockpiling
- Machinery/Plant locations
- Exclusion fencing around native vegetation/ habitat.

#### Western Water

- 25. Any unused sewer connection point and water tapping must be cut and sealed at the developer's expense and to the satisfaction of Western Water.
- 26. All sewer manholes must be raised to finished surface level and where located within a trafficable area have its cover replaced with a heavy duty manhole cover.
- 27. No trees must be planted within the sewerage easement without Western Water's prior written consent.
- 28. The owner of the land must enter into a Buildover Agreement with Western Water relating to the design and construction of any buildings, works or plantings within one metre of a Western Water asset. The owner shall make a written request to Western Water for the terms and conditions of the agreement.
- 29. The operator under this permit shall be obliged to 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 shall be to the satisfaction of Western Water. The owner/applicant shall make a written request to Western Water for the terms and conditions of the agreement.

## Expiry

- 30. 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.
  - c) The use is not commenced within two years of the completion of the development.

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.

31. This permit expires 15 years from the date of issue for all signage.

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PLN/2016/241/A CONDITIONS CONTINUED:

### Permit Notes:

- Separate consent for works within the road reserve and the specifications of these works is required under the Road Management Act. Please contact VicRoads prior to the commencement of works on the arterial road reserve.
- Future owners of the land must be made aware of the existence of this permit.

## THIS PERMIT HAS BEEN AMENDED AS FOLLOWS:

Description of Amendment	Date of Amendment
This Planning Permit PLN/2016/241 is hereby extended for a	8 March 2019
further period of two (2) years as follows:	
The development must now be commenced by the 30 May	,
2021.	
The development must now be completed by the 30 May 2025.	
The use is not commenced by 30 May 2027.	
The planning permit preamble has been amended in	19 February 2020
accordance with Section 71 of the <i>Planning and Environment</i>	
Act 1987 to include specific liquor licence.	
Endorsed plans amended to allow for revised site, elevation,	19 February 2020
signage details, landscape and liquor plans.	

Date Issued: 30 May 2017 Signature of the Responsible Authority:

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# The Responsible Authority has issued a permit. WHEN DOES A PERMIT BEGIN?

A permit operates:

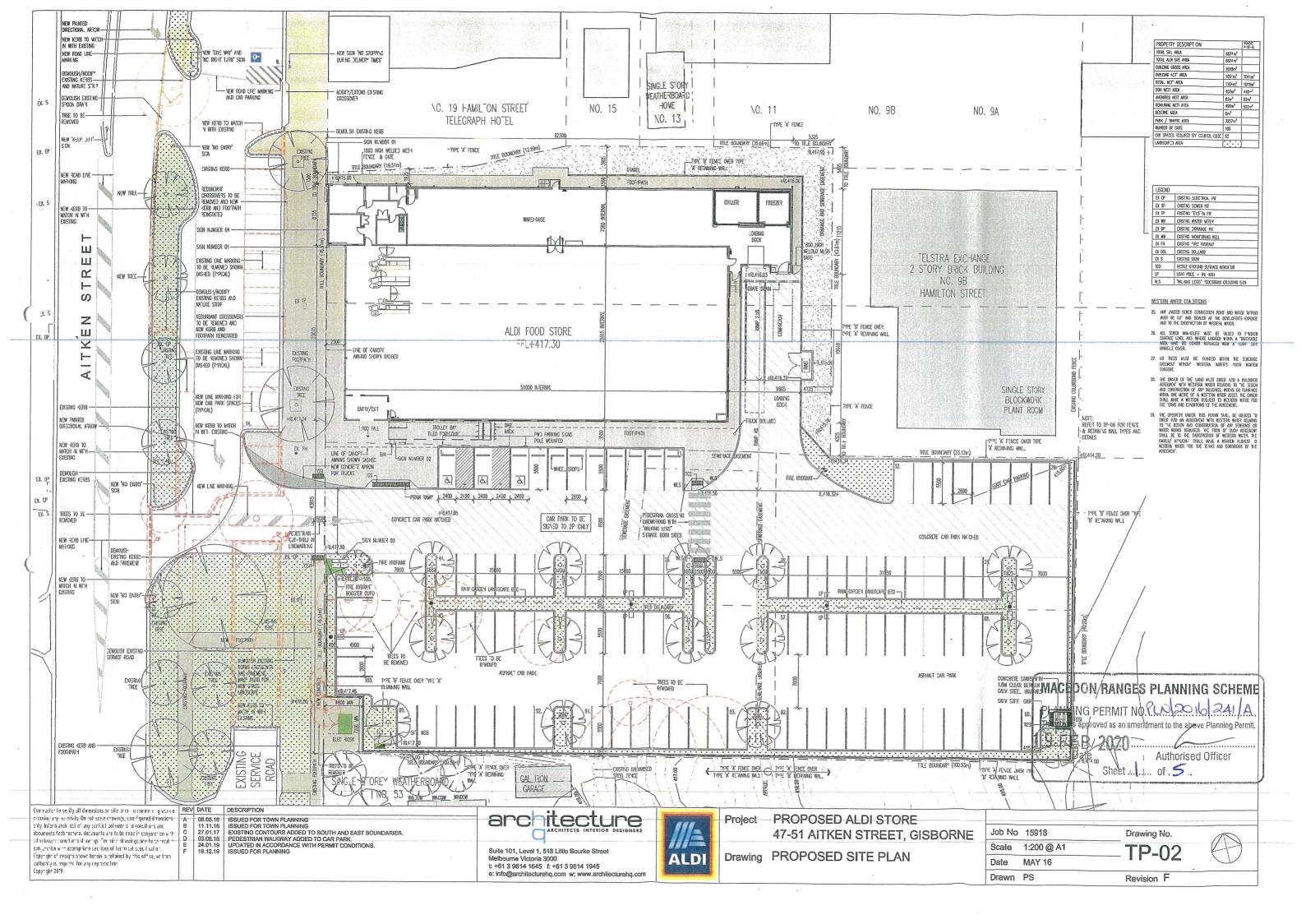
- from the date specified in the permit, or
- if no date is specified, from:
  - (i) the date of the decision of the Victorian Civil and Administrative Tribunal, if the permit was issued at the direction of the tribunal, or
  - (ii) the date on which it was issued, in any other case.

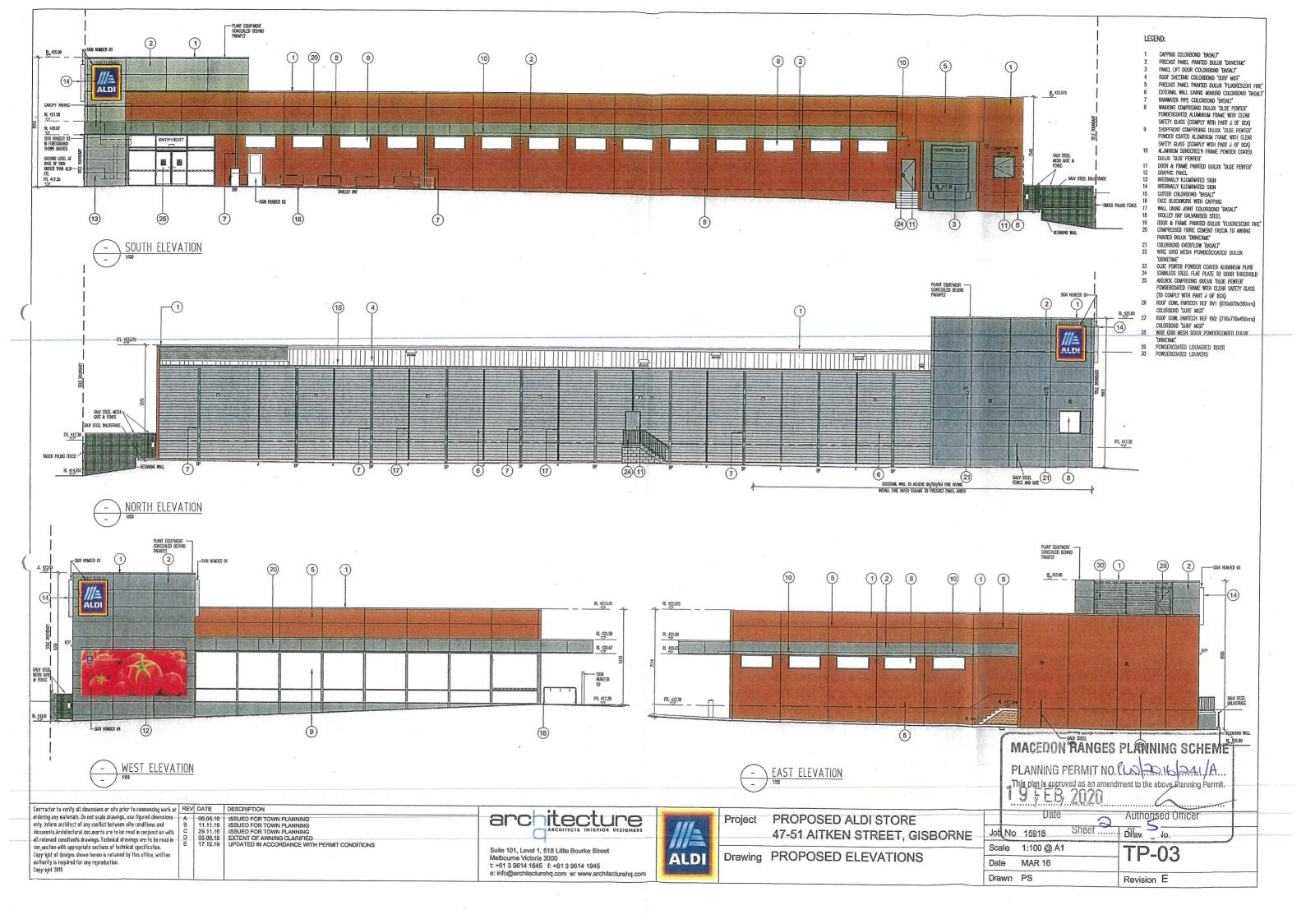
#### WHEN DOES A PERMIT EXPIRE?

- 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.

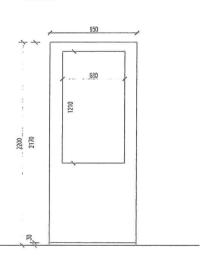






SIGN NUMBER 01 SIGN TYPE 'G1'

CESCRIPTION
WALL MOUNTED INTERNALLY ILLUMINATED LIGHT BOX
2400 (h) x 2009 (w) x 266mm (c)
SINGLE SIDED



SIGN NUMBER 02 SICN 'DISPLAY BCARD'

DESCRIPTION

2700 (¬) x 950 (w) x 160mm (d)

SIMMLESS SILEL DISPLAY BOX WITH

1210 x 680mm DICITAL SCREEN



SIGN NUMBER 03 SIGN TYPE 'P2SP'

DESCRIPTION
POLE MOUNTED INTERNALLY ILLUM NATED LIGHT BOX
2400 (b) x 2000 (w) x 450mm (d)
DOUBLE SIDED
CAR PARK\* (UNDERSION 350 (b) x 2000mm (w)
DOUBLE SIDED

SIGNAGE SC	HEDULE		
SIGN NUMBER	SIGN TYPE	LOCATION	DIMENSION
SIGN NUMBER 01	G1	NORTH, SOUTH & WEST ELEVATIONS	2000(w)

CANDE\_AS PER SCM ) x 2400(h) x 266mm(c) 250 CC/SCW SIGN NUMBER 02 DISPLAY BCARD SOUTH ELEVATION, ADJACENT TO 950(w) x 2000(h) x 160 mm(d) N/A CAR PARK ENTRY ON WESTERN BOUNDARY 2000(w) x 2400(h) x 450mm(c) 25C CD/SOM WEST ELEVATION SIGN NUMBER 04 NOM. 7000(w) x 3000(h) 112 CD/SQM

Good different.

SIGN NUMBER 04 SIGN TYPE 'ELIK'

DESCRIPTION
WALL MOUNTED GRAPHIC (DIGITAL IMAGE ON VINY). MOUNTED TO ACM PANELS) 3000 (h) x 7003mm (w)
LLUMNATED BY LED. LICHTING PELMET MOUNTED ON
WALL ABOVE

MACEDON RANGES PLANNING SCHEME

PLANNING PERMIT NO. PUN 2016 241/A This plan is approved as an amendment to the above Planning Permit.

Authorised Officer
Sheet ...3... of ...5..

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11.11.16 18.12.19

architecture

Suite 101, Level 1, 518 Little Bourke Street Melbourne Victoria 3000 t: +61 3 9614 1645 f: +61 3 9614 1945



Project PROPOSED ALDI STORE 47-51 AITKEN STREET, GISBORNE

Drawing PROPOSED SIGNAGE DETAILS

Job No	15918	Drawing No.
Scale	1:20 @ A1	TP-04
Date	MAR 16	
Drawn	PS	Revision C

