

# PLANNING PERMIT

Permit No: **P164/17**  
 Planning Scheme: **Mansfield Planning Scheme**  
 Responsible Authority: **Mansfield Shire Council**

ADDRESS OF THE LAND: **140 High Street, Mansfield 3722 being Lot 13 PS618349**

THE PERMIT ALLOWS: **Use and development of land for a service station; display of business identification signage; and creation of access to a Road Zone Category 1**

## THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

### Amended plans required

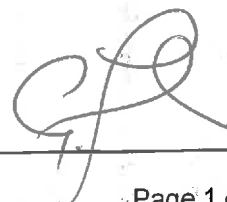
1. Before the development starts, amended plans must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and two copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
  - a) The western façade of the building articulated with windows.
  - b) Deletion of the existing and proposed fencing on the western boundary between the front of the site (the north-western corner) and the rear wall of the proposed convenience store building.
  - c) A 2.0m high black mesh fence along the western boundary, between the south-west corner of the site and the south-west corner of the proposed convenience store building.
  - d) The northern and western exterior walls of the proposed convenience store building constructed from natural materials comprising timber, local stone, rammed earth or other earth-based materials. Brick is not acceptable.
  - e) Timber bollards between the proposed building and the forecourt.
  - f) The inclusion of solar panels on, at least, the canopy.
  - g) The Landscaping Plan required by Condition 14.
  - h) Relocation of the air and water bay from within the front setback to the rear of the site.
  - i) Provision of a loading bay.
  - j) Provision of a grassed seating area in the south-western corner of the site.
  - k) The dwellings located on residential blocks south of the southern boundary.
  - l) Screening to the 8,000 litre gas tank at the rear of the site.
  - m) Amendment to the site plan to amend the notation relating to the illuminated freestanding sign within the front setback to read 6 metres in total height.

### Endorsed Plan – Use and Development

2. The use and development must be in accordance with the endorsed plans forming part of this permit and must not be altered without the prior written consent of the Responsible Authority.

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## THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

### Engineering Conditions

#### Access

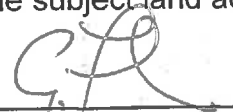
3. Access to the property must be via locations approved by the Responsible Authority.
4. Crossings must be constructed to be in accordance with standard drawing SD250 of the Infrastructure Design Manual (refer [www.designmanual.com.au](http://www.designmanual.com.au)) to the satisfaction of the Responsible Authority. Suitable edge barriers and delineation must be provided over the culverts.
5. The existing crossing to the court bowl to the west must be removed and the disturbed area reinstated with topsoil and seed to the satisfaction of the responsible authority.

#### Drainage

6. Drainage plans and computations must be submitted to, and approved by the responsible authority prior to the commencement of any works. The drainage plans must show;
  - a) Crossover culverts suitably designed to be of flow capacity no less than the existing drainage channel.
  - b) Drainage computations.
  - c) Unobstructed overland flow or suitable overland flow paths demonstrating no adverse effects to surrounding areas.
  - d) An on-site treatment facility designed to capture runoff and remove suspended solids (silt, sand, gravel etc) and petrochemicals prior to the water entering the drainage infrastructure network. On site treatment may take the form of rain gardens, silt/gross pollutant trap, grease traps or other approved facility.
  - e) All stormwater drainage discharge from the site connected to the approved point of discharge.
  - f) All levels in AHD (Australian Height Datum).
7. The whole of the subject land, including any landscaped and paved areas, must be graded and drained to the satisfaction of the responsible authority so as to prevent the discharge of stormwater causing damage/nuisance from the subject land across

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## THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

any road or footpath or onto adjoining land. All stormwater storage tanks must have the overflow pipe connected to the legal point of discharge.

8. Stormwater from non-active work areas must not be discharged from the subject land other than by means of an underground pipe drain to a Council nominated point of discharge in a road or to an underground pipe drain and the drainage system must be designed to the requirements and satisfaction of the relevant Building Surveyor.
9. No stormwater is permitted from leaving active work areas from within the site. These must be directed into the sewer system, under a Trade Waste agreement with the water authority.
10. An interceptor trap must be installed to catch all oil and grease wastes. The interceptor trap must be installed to the satisfaction of Goulburn Valley Water.

### **Asset Protection**

11. Any damage to Council managed assets such as roads & stormwater infrastructure, must be repaired at the cost of the developer to the satisfaction of the responsible authority
12. All construction and ongoing activities must be in accordance with sediment control principles outlined in 'Construction Techniques for Sediment Pollution Control' (EPA, 1991).

\*\*\*END OF ENGINEERING CONDITIONS\*\*\*

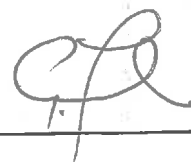
### **Environmental and Amenity Conditions**

#### **Site Environmental Management Plan**

13. Before the commencement of works, a Site Environmental Management Plan for the entire site must be approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be developed in accordance with EPA Victoria Publication 275 *Construction techniques for sediment pollution control*.

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## THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

### Landscape Plans

14. Before the development starts a landscape plan 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 and three copies must be provided. The plans must show:

- a) A detailed planting schedule of all proposed trees, shrubs and groundcovers, including botanical names, common names, pot sizes, sizes at maturity and quantities of each plant.
- b) The plant schedule should reference the *Revegetation Guide for the Goulburn Broken Catchment* as published by the Goulburn Broken Catchment Management Authority.
- c) The proposed design features such as paths, paving, lawn and finished surfaces.
- d) Medium-sized shrubs/trees along the site frontage, the rear southern boundary, the eastern boundary, and the western boundary between the south-west corner and the proposed convenience store.
- e) Low-growing shrubs between the western wall of the convenience store and the western boundary.
- f) Means of watering the landscaped areas.

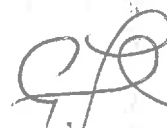
Landscaping in accordance with this approved plan and schedule shall be completed before the building is occupied or the use commences and thereafter maintained to the satisfaction of the Responsible Authority.

### Maintenance

15. The landscaped areas shown on the endorsed plans must be maintained in a proper, tidy and healthy condition to the satisfaction of the Responsible Authority. Should any tree or shrub be removed or destroyed it must be replaced by a tree or shrub of similar size and variety to the satisfaction of the Responsible Authority.

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## THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

### Watering

16. The landscaped areas shown on the endorsed plans must be provided with an appropriate irrigation system and such system must be used and maintained to the satisfaction of the Responsible Authority.

### Street trees

17. Before development commences the applicant must pay (an amount to be determined by the Parks and Gardens Supervisory) to the Responsible Authority for the removal and replacement of the existing street tree(s). This amount will be determined in accordance with Councils current policy for the removal of street tree(s).
18. The Responsible Authority, or a contractor or agent engaged by the Responsible Authority, must undertake the removal and replacement of the street tree(s). Any replacement planting will be at the discretion of the Responsible Authority.

### Amenity

19. The amenity of the area must not be detrimentally affected by the use or development through the:
- transport of materials, goods and commodities to or from the land.
  - appearance of any buildings, works or materials.
  - emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, waste water, waste products, grit or oil.
  - presence of vermin.

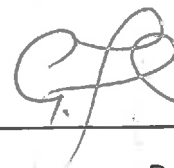
to the satisfaction of the Responsible Authority.

### External Materials

20. The external materials of the buildings including the roof must be constructed in materials of muted colours. No materials having a highly reflective surface shall be used. For the purposes of this condition 'highly reflective' shall include unpainted aluminium, zinc or similar materials.

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**THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:****Hours of Operation**

21. The use for a service station may only operate between the hours of 6am to 12 midnight, 7 days a week.
22. Loading and delivery activities must only be undertaken between the hours of 7am – 8pm Monday to Friday inclusive and 9am – 7pm Saturday and Sunday inclusive.

**Rubbish Storage**

23. The storage of goods or materials in conjunction with the use or development shall to the satisfaction of the Responsible Authority:
- a) Be carried out in a manner so as to prevent the exposure to view from any adjacent premises or from any public place of any unsightly matter.
  - b) Be stored so as to not become visually obtrusive on the site.

**Loading and unloading**

24. Loading and unloading of vehicles and delivery of goods and merchandise and the like to and from the premises must be carried out within the land as it is shown on the endorsed plan and be conducted as to cause minimum interference with other vehicular traffic. The loading bay shall be kept unobstructed when not in use.

**Lighting**

25. External lighting must be designed, located and baffled to prevent any adverse effect on adjoining land to the satisfaction of the responsible authority.

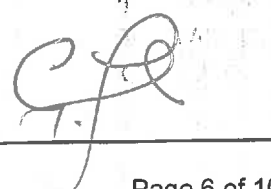
**Sound emissions**

26. No sound shall be emitted from any device or from any source or activity that may become a nuisance to the occupiers of adjoining or nearby properties to the satisfaction of the Responsible Authority.

**\*\*\*END OF ENVIRONMENTAL AND AMENITY CONDITIONS\*\*\***

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**THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:****VicRoads Condition**

27. Prior to the commencement of the use the accesses and treatments to High Street must be completed to VicRoads requirements and satisfaction at no cost to VicRoads. The treatments are to be generally in accordance with the Functional Layout Plan included in the Traffic Impact Assessment Report prepared by O'Brien Traffic dated January 2014.

\*\*\*END OF VICROADS CONDITIONS\*\*\*

**Goulburn Valley Water**

28. Connection of all sanitary fixtures within the development to reticulated sewerage, at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of the Goulburn Valley Region Water Corporation. All works required are to be carried out in accordance with AS 3500.2 - 'Sanitary plumbing and drainage', and to the satisfaction of the Corporation's Property Services Section.
29. Discharge of trade waste from the development shall be subject to a Trade Waste Consent Agreement. The Owner and or occupier is required to submit a completed Trade Waste Application, and install the required pre-treatment facility to the satisfaction of Goulburn Valley Water's Trade Waste Section, before approval to discharge trade waste from the development into the Corporation's sewer is granted.

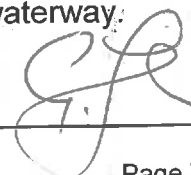
\*\*\*END OF GOULBURN VALLEY WATER CONDITIONS\*\*\*

**Goulburn Murray Water**

29. All construction and ongoing activities must be in accordance with sediment control principles outlined in 'Construction Techniques for Sediment Pollution Control' (EPA, 1991).
30. A 30 metre wide buffer must be maintained free from development along the eastern side of the waterway (tributary of Ford Creek) that runs along the western boundary of the subject land. Native vegetation must be established and maintained on the areas of the subject land that fall within 30m of this waterway.

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## THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

31. All wastewater from the service station and convenience restaurants must be disposed of via connection to the reticulated sewerage system in accordance with the requirements of Goulburn Valley Water.
32. The installation and use of Underground Petroleum Storage Systems and stormwater protection systems must be in accordance with the following:
  - *Guidelines on the Design, Installation & Management Requirements for Underground Petroleum Storage Systems (UPSSs) – EPA Publication 888.3 (July 2014)*
  - *Design, Installation & Management Requirements for Underground Petroleum Storage Systems – EPA Publication 892 (April 2003)*
  - *Dangerous Good Act 1985*
  - *Dangerous Goods (Storage & Handling) Regulations 2000.*

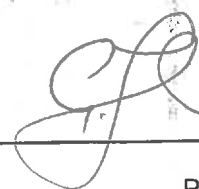
\*\*\*END OF GOULBURN MURRAY WATER CONDITIONS\*\*\*

## Environment Protection Authority

33. Displaced petrol fumes must be collected with a vapour recovery system.
34. Noise emitted from the premises must not exceed the recommended levels as set out in Noise from Industry in Regional Victoria (NIRV; EPA Publication 1411; 2011) or as amended.
35. A secondary containment system must be provided for liquids which if spilt are likely to cause pollution or pose an environmental hazard, in accordance with the EPA Publication 347 Bunding Guidelines 1992 or as amended.
36. Effluent and waste solvent generated from the washing or cleaning of engines or parts shall not be discharged on or from the premises.
37. All infrastructure for the storage and handling of Liquefied Petroleum (LP) Gas should be designed, constructed and operated in accordance with AS/NZS 1596:2008 *The Storage and Handling of LP Gas* (Standards Association of Australia).

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## THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

### Time for starting and completion

38. 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 development being completed.
- d) If commenced within two years, the use is then discontinued for a period of two years.

In accordance with Section 69 of the *Planning and Environment Act 1987*, 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.

\*\*\*END OF CONDITIONS\*\*\*

## PLANNING NOTES

### Engineering Note

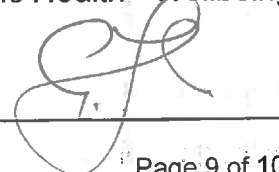
1. Maintenance of the crossings and associated culverts will remain the responsibility of the property owner.
2. A 'Works within Road Reserve' permit application including plans is to be submitted to, and approved by Council prior to the commencement of any works.
3. Prior to commencement of buildings or works, application must be made to Council to obtain a Legal Point of Stormwater Discharge.

### Environmental Health Notes

4. The proposed development hereby permitted shall accord with the requirements of the *Building Act 1993*, *Building Regulations 2006*, the *Public Health - Wellbeing Act 2008* and all other relevant Acts and Regulations.

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THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

**Goulburn Valley Water Note**

5. The applicant will be required to enter into a Trade Waste Consent Agreement with the Goulburn Valley Region Water Corporation in regards to the proposed development. The owner / occupier will be required to submit a completed Trade Waste Application, and install the required pre-treatment facility to the satisfaction of Goulburn Valley Water's Trade Waste Section, before approval to discharge waste from the development into the Corporations sewer is granted.

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