

Planning and Environment Act 1987

Priority Projects Standing Advisory Committee Report

Campaspe Planning Scheme

Referral No 7: Lot 6 Murray Valley Highway, Echuca

19 February 2021

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Priority Projects Standing Advisory Committee Report pursuant to s151 of the Act

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Members of the Priority Projects Standing Advisory Committee who considered this referral:



Geoff Underwood, Chair



Geoffrey Carruthers, Member

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Glossary and abbreviations

Act	<i>Planning and Environment Act 1987</i>
ARI	Average Recurrence Interval
BVRT	Building Victoria's Recovery Taskforce
C2Z	Commercial 2 Zone
Council	Campaspe Shire Council
DDO	Design and Development Overlay
DELWP	Department of Environment, Land, Water and Planning
DoT	Department of Transport
GRZ	General Residential Zone
NIRV	Noise from Industry in Regional Victoria
NSW	New South Wales
RMNLs	Recommended maximum noise levels
SAC	Standing Advisory Committee
SEPP N-1	State Environment Protection Policy N-1 (control of noise from commerce, industry and trade)
SISD	Safe Intersection Sight Distance
SUZ	Special Use Zone
the Committee	Priority Projects Standing Advisory Committee
TfV	Transport for Victoria
VCAT	Victorian Civil and Administrative Tribunal

1 Overview

(i) Referral summary

Referral summary	
Date of referral	20 December 2020
Members	Geoff Underwood, Chair and Geoffrey Carruthers, Member.
Description of referral	<p>Consideration of a Notice of Decision to grant a permit subject to conditions.</p> <p>VCAT Proceeding P446/2020: proposed use and development of the land for a Service Station and internally illuminated Business Identification Signage in the Commercial 2 Zone and Design and Development Overlay Schedule 3, creation of access to a Road in a Road Zone Category 1 pursuant to Clause 52.29 and removal of native vegetation (3 trees) pursuant to Clause 52.17 of the Campaspe Planning Scheme.</p>
Common name	Referral No 7: Lot 6 Murray Valley Highway, Echuca
Municipality	Shire of Campaspe
Responsible Authority and permit application number	Shire of Campaspe – PLN268/2019
Subject land	Lot 6 Murray Valley Highway Echuca. Lot 6 Vol 10324 Folio 986
Site inspection	No site inspection was undertaken. The Committee relied on supplied photographs, google maps and aerial photographs of its own selection.
Consultation	The hearing was conducted in a roundtable type session with all parties contributing to discussion about the issues.
Parties	<p>Shire of Campaspe: Andrew Fletcher, Manager of Planning and Building with Emily Hardy, Planner.</p> <p>The proponent Bentley Property Group: Andrew Fletcher of the proponent company with Henry Wood, SJB Planning.</p> <p>Objectors: Andrew Beaumont and Sonja Stock.</p>
Submissions	All parties lodged submissions in advance of the hearing.
Information relied upon	<p>The Committee considered all papers listed in the Document List at Appendix D. They include the VCAT file P446/2020; Council papers submitted to VCAT and to the Committee; submissions by the proponent and the objectors.</p> <p>The Committee also considered submissions on revised conditions put during the hearing and comments by the parties as circulated after the hearing.</p>
Date of this report	19 February 2021

(ii) Findings

The Committee finds the application can be supported. This is notwithstanding strong opposition to the proposal from neighbours and their persuasive presentation to the Committee.

The responsible authority has responded to the application, and the supporting information submitted with it from expert consultants to substantiate the proposal and by proposing conditions to control the development and subsequent use of the site. The notice of decision includes conditions required by Regional Roads Victoria, as the determining referral authority, to control access to the adjoining Murray Valley Highway, which is a state-controlled road, as well as the operation of signs on site to ensure they do not affect driver safety.

The proposed conditions properly control the layout of the buildings and the fuel areas, set the circulation paths to be used by trucks and smaller vehicles, and impose specific conditions to restrict deliveries to the site. Conditions require the installation of an acoustic barrier near the common boundary with the adjoining residential properties. The setback between the boundary fences and the barrier is to be landscaped as are areas around the perimeter of the site and that part of the site to be used for service station purposes.

Proposed condition 1 requires changes to the application plan(s) to improve the relationship of the site with the neighbouring properties and to reduce amenity impacts. They include:

- reducing the height of the main identification sign from a proposed height of 15 metres to a maximum of 7 metres (no concerns about signage were raised with the Committee)
- screening plant equipment, vents and waste areas (this action was recommended by the acoustic consultant to reduce noise impacts and was not raised as an issue with the Committee)
- changing the relationship of the site to the abutting street by the installation of a shared pathway (this connection was initiated by Council. The Committee notes Department of Transport required an amendment of the application plans to remove a notation about the location of a possible future connection of the service station site with future development on the southern, unused part of the site)
- requiring a detailed landscaping plan that addresses matters a) to j) in proposed condition 3.

Other than discussion about the landscaping plan, the Committee makes no further comment on those issues.

The Committee supports the conditions as contained in the Notice of Decision but finds some conditions could be tightened to further improve and protect the amenity of the residents.

The further changes result from discussion during the Hearing on issues raised by the Committee from its own assessment of the application and supporting reports, as well as from the objectors in their grounds of objection and the written submissions of the parties.

During the Hearing, the Council circulated revised condition wording intended to cover issues about the acoustic barrier and related matters, as well as the content of management plans required under proposed conditions. Following discussion during the Hearing and upon receiving affirming comments from the parties on Council's circulated draft conditions, the Committee recommends revisions to proposed conditions 1, 7, 15 and 24 and the addition of

a new condition (referred to as condition 29). As covered in section 4 of this report, the Committee now proposes that this condition be included earlier in the permit to highlight its importance.

The Committee is confident the suite of conditions proposed out of this process will secure better outcomes for the neighbours and improve the relationship of the use to the residential properties. Section 4 in this report deals with four issues. They are:

- Noise
- Traffic
- Stormwater drainage in urban development
- Management Plans.

(iii) Recommendation

The Priority Projects Standing Advisory Committee recommends:

That PLN268/2019 be issued for proposed use and development of the land at Lot 6 Murray Valley Highway, Echuca for a Service Station and internally illuminated business identification signage, creation of access to a Road in a Road Zone Category 1 pursuant to Clause 52.29 and removal of native vegetation (3 trees) pursuant to Clause 52.17 of the Campaspe Planning Scheme, subject to the Committees recommended version of conditions in Appendix E including:

1. Include Condition 1 f):

f) Detailed plans including materials, location, height and service / maintenance access arrangements of the acoustic barrier along the rear (western) boundary of the site in accordance with Condition 5. The plans must show all measures taken to prevent access by the general public into the space that will exist between the western boundary of the site and the acoustic barrier.

2. Include an additional condition to be numbered 5 as follows and renumber the conditions following Condition 5 to numbers 6 to 29:

Before the development starts, detailed acoustic plans and elevations (in accordance with the Acoustic Report prepared by Clarity Acoustics, Report R01 Rev1 1901, 3 October 2019) but with the height of the barrier no less than 3.9 metres abutting the residences R2 to R6, must be submitted and approved by the Responsible Authority. The construction of the acoustic barrier must be completed prior to the commencement of the use, and thereafter be maintained through repairs and for appearance, including the removal of graffiti, to the satisfaction of the Responsible Authority.

3. Amend proposed condition 7 to include the word 'development' after the words 'The use and' on line 1.

4. Amend proposed condition 15 to read:

15. Construction Phase

- a) **Soil erosion control measures must be employed throughout the construction stage of the development to the satisfaction of the Responsible Authority.**
 - b) **Before the development starts, a construction management plan shall be submitted to and approved by the Responsible Authority. The plan must outline how issues such as mud on roads, dust generation, and erosion and sediment control, and construction noise will be managed, on site, during the construction phase. Details of a contact person/site manager must also be provided, so that this person can be easily contacted should any issues arise.**
 - c) **Management measures are to be in accordance with the EPA's "Civil construction, building and demolition guide" (publication 1834, dated November 2020).**
- 5. Insert condition 24 d) as follows:**
- d) **The limitations on waste collection imposed by condition 8b).**

2 Introduction

2.1 Terms of Reference and letter of referral

The Priority Projects Standing Advisory Committee (the Committee) was appointed by the Minister for Planning on 14 June 2020. The purpose of the Committee is set out in its Terms of Reference (Appendix A) to:

... provide timely advice to the Minister for Planning on projects referred by the Building Victoria's Recovery Taskforce (BVRT), projects affected by Covid-19 and or where the Minister has agreed to, or is considering, intervention to determine if these projects will deliver acceptable planning outcomes.

The Committee was provided with a letter of referral from the Minister for Planning dated 20 December 2020 (Appendix B) that asked it for advice and recommendations on appropriate permit conditions that should be imposed.

This is Referral No. 7 to the Standing Advisory Committee.

The letter of referral makes it clear that the Committee is to advise the Minister for Planning on appropriate permit conditions. The Committee does that through this report which is prepared after a roundtable hearing of the issues.

2.2 Membership of the Committee

Due to the issues to be resolved, the members of the Committee dealing with Referral No. 7 were:

- Geoff Underwood, Chair, experienced in planning matters.
- Geoffrey Carruthers, Member, Engineer and with experience in planning matters.

The Committee was assisted by Georgia Thomas, Project Officer, of Planning Panels Victoria.

2.3 Background to the proposal

The referral to the Committee results from a call in by the Minister for Planning of an application for review of the decision by the Shire of Campaspe to grant a permit for the proposal as outlined in section 1. During advertising of the application, four objectors, including Andrew Beaumont and Sonja Stock who are parties to this matter, lodged objections against the proposal. The officer report to Council in February 2020 (the officer report) recommending the grant of a permit summarised the objections as:

- the impacts of a 24-hour commercial use backing onto a Residential Zone
- environmental and amenity impacts (air quality) on residents and students including the proximity of flammable fuels at the nearby St Mary's Primary School
- the safety of school students and staff at the nearby St Mary's Primary School
- the effects of 24-hour lighting and glare created from roofing
- noise disturbance created by trucks using the facility
- construction of a 3.9 metre wall/fence
- potential for property devaluation
- oversupply of service stations in the area
- encouraging junk and fast food in the area which in turn could attract late night revellers

- concerns that the business type does not align with the Council's Echuca Commercial Strategy 2017.

The objectors Andrew Beaumont and Sonja Stock lodged proceedings at VCAT with a substantial statement of grounds expanding on their concerns. The statement of grounds was made available to the Committee from the VCAT file.

The Minister for Planning's call in notice to VCAT on 20 December 2020 stated his intention for the matter to be considered by the Committee.

I advise that I have decided to call in the proceeding from VCAT under Clause 58(2)(a) of Schedule 1 to the *Victorian Civil and Administrative Tribunal Act 1998* as I consider that the proceeding raises a major issue of policy for the following reasons:

- The proposal responds to Clause 17.01-1S and Clause 17.02-1S as well as the local provisions at Clause 21.07 in that it will have a significant local and state-wide economic impact by providing immediate capital expenditure of \$6.4 million and approximately 100 construction jobs and 25 ongoing jobs. This economic stimulus is much needed in light of the challenges faced by Victoria and throughout Australia during the coronavirus (COVID-19) pandemic.

I also consider that its determination may have a substantial effect on the achievement or development of planning objectives in the *Planning and Environment Act 1987*:

- to provide for the fair, orderly, economic and sustainable use, and development of land (section 4(1)(a))
- to secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria (section 4(1)(c))
- to balance the present and future interests of all Victorians (section 4(1)(g)).

At the hearing, Andrew Fletcher for the proponent confirmed the cost of the project at \$6.4 million.

3 Site and planning context

3.1 The subject land

The officer report described the site as irregular in shape with a total area of 1.42 hectares and largely cleared, with the exception of a number of scattered native trees. The officer report described the surrounding area as mixed use, with sensitive interfaces adjoining the site to the west being residential dwellings and a primary school to the south. The site has frontage onto Bridlington Avenue to the south and Murray Valley Highway to the east, which is a Road Zone Category 1.

The officer report described the main locality characteristics this way:

- Directly north of the subject site is a vacant block of land located within the Commercial 2 Zone. To the north is a large roundabout where three roads join, being Murray Valley Highway, Warren Street and Mount Terrick Road.
- The road reserve of Murray Valley Highway adjoins the site to the east. Further to the east of the site is an established residential area located approximately 90m from the site, which generally have back fencing to the highway.
- To the south of the site is land within the Commercial 2 Zone awaiting future development. To the southwest of the site is St Mary's Catholic Primary School on the southern side of Bridlington Avenue.
- To the west of the site are existing dwellings located within the General Residential Zone (GRZ) within Whitby Close and Dover Court with access to the close and court located from Bridlington Avenue.

Each of the features described is visible in the aerial photo of the area in Figure 1.

Figure 1 The subject land (marked with the violet symbol)



3.2 Planning framework

The officer report listed the relevant State and Local planning policy matters.

For State policy, the relevant provisions are:

- Clause 11 Settlement
- Clause 13 Environmental Risks and Amenity, including Clauses Clause 13.02 Bushfire and Clause 13.05 Noise
- Clause 15 Built Environment and Heritage
- Clause 17 Economic Development.

For Local policy, the relevant provisions are:

- Clause 21.01 Campaspe Shire Key Issues and Strategic Vision
- Clause 21.07 Economic Development, including Clause 21.07-2 Commercial
- Clause 21.09 Local Areas including Clause 21.09-1 Echuca.

The land is in the Commercial 2 Zone (C2Z) which encourages commercial areas for offices, appropriate manufacturing and industries, bulky goods retailing, other retail uses, and associated business and commercial services. The Zone's purpose also seeks to ensure that uses do not affect the safety and amenity of adjacent, more sensitive uses.

A permit is required for the use of the land for a service station pursuant to Clause 34.02-1 as a Section 2 Use in addition to permission to construct a building or carry out works pursuant to Clause 34.02-4.

A Design and Development Overlay (DDO) applies to the land. It identifies areas which are affected by specific requirements relating to the design and built form of a new development. The land is covered by Schedule 3 – Northern and Murray Valley Highways Precinct Echuca the purpose of which is *to create a vibrant and active highway business precinct and to reinforce the inherent 'big box' character of the surrounding commercial area*. The schedule outlines specific requirements including building height, setbacks, fencing. A permit is required to construct or carry out works pursuant to Clause 43.02-2.

In addition, there are Particular Provisions in the Campaspe Planning Scheme that apply to the application. The officer report listed them as:

- Clause 52.05 Signs - signage in the Commercial 2 Zone is Category 1 where a permit is required for business identification signage if it exceeds 8m² and internally illuminated signs if they exceed 1.5m²
- Clause 52.06 Car Parking
- Clause 52.17 Native Vegetation
- Clause 52.29 Land Adjacent to a Road Zone, Category 1, or a Public Acquisition Overlay for a Category 1 Road - To ensure appropriate access to identified roads as well as appropriate subdivision of land adjacent to identified roads. A permit is required to create or alter access to a Road Zone, Category 1 pursuant to Clause 52.29-2
- Clause 52.34 Bicycle Facilities.

The Council summary submission to the Committee brought the planning framework considerations together identifying the zoning provisions as the C2Z (Clause 34.02) and the DDO Schedule 3 (Clause 43.02) and the permit triggers in the particular provisions on Native Vegetation (Clause 52.17) and Land Adjacent to a Road Zone, Category 1 or a Public Acquisition Overlay for Category 1 Road (Clause 52.29).

(i) State policy

The Committee accepts the summary of relevant State policy issues set out in the officer report. The Committee agrees with the assessments as set out and reaffirmed in submissions to the Committee.

(ii) Local policy

Likewise, the Committee accepts the summary of relevant local policy issues set out in the officer report. Again, the Committee agrees with the assessments as set out and reaffirmed in written submissions to the Committee.

(iii) Planning framework analysis and assessment

In its summary submission to the Committee, Council officers referred to the February 2020 report stating it:

- assessed the application against the relevant State and Local Planning Policy Framework, zone, overlays, particular provisions and general decision guidelines of Clause 65. The report also detailed the process of the application and the objections which were received.

Its summary submission went on to state:

- Within the report, policy; built form and siting; building setbacks; fences; landscaping; building design; floodlighting; parking and access; loading, services and storage; front, side and rear boundaries; advertising signs; amenity (including the acoustic fence); traffic, access and car parking and other matters, including vegetation were considered.

It concluded:

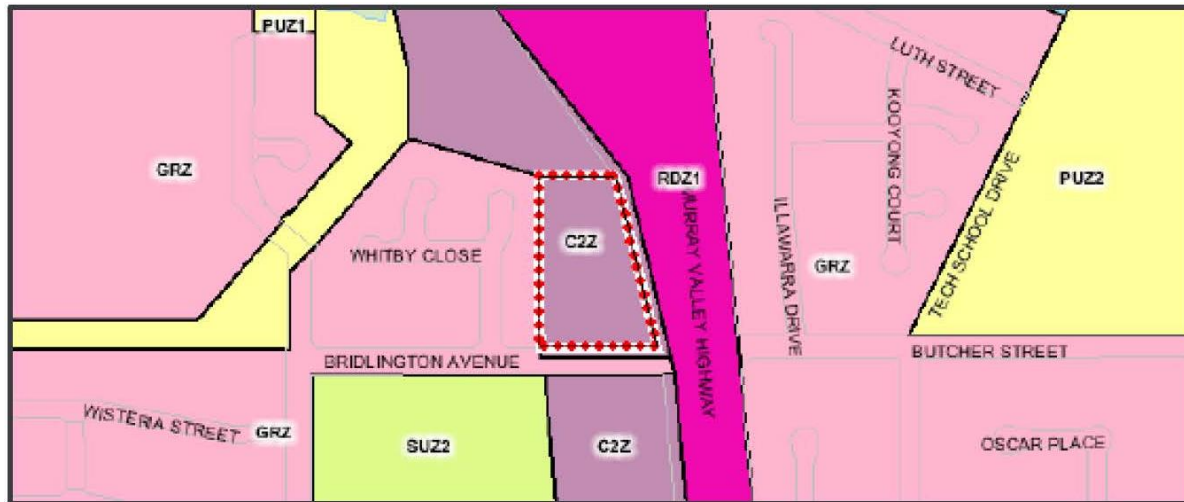
- The assessment detailed how the proposed development was considered appropriate and met the relevant objectives of the Act and decision guidelines of Campaspe Planning Scheme.

The Committee agrees with these assessments.

Figure 2, taken from the planning report submitted with the permit application, shows the subject land within the red dotted line with:

- other C2Z land to the north and across Bridlington Avenue
- the Murray Valley Highway marked RDZ1
- the SUZ2 land indicating the location of St Mary's Catholic Primary School
- the residential areas zoned General Residential Zone (GRZ).

Figure 2 **Zoning map**



Source: Proponent's planning report with the permit application

4 The issues

There are four issues to be considered. Each of them is presented in this report. They are:

- Issue 1 - Noise.
- Issue 2 - Traffic.
- Issue 3 - Stormwater drainage in urban development.
- Issue 4 - Management Plans.

4.1 Issue 1: Noise

(i) The issues

The issues relating to noise are:

- whether the noise impacts of the proposed 24/7 operations can be appropriately addressed
- whether the proposed acoustic sound barrier along the western boundary is a reasonable response to the concerns of the abutting neighbours.

(ii) Submissions

The proponent relied upon an acoustic assessment report (Clarity Acoustics, 3 October 2019) submitted with the application in which the proposed operations were assessed against the relevant noise criteria, and recommendations were made regarding noise controls. Clarity Acoustics identified the nearest affected residences noise receivers, and conducted on site noise measurements between 29 August and 3 September 2019.

The consultant referred to the New South Wales (NSW) Road Noise Policy 2011. The NSW Environmental Protection Authority conducted a review of sleep disturbance studies the results of which are outlined in the NSW EPA's Road Noise Policy. The studies concluded that maximum internal noise levels below 50–55 dB LA_{max} are unlikely to awaken people from sleep and one or two noise events per night with maximum internal noise levels of 65-70 dB LA_{max} were not likely to affect health and wellbeing significantly. The consultant advised in section 3.4 of the report *"An open window provides an approximate noise reduction of 10-15 dB from outside to inside...and therefore, night-time maximum noise levels from on-site activities should not exceed 65 dB LA_{max} outside an openable window of nearby residential dwellings"*.

Clarity Acoustics recommended that an acoustic barrier be constructed along the western boundary of the subject site at a height varying from 2.0 to 3.9 metres. The barrier to the western side of the subject site would be provided via a series of overlapping concrete block panels. Any gaps between the ends of the overlapping panels would be sealed by providing additional barriers. The barrier is proposed to be set back from the site boundary by at least 1.5 metres. The proposed noise barrier must have a minimum surface density of 12 kilograms per square metres, and be free from holes and gaps. The submitted plans specified a 'Dune Wall – Custom Height Acoustic Wall' (at plan number TP 013).

The consultant identified that all operating plant associated with the proposed development will need to be designed to be compliant with the SEPP N-1 criteria, in conjunction with all other noise sources associated with the site. The mechanical services plant selection has not

yet been undertaken for the site. The acoustic report recommended that a detailed assessment of noise associated with the mechanical plant be undertaken once the plant selection is finalised. If mitigation is deemed to be required, it could be implemented in the form of acoustic barriers and/or providing silencers or attenuators on plant items.

According to the consultant, based on the site layout, all mechanical plant associated with the development will need to be designed to achieve a cumulative level of 40 dB Leff at the nearest affected receiver location.

Receiver locations were grouped together in Table 4 as follows:

- R1 14 Bridlington Avenue
- R2, R3 & R44, 6 and 8 Whitby Close
- R5 & R6 4 and 5 Dover Court; and
- R7 to R13 1–13 Illawarra Drive.
-

Figure 3 Relationship of the site and neighbouring residences



Source: Clarity Acoustics report

Predicted noise levels from the proposed operations at the subject site during the day time period were presented (Table 5 in the acoustic report). The predicted noise levels took into account the following managerial noise controls upon operations, (and included a +2 dB adjustment for tonality associated with delivery and waste collection vehicle reversing beepers):

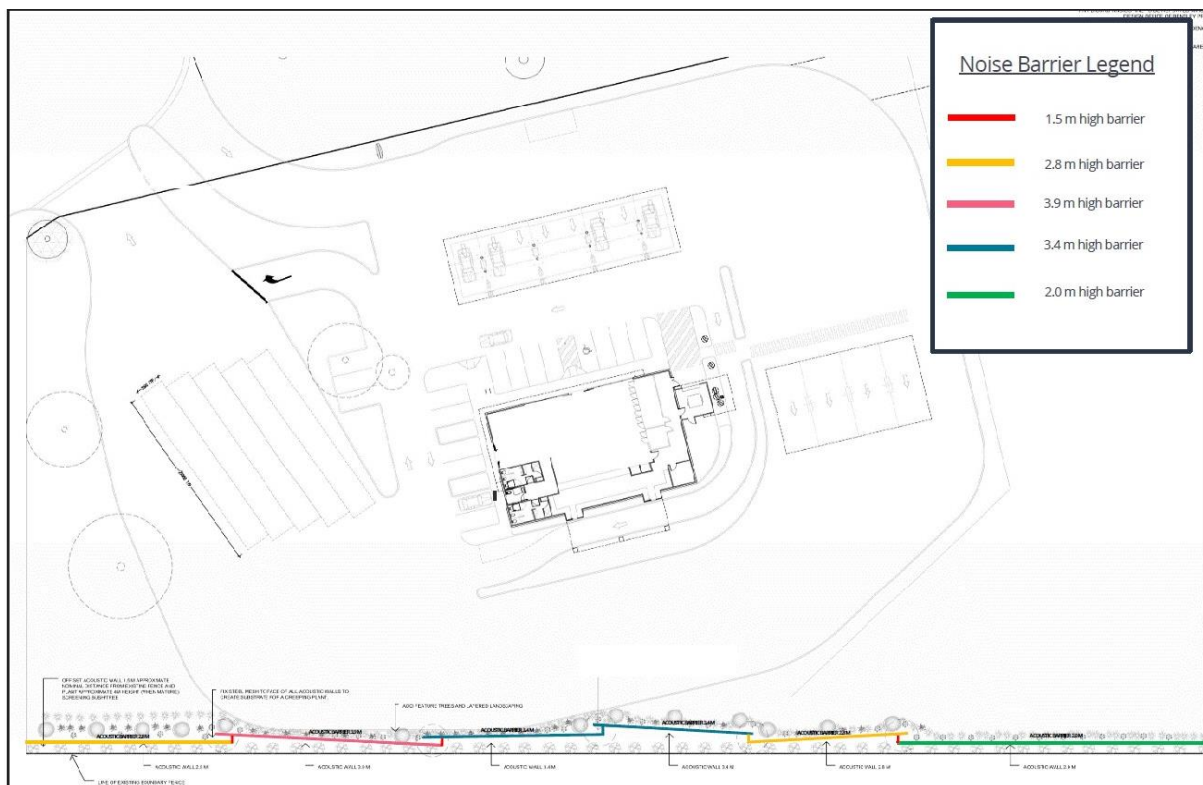
- fuel deliveries associated with the subject site are to be scheduled to only occur during the Noise from Industry in Regional Victoria (NIRV) day and evening periods (0700-2200 hours)
- waste collection from the subject site is to be scheduled to the site to only occur during the NIRV day period (0700-1800 hours, Monday to Friday and 0700-1300 hours, Saturday)
- there are no restrictions on delivery times for Medium Rigid Vehicles (MRVs) and Light Rigid Vehicles (LRVs) to the Convenience Restaurant or Fuel shop.

Clarity Acoustics predicted compliance would be achieved with the daytime (57 dB Leff) and evening (48 dB Leff) (NIRV and recommended maximum noise levels (RMNLs) at the nearest dwellings (R1 to R6).

The late night truck pass-bys, parking, and braking noise were predicted to be 65 dB Lmax at all the abutting residence receivers (R1 to R6). This corresponds to the 65 dB Lmax compliance level.

The acoustic barrier would be setback from the western boundary, as indicated in Figure 4 taken from the consultant report.

Figure 4 Location and form of the acoustic barrier



Source: Clarity Acoustics report

The submission from Mr Beaumont and Ms Stock expressed concern regarding the noise impacts to their local amenity. They opposed the use operating all hours, particularly during the evening operating period with trucks moving within 3.15 metres of their boundary. They feared that the height of large trucks would emit engine noise from the elevated exhaust stacks.

Council submitted that the proposed management controls in the permit conditions would provide an appropriate response in relation to noise controls.

(iii) Discussion

The Committee notes the references in the acoustic assessment report to the Environment Protection Act 1970. It provides a legislative framework for the protection of the environment in Victoria, and establishes obligations for environmental noise control.

The NIRV provides the methods to set RMNLs for commercial, industry, or trade premises in regional Victoria.

The acoustic assessment report also highlighted that the subject site and nearby dwellings are located inside the boundary of the NIRV major urban area for Echuca. The RMNLx for the subject site are defined in accordance with the methodology in SEPP N-1.

SEPP N-1 defines limits applicable to noise from proposed commercial, industrial, or trade developments at neighbouring noise sensitive receivers. These noise limits are determined on the basis of land zoning and background noise levels and are separately defined for day, evening and night periods.

The Committee is satisfied that the proposed managerial operational controls would lead to an appropriate noise outcome. The Committee is less convinced regarding the impacts from the truck pass-bys, parking, and braking noise – particularly during the evening and night-time period. The predicted levels for compliance do not afford any margin for dB L variations that might occur from illegal vehicles.

The site kerb layout design was confirmed during the hearing by the proponent to allow vehicles to pass within 3.15 metres at the midpoint of the western boundary. This coincides with the maximum 3.9 metre height section of the acoustic barrier wall. But the height of the barrier is proposed reduce to 2.4 metres further north along the western boundary, where the truck engine noise would emanate from the parking bays.

Given that the predicted 65 dB Lmax would only just achieve compliance, the Committee is of the view that the 'precautionary principle' should be applied to this section of the barrier. Noise attenuation at residences identified in the consultant report as R2 to R6 along the western boundary would be enhanced during the evening and night-time periods if the barrier height was maintained at the 3.9 metre height for almost the entire length of the abutting boundaries. The barrier height could be less along the southern section of the wall (as proposed in the application), where the residence R1 is further from the travel line of moving vehicles. This section of the barrier would be largely abutting that part of the site which is not included in this application, and the height of the barrier may remain at 2.0 metres. Any increase in height could be for visual purposes to put a step-up in the height. The height of this southern section of the barrier can be resolved according to future use of that part of the site.

The security aspect of the barrier was also discussed at the hearing in relation to the 1.5 metre setback from the existing Colourbond boundary fence. This setback could create an 'out-of-sight' space where people or animals could congregate. It was agreed that each end of this setback be secured by a return and/or gates to ensure restricted access for maintenance purposes only.

The proponent agreed to instal barriers and gates at each end of the setback area. That enabled the Council to draft a condition to deal with the issue which was circulated during the discussion. The draft condition is set out in the findings and the recommendations.

The submitted Landscape Plan (TP012) indicated that the 3.0 metre high peppermint willow trees planted along the gap between the acoustic barrier and the boundary fence are to soften the visual impact of the structure. The appearance of the landscape strip when viewed from the neighbouring properties will be crucial to achieving visual amenity along this part of the site. The objectors also had a concern relating to heat generated by the built form of the concrete block barrier that could apply to vegetation and people. The Landscape Plan was relied upon by the proponent as an appropriate treatment within the setback area. The Committee notes the requirement in proposed condition 1 for a detailed landscaping plan and the more specific requirements of proposed condition 3. With the inclusion of the agreed new condition 1f) the Committee sees no need to change the directions for the Landscape Plan. However, the Committee urges the proponent to confirm the selected plants are capable of surviving in the setback area, and will grow to a height that presents well to the residential properties. The Committee identifies this as a matter to be scrutinised by Council as responsible authority when the Landscape Plan is submitted for approval.

The staged timing of the construction of the barrier was discussed at the hearing; the objectors sought early works construction of the acoustic barrier so as to minimise noise during major site construction. The proponent's view was that this would be unprecedented, and could create unnecessary delay in construction of the balance of the project through potential delay in the supply of materials for the barrier.

This approach to construction noise attenuation to the benefit of abutting properties is not unprecedented in the Committee's experience (with the Melbourne Metro Rail Tunnel construction being an example). Rather than create any delay, early works construction of the barrier could in fact provide a positive on site logistic advantage. The proponent did not support a condition that the acoustic barrier be constructed as first stage works. The proponent prefers the current provision in proposed condition 4 which would see the barrier completed as part of the landscaping "*before the development is occupied*". The proponent did, however, offer to investigate the possibility of bringing forward the construction of the barrier in the build programme.

The Committee accepts this goodwill gesture of the proponent. It was made in the spirit of the roundtable discussion. No recommendation is made to require the construction of the acoustic barrier before any other development may begin. However, in order to facilitate the bringing forward of the construction, should that be possible with the early supply of materials, the Committee adopts the circulated agreed proposed new condition. It provides that before the development starts, detailed acoustic plans and elevations (in accordance with the Acoustic Report prepared by Clarity Acoustics, Report R01 Rev1 1901, 3 October 2019) must be submitted and approved by the responsible authority.

This approach sets up a situation where the plans are approved before development but construction of the barrier itself is required prior to the commencement of the use.

The circulated draft referred to the new condition as condition 29. That would place it at the end of the permit after conditions relating to the expiration of a permit. The Committee believes a condition about noise abatement warrants greater prominence than sitting at the end of the permit. The Committee therefore proposes the condition be positioned after the landscaping conditions. The Committee acknowledges this necessitates the re-numbering of conditions that follow but believes the condition has best effect as condition 5.

(iv) Findings

After consideration of the circulated draft, the parties agreed on the form of a new condition to be included in proposed condition 1 about detailed plans for the acoustic barrier and end treatments for security. The Committee adopts the draft as agreed.

As to the form of the acoustic barrier, the Committee adopts the core matters in the draft as circulated while making its own variation about the height. The Committee proposes the new condition to be included as condition 5 in the permit. Consequential re-numbering of conditions is required. These changes are included in the Committee's recommended version of conditions in Appendix E.

4.2 Issue 2: Traffic

(i) The issue

The issue is whether the traffic impacts, including from the proposed hours of operation, are appropriately addressed.

(ii) Submissions and evidence

The traffic impact assessment (Traffic Works, 19 September 2019) submitted with the application covered the surrounding road network and speed environment, crash history, car parking, pedestrians and cyclists, and public transport connections. The report noted that there is no commercial development along Murray Valley Highway to the north of the subject site, or for one kilometre to the south. Ogilvie Avenue (south of the subject site) provides the entry to the Echuca town centre, along which other service stations and convenience restaurants are located.

The visibility criterion normally required by Regional Roads Victoria for safe access to the arterial road network is the Austroads 'Safe Intersection Sight Distance' (SISD). The Traffic Works assessment concluded that SISD requirements would be satisfied to the south from the proposed exit driveway onto the Murray Valley Highway.

The predicted traffic volumes and vehicle types were considered, and Traffic Works recommended that the access to the development to and from the Murray Valley Highway be provided with a 'Type AUL' auxiliary left turn lane treatment, and a 'Type CHR' channelised right turn lane, (shown on the plan submitted with the application TP003).

The design of on site parking shown on the submitted plan for the development satisfies the applicable standards for a fuel shop, convenience restaurant, truck stop bays, bicycles, and disabled access. The consultant recommended that the design make provision for the

construction of a footpath from the Bridlington Avenue intersection to the southeast corner of to the subject site.

The assessment also considered the movement sweep path traces of 25 metre long B Double trucks [Traffic Works Appendices B1 to B4]. It concluded that the design of the driveway to and from the Murray Valley Highway and internal layout can cater for the swept paths of entering and exiting B Double trucks.

The consultant identified a minor conflict with an existing electricity pole that was resolved by the design of the right turn lane (in consultation with Regional Roads Victoria regarding possible pole relocation works).

The truck sweep path traces within the site were raised in submissions by the objectors, and consequently discussed at the hearing. Mr Beaumont and Ms Stock expressed concern regarding the trucks passing up to 3.15 metres of their property boundary when traversing to the truck stop bays or exiting the site. These concerns focussed upon noise (dealt with in the previous section) and exhaust pollution.

The proponent explained that a number of traffic circulation options were considered during the preliminary design resulting in the location of the truck traversing routes and parking bays on the submitted plans. The Committee asked Mr Ferguson of the proponent company whether siting the truck stop bays at the eastern side of the site nearer to the highway was a considered option. He responded that the alternative was not an efficient outcome in relation to the necessary clockwise traffic flow circuit from site entry to exit.

The objectors were also concerned about the potential for increased traffic around the Bridlington Avenue primary school precinct. The proponent noted that the Bridlington Avenue intersection is 100 metres from the site, controlled by traffic signals, and that highway traffic entering and exiting the service centre would not have an effect upon school traffic.

Mr Beaumont and Ms Stock submitted that the traffic data used for the basis of the traffic impact assessment was incomplete, and the crash history did not accurately reflect the current road conditions of the area.

The Council officers confirmed that the Department of Transport (DoT) support for the proposal had not changed, and the permit conditions are as directed.

(iii) Discussion

The Committee notes the responses from the proponent regarding traffic and the deliberations in relation to the onsite design options. The notations on Figure A1 in the Traffic Works "Option 2" recommended relocating the truck bays to the location proposed on the submitted plans, and removing one stop bay.

The referral of this matter to the Committee requested advice and recommendations on appropriate permit conditions that should be imposed. Advice was not sought regarding how a more reasonable traffic design response could be achieved for this site with respect to the abutting residences.

The southern part of Lot 2 has been reserved for future development; this is where the truck stop bays could have otherwise been located. This could impact the development interface with Bridlington Avenue and the primary school. The necessary clockwise internal traffic flow

circuit would create traffic movements along the western boundary in any event under this use.

The kerb edge of the hardstand along the western boundary of the site effectively allows the B Double truck sweep path to pass up to 3.15 metres from the residential boundaries. The Committee notes that a number of residences have been built at a minimal setback from the boundary. The objectors' concerns would not be placated by a permit condition setting a minimum distance between the kerb and the western boundary.

The proponent relies upon the traffic impact assessment and the referral response by the DoT supporting the permit subject to conditions. The Committee notes that the conditions required by DoT for Transport for Victoria (TfV) at proposed condition 5 cover access, signage and environmental matters. The Council had no issue with any of the TfV conditions or other concerns with traffic impacts, including how traffic may affect the safety of children coming and going to the nearby school.

The Committee observes that notes submitted by TfV for attachment to the permit (but not put as conditions by the determining referral authority) include reference to dust emissions being minimised during construction, and the discharge of concentrated drainage onto the highway road reserve being prohibited. These two issues are considered in the following sections of this report.

(iv) Findings

The Council and DoT for TfV are satisfied with the traffic arrangements for the proposal. They rely on the proposed permit conditions for safe outcomes. The proponent relies on the recommendations of the consultant for what they submit are acceptable outcomes. Though the objectors maintain their position and remain unconvinced by the traffic arrangements, the Committee finds no additional conditions are required in relation to traffic issues.

4.3 Issue 3: Stormwater drainage in urban development

Clause 53.18 stormwater management for buildings and works, aims to:

- Minimise damage to properties and inconvenience to the public from stormwater.
- Ensure that the street operates adequately during major storm events and provides for public safety.
- Minimise increases in stormwater and protect the environmental values and physical characteristics of receiving waters from degradation by stormwater.
- Encourage stormwater management that maximises the retention and reuse of stormwater.
- Encourage stormwater management that contributes to cooling, local habitat improvements and provision of attractive and enjoyable spaces.

(i) The issues

The issues are:

- whether the on site stormwater impacts have been appropriately addressed in the submitted stormwater management plan
- whether the new access road to the Murray Valley Highway has been considered in relation to potential the impact of stormwater flows into the subject site.

(ii) Submissions

The Cardno Planning Report submitted with application contained a concept Stormwater Management Plan concept (at drawing number 19167-02), based upon a 1 in 10 year Average Recurrence Interval (ARI) storm event lasting between 5 minutes and 72 hours. The report noted that the site is on flat terrain, and stormwater would be discharged to the legal outlet drainage pit in Bridlington Avenue. The concept design included multiple pollution control SPeL Hydrosystem pits in the drainage pipe system.

Council confirmed to the Committee that the current government advice is to continue to design to accommodate a 1 in 10 year storm ARI event.

The proponent acknowledged the intent of the 'Best Practice Environmental Guidelines (Victorian Stormwater Committee, 1999)', and committed to the meeting the Water Sensitive Urban Design objectives at the final detailed design stage.

(iii) Discussion

The purpose of Clause 53.18 is to ensure that stormwater in urban development, including retention and reuse, is managed to mitigate the impacts of stormwater on the environment, property and public safety, and to provide cooling, local habitat and amenity benefits.

A use of this type produces a substantial alteration to a site in terms of asphalt hard stand capturing stormwater and diverting it off site. The entrances and exits accessing roadways also involve substantial open drains within the highway reserve. It is crucial that both stormwater in-flows and out-flows do not impact upon the environment and public safety. A Construction Management Plan should include these considerations.

The application must meet all of the standards of Clauses 53.18-5 and 53.18-6, and must be accompanied by details of the proposed stormwater management system, including drainage works and retention, detention and discharges of stormwater to the drainage system.

Standard W2 states that the stormwater management system should be designed to:

- Meet the current best practice performance objectives for stormwater quality as contained in the Urban Stormwater - Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999).
- Minimise the impact of chemical pollutants and other toxicants including by, but not limited to, bunding and covering or roofing of storage, loading and work areas.

The Committee considers this issue an important matter to be addressed in the Drainage Discharge Plan required under proposed condition 20. Control steps and design approaches set out in proposed condition 20 refer to standards and manuals to guide outcomes under a comprehensive drainage plan. It is up to the responsible authority to check that plans submitted for approval observe the requirements and later that the construction and finished development meet the requirements.

The Committee suggests that when the Drainage Discharge Plan is being prepared by the proponent, it might consult with DoT for Regional Roads Victoria to check the authority is satisfied on any potential for flooding from the site to the highway. The Council could establish the DoT position when the plan is submitted for approval.

(iv) Findings

The Committee finds no additional conditions are required in relation to drainage issues.

4.4 Issue 4: Management Plans

(i) The issue

The issue is whether the Construction, Landscape, and Waste Management Plans are appropriately addressed in the permit conditions, and, in turn whether they will control unreasonable amenity impacts from construction of the development and the operation of the use of the premises.

(ii) Submissions

The draft permit conditions included (inter alia) requirements to address and/or call for:

- a Landscape Plan, condition 3
- landscape maintenance, condition 4
- general amenity issues, condition 7
- waste collection, condition 8 b)
- controls during the construction phase, condition 15
- detailed Construction Plans, condition 19
- controls on the construction of Works, condition 21
- a Waste Management Plan, condition 24.

Each of these plans has the objective of controlling activity on the site so as to manage operations and activities to minimise amenity impacts.

Council and the proponent, and indeed the Committee, have submitted additions and suggested changes to several draft conditions as referred to in the preceding sections. One change submitted by the proponent suggested a minor change to proposed condition 15 to update reference to the EPA guidelines cited in the condition. The suggested change is neutral in effect and is supported and recommended by the Committee.

No alternative changes have been proposed by the objectors.

(iii) Discussion

The Committee respects the objectors' position that they do not support the proposal and therefore do not offer any changes to the conditions, save for generally seeking to restrict the hours of operation and expressing concern at the prospect of glare from lighting and the roofing materials.

None of the conditions change the hours of operation of the premises to respond to the objectors wish for reduced hours. Nor does the Committee support any change to the premises being open all hours. On the second matter, it is possible to prevent glare from baffled lighting, which the plans propose, and through the use of non-reflective building materials as shown on the application plans.

The Committee is satisfied that the proposed conditions bring adequate control over the various issues. They stipulate matters that need to be addressed, sometimes stipulate how issues should be addressed, and require that each of the management-style plans must be submitted to and approved by the responsible authority. That is the stage when Council can confirm the obligations on the proponent are being met.

For example, when the Construction Management Plan and Landscape Management Plan are submitted, Council can check that the issues considered within this report are addressed.

Proposed condition 7 is the typical condition inserted in permits as an enduring good behaviour requirement. The provisions seek to ameliorate a variety of amenity impacts potentially arising from the proposed development and use of the site as a service station with associated uses. The condition is designed to ensure good behaviour and management to the benefit of neighbours.

The Committee notes the omission of the word 'development' from the preface to condition 7. The Notice of Determination reads: "*the use and must ...*". Correcting the omission is a minor matter that could likely be done without the need for a recommendation from the Committee. However, for completeness, such a recommendation is made.

Proposed condition 8: 'Restrictions on deliveries' is posed as a direct response to recommendations in the Clarity Acoustic report to reduce the prospect of noise impacts from night time delivery or collection of goods to the site. This is a benefit to the neighbours. Waste collection is one of the restricted activities in proposed condition 8.

Proposed condition 24, Waste Management Plan, refers to the daily rubbish collection within 50 metres from the site boundary. The discussion at the hearing indicated that 'rubbish' is more litter and the requirement is aimed at collection of rubbish/litter to maintain a clean appearance in the neighbourhood. With frontage to the Murray Valley Highway, it will be critical for management to ensure the condition is observed with all due regard to Occupational Health and Safety standards.

Proposed condition 24 is the parent condition for waste collection. It cites issues to be addressed in a Waste Management Plan. The Committee believes for completeness that proposed condition 24 should include the restriction on waste collection set by proposed condition 8b).

The Environmental Protection Authority (EPA) additionally has auspice in relation to emissions and littering. For example, the EPA has a role to respond to any concerns about odour emissions that might arise. This was an issue raised by objectors. The use will be required to operate in accordance with best practice Environmental Protection Measures set by the EPA.

(iv) Findings

Given the proximity of the site to the abutting residences, the highway, and the primary school, the Committee recommends that Council proactively monitor the conduct of the site, the operations of the uses, as well as activities with the potential to generate nuisance such as the storage of rubbish and waste materials.

The Committee proposes improvements to some conditions on the basis they will operate for the benefit of neighbours. The Committee's recommended version of conditions is included in Appendix E.

5 Reasons and recommendations

(i) Reasons

The Committee has found that the permit should be issued and advises the Minister for Planning accordingly.

The Committee has concluded the Shire of Campaspe has considered the relevant issues and proposed conditions to deal with the concerns of objectors. In framing the conditions, the Council has properly adopted and applied recommendations from consultants for the permit applicant aimed at minimising impacts from the development of the land and later from the operations as a service station with associated activities.

The support of the Department of Transport for the use of the land adjoining a highway and the conditions it required to be included in any permit to deal with traffic and safety issues is an important element.

The neighbouring landowners who objected to the proposal, and who made the application for review to VCAT of the Council decision to grant a permit, firmly opposed the grant of a permit. Their written submissions and presentation at the hearing left the Committee in no doubt about their concerns and issues. The Committee acknowledges the participation of the objectors Andrew Beaumont and Sonja Stock and the manner in which they presented their case.

Through the Hearing the Committee was able to explore the objectors' issues as well as matters the Committee itself raised after consideration of numerous papers and submissions. The approach taken by the Committee focussed on improving the conditions proposed in the Notice of Decision to ensure off site impacts were minimised and improved for the neighbouring landowners.

The report sets out the reasoning adopted by the Committee in coming to the recommendations about changes to proposed conditions. Appendix E sets out how those changes to conditions would appear in a permit.

The Committee repeats its statement that it is confident the suite of conditions proposed out of this process will secure better outcomes for the neighbours and improve the relationship of the use to the residential properties.

(ii) Recommendation

That PLN268/2019 be issued for proposed use and development of the land at Lot 6 Murray Valley Highway, Echuca for a Service Station and internally illuminated business identification signage, creation of access to a Road in a Road Zone Category 1 pursuant to Clause 52.29 and removal of native vegetation (3 trees) pursuant to Clause 52.17 of the Campaspe Planning Scheme, subject to the Committees recommended version of conditions in Appendix E including:

1. Include Condition 1 f):

- f) Detailed plans including materials, location, height and service / maintenance access arrangements of the acoustic barrier along the rear (western) boundary of the site in accordance with Condition 5. The plans**

must show all measures taken to prevent access by the general public into the space that will exist between the western boundary of the site and the acoustic barrier.

- 2. Include an additional condition to be numbered 5 as follows and renumber the conditions following Condition 5 to numbers 6 to 29:**

Before the development starts, detailed acoustic plans and elevations (in accordance with the Acoustic Report prepared by Clarity Acoustics, Report R01 Rev1 1901, 3 October 2019) but with the height of the barrier no less than 3.9 metres abutting the residences R2 to R6, must be submitted and approved by the Responsible Authority. The construction of the acoustic barrier must be completed prior to the commencement of the use, and thereafter be maintained through repairs and for appearance, including the removal of graffiti, to the satisfaction of the Responsible Authority.

- 3. Amend proposed condition 7 to include the word 'development' after the words 'The use and' on line 1.**

- 4. Amend proposed condition 15 to read:**

15. Construction Phase

- a) Soil erosion control measures must be employed throughout the construction stage of the development to the satisfaction of the Responsible Authority.**
 - b) Before the development starts, a construction management plan shall be submitted to and approved by the Responsible Authority. The plan must outline how issues such as mud on roads, dust generation, and erosion and sediment control, and construction noise will be managed, on site, during the construction phase. Details of a contact person/site manager must also be provided, so that this person can be easily contacted should any issues arise.**
 - c) Management measures are to be in accordance with the EPA's "Civil construction, building and demolition guide" (publication 1834, dated November 2020).**
- 5. Insert condition 24 d) as follows:**
 - d) The limitations on waste collection imposed by condition 8b).**

Appendix A Priority Projects SAC Terms of Reference

Priority Projects Standing Advisory Committee

Standing Advisory Committee appointed pursuant to Part 7, section 151 of the *Planning and Environment Act 1987* to advise the Minister for Planning on referred priority planning proposals.

Name

1. The Standing Advisory Committee is to be known as the 'Priority Projects Standing Advisory Committee' (the Committee).
2. The Committee is to have members with the following skills:
 - a. statutory and strategic land use planning
 - b. land development and property economics
 - c. urban design and architecture
 - d. heritage
 - e. civil engineering and transport planning
 - f. social impacts
 - g. environmental planning
 - h. planning law.
3. The Committee will include a lead Chair, Chairs, Deputy Chairs and not less than ten other appropriately qualified members.

Purpose

4. The purpose of the Committee is to provide timely advice to the Minister for Planning on projects referred by the Building Victoria's Recovery Taskforce (BVRT), projects affected by Covid-19 and or where the Minister has agreed to, or is considering, intervention to determine if these projects will deliver acceptable planning outcomes.

Background

5. The Victorian Government has identified Victoria's building and construction sector as a key mechanism to revitalise Victoria's economy during the coronavirus (COVID-19) pandemic.
6. The Government has committed to a fast-track assessment process for priority projects of state and regional significance that are shovel-ready and that will provide immediate benefits to Victoria's economy, keeping Victorians in work and priority infrastructure on track for completion.
7. The BVRT was formally announced on 26 April 2020. The Taskforce was established by the Minister for Planning and Treasurer to help keep Victoria's building and development industry running during the coronavirus crisis. The Taskforce will investigate planning and investment opportunities to boost Victoria's building and development industry over the short, medium and long term.

Method

8. The Minister for Planning or delegate will refer projects by letter to the Committee for advice on whether the project achieves acceptable planning outcomes.
9. The referral letter must specify:
 - a. the specific issues the Minister for Planning seeks advice about
 - b. the mechanism of intervention being considered
 - c. whether, or which previously collected, submissions are to be considered by the Committee
 - d. how the costs of the Committee will be met.

10. The letter of referral will be a public document.
11. In making a referral, the Minister for Planning or delegate must, either:
 - a. be satisfied that any proposed planning controls for the land make proper use of the Victoria Planning Provisions and are prepared and presented in accordance with the Ministerial Direction on The Form and Content of Planning Schemes, or
 - b. seek advice from the Committee on the drafting of the planning controls or permit conditions.
12. The Committee may inform itself in anyway it sees fit, but must consider:
 - a. the referral letter from the Minister for Planning,
 - b. referred submissions,
 - c. the comments of any referral authority,
 - d. the views of the project proponent,
 - e. the views of the relevant Council,
 - f. the relevant planning scheme.
13. The Committee is not expected to carry out additional public notification or referral but may seek the views of any relevant referral authority, responsible authority or government agency.
14. The Department of Environment, Land, Water and Planning (DELWP) will be responsible for any further notification required. New submissions will be collected by DELWP.
15. The Committee may seek advice from other experts, including legal counsel where it considers this is necessary.
16. The Committee is not expected to carry out a public hearing but may do so if it is deemed necessary and meets its quorum.
17. The Committee may:
 - a. assess any matter 'on the papers'.
 - b. conduct discussions, forums, or video conferences when there is a quorum of:
 - i. a Chair or Deputy Chair, and
 - ii. at least one other member.
18. The Committee may apply to vary these Terms of Reference in any way it sees fit.

Submissions are public documents

19. The Committee must retain a library of any written submissions or other supporting documentation provided to it directly to it in respect of a referred project until a decision has been made on its report or five years has passed from the time of the referral.
20. Any written submissions or other supporting documentation provided to the Committee must be available for public inspection until the submission of its report, unless the Committee specifically directs that the material is to remain confidential. A document may be made available for public inspection electronically.

Outcomes

21. The Committee must produce a concise written report to the Minister for Planning providing the following:
 - a. A short description of the project.
 - b. A short summary and assessment of issues raised in submissions.
 - c. A draft planning permit including relevant conditions from Section 55 referral authorities, or draft planning scheme control depending on the nature of the referral.
 - d. Any other relevant matters raised in the course of the Committee process.
 - e. Its recommendations and reasons for its recommendations.
 - f. A list of persons or authorities/agencies who made submissions considered by the Committee.

- g. A list of persons consulted or heard, including via video conference.
- 22 Following the completion of a report, the Committee may deliver an oral briefing to the Minister for Planning and/or DELWP. The briefing may be by video conference or telephone.

Timing

- 23 The Committee is required to submit its reports in writing as soon as practicable, depending upon the complexity of the referred project between 10 and 20 business days from either:
 - a. the date of receipt of referral, if no further submissions or information are to be sought, or
 - b. receipt of the final submission of material or final day of any public process in respect of a referral.

Fee

- 24 The fee for the Committee will be set at the current rate for a Panel appointed under Part 8 of the *Planning and Environment Act 1987*.

The costs of the Advisory Committee will be met by each relevant proponent.



Richard Wynne MP Minister for Planning

Date: 14 / 06 / 20

Appendix B Letter of referral



Hon Richard Wynne MP

Minister for Planning
Minister for Housing

8 Nicholson Street
East Melbourne, Victoria 3002

planning.panels@delwp.vic.gov.au

Dear Ms Mitchell

CALL IN OF VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL PROCEEDING P446/2020 –
LOT 6 MURRAY VALLEY HIGHWAY, ECHUCA

I refer to the above Victorian Civil and Administrative Tribunal (VCAT) proceeding no. P446/2020 for the proposed use and development of the land for a 24-hour service station including a convenience restaurant and associated internally illuminated business identification signage in the Commercial 2 Zone and Design and Development Overlay Schedule 3, creation of access to a Road Zone Category 1 in accordance with Clause 52.29 and the removal of native vegetation (three trees) in accordance with Clause 52.17 at Lot 6 Murray Valley Highway, Echuca. The project was referred to me by the Building Victoria's Recovery Taskforce.

I advise that I have decided to call in the proceeding from VCAT under Clause 58(2)(a) of the Victorian Civil and Administrative Tribunal Act 1998. I have also decided to refer the matter to the Priority Projects Standing Advisory Committee for advice and recommendations on appropriate permit conditions that should be imposed.

On 18 March 2020, an objector lodged an application for review under section 82 of the Planning and Environment Act 1987. VCAT held a compulsory conference on 10 August 2020 and did not resolve the matter. The substantive hearing is scheduled to commence on 1 February 2021. Notice of the application was given. There are three parties to the proceeding: the applicant, the council and one objector who is representing four other objectors. Objector concerns as outlined in their statement of grounds relate to the proximity of the proposal to educational facilities, 24-hour service station operation, amenity impacts, inaccurate reports submitted with the application proposal and concerns about the council's assessment of the application.

The cost of the advisory committee will be met by the applicant, Echuca West Holdings (BPG) Pty Ltd.

If you would like more information about this matter, please email Dr Jane Homewood, Executive Director, Statutory Planning Services, Department of Environment, Land, Water and Planning, at jane.homewood@delwp.vic.gov.au.

Yours sincerely

HON RICHARD WYNNE MP
Minister for Planning

20 / 12 / 2020

Appendix C Letter to VCAT: Call in by the Minister for Planning



Hon Richard Wynne MP

Minister for Planning
Minister for Housing

8 Nicholson Street
East Melbourne, Victoria 3002

The Principal Registrar
Planning and Environment List
Victorian Civil and Administrative Tribunal
Ground Floor, 55 King Street
MELBOURNE VIC 3000
admin@vcat.vic.gov.au

Ref: MBR044042



Dear Principal Registrar

CALL-IN REQUEST FOR VCAT PROCEEDING P446/2020 – LOT 6 MURRAY VALLEY HIGHWAY, ECHUCA

I refer to the above Victorian Civil and Administrative Tribunal (VCAT) proceeding for review. I understand the proceeding is scheduled for hearing commencing 14 December 2020.

I advise that I have decided to call in the proceeding from VCAT under Clause 58(2)(a) of Schedule 1 to the *Victorian Civil and Administrative Tribunal Act 1998* as I consider that the proceeding raises a major issue of policy for the following reasons:

- The proposal responds to Clause 17.01-1S and Clause 17.02-1S as well as the local provisions at Clause 21.07 in that it will have a significant local and state-wide economic impact by providing immediate capital expenditure of \$6.4 million and approximately 100 construction jobs and 25 ongoing jobs. This economic stimulus is much needed in light of the challenges faced by Victoria and throughout Australia during the coronavirus (COVID-19) pandemic.

I also consider that its determination may have a substantial effect on the achievement or development of planning objectives in the *Planning and Environment Act 1987*:

- to provide for the fair, orderly, economic and sustainable use, and development of land (section 4(1)(a))
- to secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria (section 4(1)(c))
- to balance the present and future interests of all Victorians (section 4(1)(g)).

Accordingly, under Clause 58(2)(a) of Schedule 1 to the Victorian Civil and Administrative Tribunal Act, I give you notice of my decision to call in the proceeding and request that the proceeding be referred to the Priority Projects Standing Advisory Committee.

I understand that VCAT will advise all parties by order of this notice.

In order for Department of Environment, Land, Water and Planning (DELWP) officers to proceed with this matter, please contact the Development Facilitation Team via email to development.facilitation@delwp.vic.gov.au to organise the transfer of the relevant VCAT file.

If you would like more information about this matter, please email Dr Jane Homewood, Executive Director, Statutory Planning Services, Department of Environment, Land, Water and Planning, at jane.homewood@delwp.vic.gov.au.

Yours sincerely



HON RICHARD WYNNE MP
Minister for Planning

20 / 12 / 2020

Appendix D Document list

No.	Date	Description	Presented by
1	20 12 20	Letter of Referral	Minister for Planning
2	12 01 21	VCAT file for proceeding P446/2020 (hard copy)	Victorian Civil and Administrative Tribunal
3	18 01 21	Notification letter to parties	Committee
4	20 01 21	Email to Committee regarding circulation of submissions prior to hearing	Henry Wood, SJB Planning on behalf of the Applicant
5	21 01 21	Email to all parties regarding document 4	Committee
6	22 01 21	February 2020 Council Minutes Open - 5 1 Council Planning Report – Murray Valley Highway, Echuca	Emily Hardy, Campaspe Shire Council
7	“	PLN268-2019 Submission by Stock	“
8	“	PLN268-2019 Title - volume 10324 Folio 986	“
9	“	PLN268-2019 Traffic Impact Assessment	“
10	“	PLN268-2019 Traffic Works concept plan	“
11	“	PLN268-2019 V2 Planning Report	“
12	“	PLN268-2019 (amended) NVR report	“
13	“	PLN268-2019 Acoustic Report	“
14	“	PLN268-2019 Application Planning Report	“
15	“	PLN268-2019 Arboricultural Report	“
16	“	PLN268-2019 Notice of Determination	“
17	“	PLN268-2019 notice and objector lists	“
18	“	PLN268-2019 Plans, Murray Valley Highway, Echuca	“
19	“	PLN268-2019 Revised Planning Permit Application Form	“
20	“	PLN268-2019 S57A Amendment Form	“
21	“	PLN268-2019 Site Survey	“
22	“	PLN268-2019 Stormwater Management Plan	“
23	“	PLN268-2019 Submission by Piotrowski & Petition	“
24	“	PLN268-2019 Submission by Ryan	“
25	“	PLN268-2019 Submission by St Mary's Primary School	“

No.	Date	Description	Presented by
26	22 01 20	Letter to Committee	Sonja Stock and Andrew Beaumont
27	28 01 21	Council summary statement	Andrew Fletcher
28	"	Council letter of support	"
29	"	Proponent summary statement	Henry Wood
30	01 02 21	Circulated draft conditions	Andrew Fletcher
31	"	Submission	Sonja Stock and Andrew Beaumont
32	"	Comments on draft conditions	Henry Wood
33	04 02 21	Comments on process and draft conditions, plus photograph	Sonja Stock and Andrew Beaumont

Appendix E Committee recommended version of conditions

Tracked Added

~~Tracked Deleted~~

1. **Amended Plans required**

Before the use and development commencing, documents must be submitted to and approved by the responsible authority. When approved, the documents will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and a minimum of three copies must be provided. The plans must include:

- a) Location and details of all plant equipment. Plant equipment, vents and waste areas must be screened.
- b) Sign 1 to have a maximum height of 7 metres.
- c) A landscape plan in accordance with Condition 3.
- d) Removal of future access from Bridlington Avenue to the south.
- e) A 2.5 m wide shared concrete footpath from the subject site to Bridlington Avenue in accordance with Condition 19.
- f) [Detailed plans including materials, location, height and service / maintenance access arrangements of the acoustic barrier along the rear \(western\) boundary of the site in accordance with Condition 5. The plans must show all measures taken to prevent access by the general public into the space that will exist between the western boundary of the site and the acoustic barrier.](#)

All to the satisfaction of the Responsible Authority.

2. **Layout not altered**

The use and development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.

3. **Landscape Plan**

Before the development starts a landscape plan must be submitted to and approved by the Responsible Authority. The landscape plan must be to the satisfaction of the Responsible Authority, and be in accordance with the requirements of the *Landscape Plan Guide for Developments in Campaspe Shire Council, City of Greater Shepparton and Moira Shire Council, 2017*. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The landscaping plan must show:

- a) A survey of all existing vegetation and natural features showing plants (greater than 1200mm diameter) to be removed.
- b) A minimum area of 15% to the lot frontage should be landscaped to include a variety of shrubs and at least two significant trees (mature height 10 metres) with all plant species suitable to this area and to the satisfaction of the responsible authority.
- c) A minimum 3-metre-wide landscape buffer should be provided the full length of the rear boundaries for those properties abutting the General Residential Zone.

- d) A planting schedule of all proposed trees, shrubs and ground cover, which will include the location, number and size at maturity of all plants, the botanical names of such plants and the location of all areas to be covered by grass, lawn or other surface materials as specified.
- e) The method of preparing, draining, watering and maintaining the landscaped area.
- f) Details of surface finishes of pathways and driveways.
- g) Landscaping and planting within all open areas of the site.
- h) The sewer and water supply connection points.
- i) The weed management program.
- j) Indicate that an in-ground irrigation system is to be provided to all landscaped areas.

All to the satisfaction of the Responsible Authority.

4. Landscape Maintenance

Before the development is occupied or by such a later date as is approved by the Responsible Authority in writing, landscaping works shown on the endorsed plan must be carried out and completed to the satisfaction of the responsible authority. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including the replacement of any dead, diseased or damaged plants.

5. Acoustics

Before the development starts, detailed acoustic plans and elevations (in accordance with the Acoustic Report prepared by Clarity Acoustics, Report R01 Rev1 1901, 3 October 2019) but with the height of the barrier no less than 3.9 metres abutting the residences R2 to R6, must be submitted and approved by the Responsible Authority. The construction of the acoustic barrier must be completed prior to the commencement of the use, and thereafter be maintained through repairs and for appearance, including the removal of graffiti, to the satisfaction of the Responsible Authority.

5.6 Regional Roads Victoria

- a) Prior to the development coming into use the following must be provided generally in accordance with the functional layout plans, 190014-CTP-13 and 190014-CTP-14 (Issue P3 Dated 21-01-20), using Head, Transport for Victoria (Head, TfV)'s prequalified contractors/consultants to the written satisfaction and at no cost to Head, Transport for Victoria (Head, TfV);
 - i. A Rural Type Channelised, sealed full depth right turn lane treatment (type "CHR" – designed for 80 km/h speed) must be provided on the Murray Valley Highway at the entry to the development generally in accordance with Figure A 30 of the AUSTROADS publication "Guide to Road Design Part 4: Intersections and Crossings – General" -2017.

- ii. A Rural Type Auxiliary, sealed full depth left-turn treatment (type AUL – Designed for 80 km/h) must be provided on the Murray Valley Highway at the entry to the development in accordance with Figure 8.4 of the AUSTROADS publication, "Guide to Road Design - Part 4A: Unsignalised and Signalised Intersections " – 2017.
 - iii. Subsequent to the written approval of detailed functional layout, works associated with the above development within the Murray Valley Highway road reserve must be designed to a standard approved in writing by Head, Transport for Victoria (Head, TfV) prior to the commencement of construction within the declared road reserve.
 - iv. A detailed engineering layout (including lighting layout) in conjunction with a 'Detailed Design Stage' Road Safety Audit (RSA) must be submitted to Head, Transport for Victoria (Head, TfV) for its written approval. The RSA must be undertaken by an independent Head, Transport for Victoria (Head, TfV)'s prequalified audit team and be conducted in accordance with Austroads – Road Safety Audit (Second Edition, 2002).
- b) Prior to the development coming into use all display of business identification signage, which is proposed on the main building, fuel canopies as well as a large display signs must be designed and located generally in accordance with the following to the written satisfaction and at no cost to Head, Transport for Victoria (Head, TfV);
- i. Static signs
 - The location and details of the sign shown on endorsed plans must not be altered without the written consent of the Responsible Authority,
 - The sign must be contained within the property line, no part of the structure is permitted to protrude beyond the property line and into the road reserve;
 - The sign must be constructed and maintained to the satisfaction of the Responsible Authority,
 - The sign must be professionally manufactured from non-reflective or nonfluorescent materials,
 - The proponent must not use colours that could be mistaken for a traffic sign or signal, for example, a potential road hazard may be created, if it contains red, green or yellow lighting, or has red circles, octagons, crosses or triangles, or large reflective or illuminated arrows,
 - If the sign is illuminated, the source of the lighting must not be visible from any part of the declared road/highway,
 - If the sign is illuminated, any illumination must not be flashing, nor cause dazzle to the declared road/highway traffic,
 - The sign must not dazzle or distract road users due to its colouring or luminosity. The luminance of the advertising sign must be such that it does not give a veiling luminance to the driver, of greater than 0.25 cd/m², throughout the driver's approach to the advertising sign.

ii. Electronic signs

- The location and details of the sign shown on endorsed plans must not be altered without the written consent of the Responsible Authority.
- The sign must be contained within the property line; no part of the structure is permitted to protrude beyond the property line and into the road reserve.
- The sign must be constructed and maintained to the satisfaction of the Responsible Authority.
- No advertisement may be displayed for less than 30 seconds.
- The transition from one advertisement to another must be instantaneous.
- In relation to the images displayed on the sign:
 - Sequences of images giving the illusion of continuous movement must not be displayed.
 - images capable of being mistaken for traffic signals or traffic control devices because they, for example, contain red, amber or green circles, octagons, crosses or triangles must not be displayed.
 - images or text capable of being mistaken as an instruction to a road user must not be displayed.
 - flashing background, flashing text or flashing images must not be displayed.
- The sign must not dazzle or distract road users due to its colouring or luminosity. The luminance of the advertising sign must be such that it does not give a veiling luminance to the driver, of greater than 0.25 cd/m², throughout the driver's approach to the advertising sign.
- In the event of an attack by a computer hacker or similar resulting in unauthorised display of visual images or any other display malfunction, the electronic sign is to shut down and cease any form of visual output until the malfunction is repaired.
- This permit expires 15 years from the date of issue, at which time the sign and all supporting structures must be removed, and the site made good to the satisfaction of the Responsible Authority.

c) Environmental management / native vegetation protection measures must be to the written consent to Head, Transport for Victoria (Head, TfV), generally in line with the following to include:

- i. The prescribed "Works Zone" for the works and associated vegetation removal required to install a capacitive balancing unit (CBU) and earthing cable is defined as the 5.0m x 3.0m area marked for vegetation removal and the 24.0m x 4.0m area marked for site access on Figure 5 – Vegetation Removal Plan (page 8) of the document referred to as "Document Set ID: 4214767 (Version: 1, Version Date: 25/07/2019)". Prior to commencement of any works, any amended plans must be submitted to and approved by the

Head, Transport for Victoria (Head, TfV), When approved by the Head, Transport for Victoria (Head, TfV),, the plans may be endorsed by the Responsible Authority and will then form part of the permit.

- ii. Prior to the commencement of works, the boundary of the prescribed “works zone” as approved by the Head, Transport for Victoria (Head, TfV), must be temporary delineated with rope bunting and timber stakes. This installation must be maintained until project completion. All other areas of road reserve including adjoining trees / native vegetation outside of the temporary fencing / prescribed work zone will be 'No Go Zones' for the duration of works.
- iii. All works must comply with Australian Standard (AS) 4970-2009 “Protection of Trees on Development Sites”. This applies to all vegetation to be retained, including any trees within the prescribed “works zone”.
- iv. Within the area of native vegetation to be retained, no machinery or associated equipment, vehicles / plant, access tracks / entry points, parking areas, turning areas, construction materials, stacksites / stockpiles, vehicle storage areas are permitted to be established outside of the prescribed “works zones”. All works must ensure that:
 - No topsoil, subsoil, or other excavated materials shall be stored in the road reserve outside the prescribed “works zone”.
 - Top soil shall be retained from the works for site rehabilitation and redistributed on areas of site disturbance within the prescribed “works zone”.
 - Any excavated material, including topsoil, taken from the works site to be returned later must be stored on a clean site free of weeds and not in areas of native vegetation.
 - Excess materials or spoil from works are not to be dumped or spread outside of the prescribed “works zone” or within the road reserve and must be removed from site.
 - To protect native vegetation to be retained, all construction and maintenance equipment, earthmoving equipment and associated machinery must be made free of soil, seed and plant materials prior to entering onto the road reserve or the prescribed “Works Zone”, and before leaving the work site.
 - Any declared noxious or environmental weeds that are identified as having been spread or imported onto the road reserve as a result of the works shall be managed, treated or eradicated for a 24-month period following completion of all relevant works.
 - Prior to commencement of any works within the road reserve, all persons undertaking the works must be inducted on all conditions of this permit as issued, and any site-specific environmental conditions. A copy of this permit must be kept on the work site.
 - All areas of roadway, pathway, and/or roadside disturbed as a result of these works must be reinstated to the satisfaction of Head, Transport for

Victoria (Head, TfV) to a standard not less than existed before the works were commenced. This shall include a review of these works with a Head, Transport for Victoria (Head, TfV)'s representative post completion of works and shall be agreed to in writing.

6.7 External Lighting

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.

7.8 General Amenity

The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:

- a) Processes carried on;
- b) The transportation of materials, goods or commodities to or from the land;
- c) The appearance of any buildings, works or materials;
- d) The emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, or oil;
- e) The presence of vermin.

All to the satisfaction of the Responsible Authority.

8.9 Restrictions on Deliveries

- a) Fuel deliveries associated with the subject site are to be scheduled to only occur during the Noise from Industry in Regional Victoria (NIRV) day and evening periods (0700-2200 hours) to the satisfaction of the Responsible Authority.
- b) Waste collection from the subject site is to be scheduled to the site to only occur during the NIRV day period (0700-1800 hours, Monday to Friday and 0700-1300 hours, Saturday) to the satisfaction of the Responsible Authority.

There are no restrictions on delivery times for Medium Rigid Vehicles (MRVs) and Light Rigid Vehicles (LRVs) to the Convenience Restaurant or Fuel shop.

9.10 Signs

No external advertising sign other than signs permitted under the Campaspe Planning Scheme shall be erected on the site without the consent of the responsible authority.

10.11 Sign Maintenance

All signs must be constructed to the satisfaction of the responsible authority and maintained to the satisfaction of the Responsible Authority.

11.12 Sign Flashing

Flashing or intermittent lighting must not be used in the signs permitted by this permit.

12.13 External Lighting

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

13.14 Sign within boundaries

The signs permitted by this permit must be located so as to be wholly contained within the boundaries of the subject land, to the satisfaction of Responsible Authority.

14.15 Native Vegetation

- a) Before works start, the permit holder must advise all persons undertaking the vegetation removal on site of all relevant conditions of this permit.
- b) No native vegetation other than that approved by this permit shall be removed unless a permit has been granted by the Responsible Authority for its removal.
- c) No native vegetation is to be damaged during works to the satisfaction of the Responsible Authority.
- d) In order to offset the removal of native vegetation approved as part of this permit, the applicant must provide a native vegetation offset that meets the following requirements, and is in accordance with the Guidelines for the removal, destruction or lopping of native vegetation (Department of Environment, Land, Water and Planning 2017) and the Native vegetation gain scoring manual:
- e) The offset must:
 - i. Contribute gain of 0.147 general habitat units.
 - ii. Be located within the North Central Catchment Management Authority or the Campaspe Shire Council district.
 - iii. Have a strategic biodiversity score of at least 0.592.
- f) Before any native vegetation is removed, evidence that an offset has been secured must be provided to the satisfaction of the Responsible Authority. This offset must meet the offset requirements set out in this permit and be in accordance with the requirements of Permitted clearing of native vegetation – Biodiversity assessment guidelines and the Native Vegetation gain scoring manual. Offset evidence can be either:
 - i. A security agreement, to the required standard, for the offset site or sites, including a 10 year offset management plan.
 - ii. A credit register extract from the Native Vegetation Credit Register.

15.16 Construction Phase

- a) Soil erosion control measures must be employed throughout the construction stage of the development to the satisfaction of the Responsible Authority.
- b) Before the development starts, a construction management plan shall be submitted to and approved by the Responsible Authority. The plan must outline how issues such as mud on roads, dust generation and erosion and sediment control will be managed, on site, during the construction phase. Details of a contact person/site manager must also be provided, so that this person can be easily contacted should any issues arise.
- c) Management measures are to be in accordance with EPA guidelines for Environment Management, "Doing It Right On Subdivisions" Publication 960, September 2004.

16.17 Car Park Construction Requirements

Before construction works start associated with the provision of car parking, detailed layout plans demonstrating compliance with AustRoads Publication 'Guide to Traffic Engineering Practice : Part 11 Parking' and to the satisfaction of the relevant authority must be submitted to and approved by the responsible authority. The plans must be drawn to scale with dimensions.

Before the use starts, the areas set aside for parking of vehicles and access lanes as shown on the endorsed plans must be:

- a) Surfaced with an all-weather reinforced concrete treated to the satisfaction of the Responsible Authority to prevent dust;
- b) Constructed and completed to the satisfaction of the Responsible Authority;
- c) Drained in accordance with an approved drainage plan;
- d) Line-marked to indicate each car space and all access lanes;
- e) Properly illuminated with lighting designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land;
- f) Measures taken to prevent damage to fences or landscaped areas of adjoining properties and to prevent direct vehicle access to an adjoining road other than by a vehicle crossing;
- g) Provision of traffic control signage and or structures as required;
- h) Provision of signage directing drivers to the area(s) set aside for car parking. Such signs are to be located and maintained to the satisfaction of the Responsible Authority. This sign must not exceed 0.3 square metres.

All to the satisfaction of the responsibility authority.

The areas must be constructed and drained to prevent diversion of flood or drainage waters, and maintained in a continuously useable condition to the satisfaction of the Responsible Authority.

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

17.18 Vehicle Turning

All car parking spaces must be designed to allow all vehicles to drive forwards both when entering and leaving the property, to the satisfaction of Responsible Authority.

18.19 Delivery of Goods

The loading and unloading of goods from vehicles must only be carried out on the land subject to this permit.

19.20 Detailed Construction Plans

Before any road, drainage or landscaping works associated with the development start, detailed construction plans for a service road in Murray Valley Highway 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 include:

- a) Fully sealed pavement with kerb and channel service road in Murray Valley Highway fronting the development
- b) A 2.5 m wide shared concrete footpath from the subject site to Bridlington Avenue.
- c) Underground drains
- d) Landscaping
- e) Street lighting

Prior to the use commencing and/or occupation all works constructed or carried out must be in accordance with those plans.

20.21 Drainage Discharge Plan

Before any of the development starts, a properly prepared drainage discharge plan with computations 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 with dimensions and a minimum of three copies (or as specified) must be provided. The information submitted must show the details listed in the council's Infrastructure Design Manual and be designed in accordance with the requirements of that manual.

The information and plan must include:

- a) Details of how the works on the land are to be drained and retarded;
- b) Computations including total energy line and hydraulic grade line for the existing and proposed drainage as directed by Responsible Authority;

- c) Underground pipe drains conveying storm water to the legal point of discharge for each allotment;
- d) Measures to enhance storm water discharge quality from the site and protect downstream waterways including the expected discharge quality emanating from the development (output from MUSIC or similar) and design calculation summaries of the treatment elements;
- e) A maximum discharge rate from the site is to be determined by computation to the satisfaction of Council or 10 lit/sec/ha;
- f) Documentation demonstrating approval from the relevant authority for the legal point of discharge;
- g) The provision of gross pollutant traps installed at the drainage outfall of the development to ensure that no effluent or polluted water of any type may be allowed to enter the Council's storm water drainage system;
- h) The details of the incorporation of water sensitive urban design designed in accordance either "Urban Storm water Best Practice Environmental Management Guidelines" 1999;
- i) Maintenance schedules for treatment elements.

Before the use starts all works constructed or carried out must be in accordance with those plans to the satisfaction of the Responsible Authority.

21.22 Construction of Works

Prior to the commencement of the use the applicant or owner must construct service road works, drainage, shared concrete footpath, street lighting and other civil works, in accordance with approved plans and specifications approved by the Responsible Authority and in accordance with the Infrastructure Design Manual.

22.23 Supervision Fees

Prior to works commencing, payment to the Responsible Authority of an amount up to 2.5% of the actual cost of work, being for costs of the Responsible Authority supervision of the works, as determined by the Responsible Authority.

23.24 Plan Checking Fee

Prior to works commencing, payment to the Responsible Authority for an engineering design checking fee of an amount up to 0.75% of the value of documented works.

24.25 Waste Management Plan

Prior to the commencement of the use, a Waste Management Plan addressing deliveries/loading and the collection of rubbish must be submitted to the Responsible Authority. When to the satisfaction of, and approved by, the Responsible Authority, the Plan will be endorsed and then form part of the permit. The plan must address, but is not limited to:

- a) Details of daily rubbish collection in public areas within a radius of 50 metres from the site boundary.
- b) Provision of rubbish bins within the car park area.
- c) Storage and collection of wastes, including the number of dump masters and how often they will be collected.
- d) The limitations on waste collection imposed by condition 8b).

All waste material not required for further on-site processing must be regularly removed from the site. All vehicles removing waste must have fully secured and contained loads so that no wastes are spilled or dust or odour is created to the satisfaction of the Responsible Authority.

25.26 Twelve Months Guarantee of Works

Prior to the commencement of the use, the applicant shall lodge with Council a guarantee of works (service Road) based on 5% value of works, to be refunded in twelve months following satisfactory final inspection.

26.27 As Constructed Plans

Prior to the commencement of the use, the owner/applicant shall submit to the satisfaction of the relevant authority the following:

- a) An assets statement for each street;
- b) 'As constructed' information for the entire work in each development stage detailing information as listed in the council's Infrastructure Design Manual;
- c) 'As constructed' drainage and road, kerb and channel and footpath works information shall be provided in D spec and R Spec format respectively to Council's satisfaction.(Council is a member of A Spec).

27.28 Expiry Date for Signs

The advertising signs shown on the endorsed plan and authorised by this permit must be removed at the expiry of fifteen years from the date of this permit unless a further planning permit for the signs has been obtained within that time from the Responsible Authority.

28.29 Time for Starting and Completion

This permit will expire if one of the following circumstances applies:

- a) The development is not started within two years of the date of this permit.
- b) The development is not completed within four years of 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.

Responsible authority

The term "responsible authority" in the planning permit means the municipal council in accordance with section 13 of the Planning and Environment Act 1987.

Building Approval Required

This permit does not authorise the commencement of any building construction works. Before any such development may commence, the applicant must apply for and obtain appropriate building approval.

Health Requirements

Food Premises - Full compliance with the Food Act 1984 and the Food Standards Code is required.

Prior to the commencement of any building works, a plan is required to be submitted to Councils Environmental Health Department for review, comment and approval.

Connection to Coliban Waters reticulated sewerage system is required for all wastewater disposal.

Department of Transport

Any planning permit approval received in accordance with a municipal planning scheme does NOT constitute consent to conduct the works under the Road Management Act 2004. Section 63 and clause 16 of Schedule 7 of the Road Management Act 2004 requires any person proposing to carry out works in, on, under or over a road to obtain the consent of the coordinating road authority, except where exempt under the Act, or its Regulations (the Road Management (Works and Infrastructure) Regulations 2005).

All road pavement surfaces must be maintained in a clean and safe condition, free from mud, loose stones or any other materials that may reduce skid resistance or affect pavement markings. It is a requirement that any material spilt or tracked onto the road surface is cleaned off immediately.

Dust emissions must be minimised during construction activities.

Head, Transport for Victoria (Head, TfV) requests that the applicant provide detailed plans indicating 'works zone' including any proposed construction access within the road reserve. Once endorsed by Head, Transport for Victoria (Head, TfV), these plans be incorporated into the permit.

The discharge of any concentrated drainage onto the Murray Valley Highway road reserve is not permitted unless approved in writing by Head, Transport for Victoria (Head, TfV).

Separate 'detailed design' approval (fees and charges apply) and the specifications of these works are required under the Road Management Act. For the purposes of this application, the works will include any work within the arterial road reserve.

VII. Please forward details marked attention to Steven Attard on: nr.mailbox@roads.vic.gov.au

Compliance with Other Statutory Requirements and/or Public Authority

The use permitted by this permit must comply with the requirements of any other relevant legislation or public authority.