

Council Report

Application TP/136/2021 – Mt Baimbridge Road, Hamilton

Conditions

Plans

1. Before the commencement of the use and/or development, amended plans must be submitted to and approved by the Responsible Authority. When approved the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale and dimensioned and must be generally in accordance with the plans submitted with the application, but modified to show:
 - a. Removal of references on plans to future changes or extensions.
 - b. Landscape Plan prepared by Ian Hartley Architect dated 20/09/2021 modified to show planting buffer of native tree species to screen views of the property on the north and south boundary.
 - c. Elevation drawings of showing the dimensions and design details of remaining signs.
 - d. A muted and non-reflective external finish for the approved shed.
 - e. The location and dimensions of the shipping container on the site plan, located away from boundaries and tree protection zones.
 - f. A lighting schedule of all proposed external lighting including location, luminance, and proposed times of operation.
 - g. The location and details of bicycle facilities, in accordance with Clause 52.34.
 - h. Any changes necessary to fulfil the recommendations of the acoustic report prepared by Waveform Acoustics dated 6 January 2021.
 - i. The plant schedule of the landscape plan adjusted to include fast-growing screening trees and shrubs, with at least 75% of the species being Australian natives.
2. The use and development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.

Landscaping

3. The approved landscaping must be planted within three (3) months of the practical completion of the development, or within the first planting season, whichever is sooner.
4. Landscaping must be provided with an adequate water supply and mulching to ensure the health and continued growth of the vegetation to the satisfaction of the Responsible Authority. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority and if any plants die, become diseased or damaged they are to be replaced with a similar species to the satisfaction of the Responsible Authority.

Use of the Land

5. The land must only be used for the permitted purpose in a non-commercial manner. The premises may not at any time be hired for use to the general public.
6. The use hereby permitted must operate between the hours of:
 - a. 9AM to 10PM, Sunday to Saturday.The building may be occupied by up to ten (10) people from 8AM to set up for gatherings and other events.
7. No live music or amplification of noise may be conducted external to the main building, unless with the prior written consent of the Responsible Authority.
8. No more than 200 patrons are permitted on-site at any given time, except with the prior written consent of the Responsible Authority.
9. Car parking for the use of the land must occur within the car park areas shown on the endorsed plans.

Signage

10. The location, size, material of construction and details (colours and wording) of the signage and any supporting structures, as shown on the endorsed plans, must not be altered without the written consent of the Responsible Authority.
11. Unless no permit is required under the provisions of the Southern Grampians Planning Scheme, other signs must not be constructed or displayed without further written consent of the Responsible Authority.
12. All signage, including the structure and advertising material as shown on the endorsed plan, must at all times be maintained in good order and condition to the satisfaction of the Responsible Authority.
13. The permitted sign(s) must be located wholly within the boundaries of the subject site.

Waste Management

14. Waste and recycling storage areas must be provided on the site, to the satisfaction of the Responsible Authority. In this regard, a sufficient number of watertight receptacles with close fitting lids for the reception of garbage and reuse arising from the premises must be provided. The contents of such garbage receptacles are to be disposed of at least once in every seven consecutive days. The proprietor must not allow the garbage or refuse to become a nuisance at any time.

Amenity Management

15. The use of the land must be managed so that the amenity of the area is not detrimentally impacted through the:
 - a. Transport of materials, goods or commodities to or from the land.
 - b. Appearance of the any building, works or materials.
 - c. Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, water, waste products, grit or oil or otherwise.
 - d. Presence of vermin.
 - e. Visitors to the site.
16. 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.
17. Noise levels emanating from the premises must comply with the requirements of *the Environmental Protection Authority Publication 1826.4: Noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues*.
18. All recommendations contained with the acoustic report (prepared by Waveform Acoustics, dated 06/01/2021) endorsed under this planning permit must be implemented to the satisfaction of the Responsible Authority.
19. No amplification of music, use of microphones or playing of live music is permitted on the land between the hours of 10PM and 9AM. No amplification external to the building/s is permitted except with the prior written consent of the Responsible Authority.

Drainage and Stormwater Management

20. Prior to commencement of development, a properly prepared Stormwater Management Plan with computations to the satisfaction of 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. The information submitted must show the details listed in the Council's Infrastructure Design Manual. The plan must include:
 - a. How the land will be drained.
 - b. Underground pipe drains conveying stormwater to the Legal Point of Discharge.
 - c. Measures to enhance stormwater discharge quality from the site and protect downstream waterways.
 - d. Maximum discharge rate from the site.
 - e. Documentation demonstrating approval from the Relevant Authority for the Legal Point of Discharge.
 - f. Any existing or proposed easements.

- g. Evidence showing rainfall occurring from 1% AEP will not affect downstream properties.

Before the use commences/buildings and works are occupied, all works constructed or carried out must be in accordance with those plans to the satisfaction of the Responsible Authority.

- 21. All stormwater discharge from the development must either be connected to the Legal Point of Discharge or retained within the site without causing nuisance to the neighbouring properties to the satisfaction of the Responsible Authority.

Wastewater Management

- 22. Prior to the commencement of buildings and works, the site must be connected to a reticulated sewerage system or if not available, a wastewater permit must be obtained from the relevant authority.

- 23. All wastewater must be discharged to a reticulated sewerage system or treated and retained on-site in accordance with the State Environment Protection Policy (Waters of Victoria) under the *Environment Protection Act 2017*.

Health

- 24. To enable hands to be effectively washed and minimise the transmission of infectious disease such as COVID-19, influenza and gastroenteritis following people using the toilet and prior to consuming food:
 - a. Provide a hand basin with a supply of potable warm running water through a mixing device in toilet amenity facilities and food preparation areas.
 - b. A supply of single use towels or drying equipment and soap are required at the hand basin at all times.

Biodiversity Protection / DELWP Conditions

- 25. Where earthworks are undertaken in accordance with the endorsed plans, native vegetation retained on the site must not be damaged and care must be taken not to damage the root zone of the vegetation.

- 26. Before works start, a protection fence must be erected around the native vegetation outside the drip line* of the existing mature trees. The delineated area will define a 'Tree Protection Zone'. The protection fence must be constructed of star pickets and chain mesh or similar to the satisfaction of the Responsible Authority. The tree protection fence must remain in place until all works are completed to the satisfaction of the responsible authority. Adequate signage to indicate the 'Tree/Vegetation Protection Zone' must be attached to the protection fence and maintained until all works are completed.

*Drip line is the circular area with radius measured from centre of the trunk defined by the outermost edge of a plant or tree canopy.

27. To prevent damage to existing native vegetation there must be no temporary or permanent storage of any materials, vehicles or equipment within areas of native vegetation identified to be retained in accordance with the endorsed plans. All storage sites must be restricted to existing cleared areas close to existing roads and tracks, and must not adversely impact upon native vegetation, including the root zones of existing trees

Access

28. Before the use and/or development starts, the proposed crossover must be designed and constructed according to Infrastructure Design Manual (IDM) Standard Drawing to the satisfaction of Responsible Authority.
29. Before the commencement of works within the road reserve, a Works Within Road Reserve Permit must be obtained from the Responsible Authority.
30. Accessways must be well maintained and free from obstructions at all times.

Construction Management

31. Before the commencement of works, including any preliminary site preparation and establishment, a Construction Management Plan (CMP) must be submitted to and approved by the Responsible Authority. The plan must include and address the following:
- a. Measures to control noise, dust, mud and water.
 - b. Prevention of silt or other pollutants from entering into the Council's drainage system and road network.
 - c. The location of where building materials are to be kept during construction.
 - d. On-site parking of vehicles associated with construction of the development.
 - e. Details of public safety, amenity considerations and site security.
 - f. Construction Program.
 - g. Hours of construction works.

The permit holder must use appropriate site management practices to prevent the transfer of mud, dust, sand or slurry from the site into drains or onto nearby roads and properties. In the event that a road, drain or adjoining property is affected, the owner must upon direction of the Responsible Authority take the necessary steps to clean the affected portion of road or drain to the satisfaction of the Responsible Authority.

32. All vehicles entering and exiting the site with an open load must be covered in such a manner to prevent any amenity impacts, to the satisfaction of the Responsible Authority.
33. Any goods or materials stored outside a building must be treated in such a manner which does not cause any amenity impacts to adjoining or nearby properties, to the satisfaction of the Responsible Authority. This should be done by either:
- a. Covering the stockpiles using a high-quality tarp tied down or held down by placing heavy weights around the perimeter.

- b. Crusting the stockpiles by applying water to the surface of the piles until they form a solid crust.
- c. Applying a crusting agent to the stockpile.

Permit Expiry

- 1) This permit will expire if one of the following circumstances applies:
 - a. The approved use does not commence within two years of the date of this permit; or
 - b. The approved development is not completed within two years of the date of this permit; or
 - c. The approved use of the land is discontinued for a period of two years.

In accordance with section 69 of the *Planning and Environment Act 1987*, the Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires, or within six months of the permit expiry date, where the development allowed by the permit has not yet started; or within 12 months of the permit expiry date, where the development has lawfully started before the permit expires.

Signage Expiry

34. Unless otherwise extended in writing by the Responsible Authority, this permit, as it relates to signage will expire 15 years from the date of issue. Within one month of this expiry date, the signage and all supporting structures must be removed and the site made good to the satisfaction of the Responsible Authority.

Notes:

- This permit does not authorise the commencement of any building works. Building approval must be obtained prior to the commencement of any approved works.
- This permit is not an EPA permission/approval. Before the use or development authorised under this permit starts, the permit holder must ensure that any obligations or duties that arise under the *Environment Protection Act 2017* are met. This may include obtaining an EPA permission, approval or exemption, in accordance with the *Environment Protection Regulations 2021*.
- For any stormwater discharging in neighbouring property's drainage system/ reserve, creation of required easements and all necessary negotiation and legal requirements between relevant neighbouring properties is to be done to the satisfaction of Responsible Authority.
- Any additional signage, including signs for individual events to be hosted on the land, must meet the requirements of Clause 52.05 of the Southern Grampians Planning Scheme.
- Food Premises that sells food must comply with the following Victorian legislative requirements:
 - a. Food Act 1984;

- b. Food Standards Australia and New Zealand Food Standards Code:
 - i. Food Safety Standards Chapter 3.2.2 Food Safety Practices and General Requirements; and
 - ii. Food Safety Standards 3.2.3 Food Premises and Equipment