

Conditions and Notes

Application YR-2020/807

Address of the Land 41 Monbulk Road (Lot 2 PS603099), Mount Evelyn

Proposal Use and development for a service station (including car wash and convenience food with drive through), display of pole signs, promotion signs, illuminated business identification signs, construct a fence, and alter access to a road in a Transport Zone 2.

THE FOLLOWING CONDITIONS ARE PROPOSED FOR THIS APPLICATION:

1. Prior to the commencement of the buildings or works (including the removal of any trees or other vegetation), amended plans must be submitted to and approved by the Responsible Authority. When approved the plans will be endorsed and form part of the permit. The plans must be drawn to scale, with dimensions, and be generally in accordance with plans (*Prepared by ADS Architects, dated 14/10/22, being SK01g, SK02d, SK03d, SK04d, and drawing G27274-02-01 dated 22 July 2022 prepared by Traffic Group*) but modified to show:
 - a. North facing sign S4 deleted.
 - b. Pole signs S9 and S10 combined into a single pole sign with a maximum 7m height, maximum width of 2.1m and containing no promotion signage (fuel prices excepted) in the location of Sign S9.
 - c. A 2.5m wide sealed footpath provided in the frontage of the site and to the north connecting to the existing footpath adjacent to Mount Evelyn Primary School. A notation must be shown stating that the footpath construction is to be at the cost of the developer and that it must be constructed at grade with no excavation works within Tree Protection Zones.
 - d. Footpath at the crossover to include line marking and colouring to differentiate it from the crossover and give priority to pedestrians.
 - e. Adjoining properties crossovers and kerb details.
 - f. Renouf Road intersection with Monbulk Road south of the site clearly shown.
 - g. Location of the three light poles referenced in the light modelling report prepared by TMK consulting dated 21/10/2022.
 - h. Location of the vehicle charging station.
 - i. Dimensioned setbacks of combined Sign S9 / S10.
 - j. Location of tank vents towards the centre of the site.
 - k. Landscape Plan as required by condition 4
- Department of Transport*
- l. A left and right turning lane on Monbulk Road.
 - m. Details of the bus stop.
 - n. Access to the development.

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- o. Any associated works.

All of the above must be to the satisfaction of the Responsible Authority.

2. The layout of the site and the size of any proposed buildings and works (including signage) shown on the endorsed plans shall not be altered or modified without the written consent of the Responsible Authority.
3. The use of any land or building or part thereof as shown on the endorsed plans must not be altered or modified without the written consent of the Responsible Authority.
4. Prior to the commencement of the buildings or works (including the removal of any trees or other vegetation), amended landscape plans must be submitted to and approved by the Responsible Authority. When approved the plans will be endorsed and form part of the permit. The plans must be drawn to scale, with dimensions, and be generally in accordance with the submitted plans (*Prepared by Oxigen, dated 19.08.22 being Revision B Landscape plan 101*), but modified to be in accordance with Council's Landscape Guidelines and to include:
 - a. The species (botanical names) and quantities of trees to be removed on the Landscape Plan.
 - b. Screen Planting on the boundary adjoining the school, parkland and residential properties as allowed by the Bushfire Management Plan.
 - c. A minimum of two (2) native semi mature (1.4m high at time of planting) canopy trees with a minimum mature canopy width of 6m in the front setback.
 - d. The Plant Schedule of the Landscape Plan adjusted to include a minimum of 85% indigenous plant species, 100% indigenous tree species and does not include any listed environmental weeds known in the Yarra Ranges Council.
 - e. Standard landscape notes included on the Landscape Plan in relation to soil preparation, irrigation of planting beds, replacement of dead plants and planting technique for trees and shrubs.
 - f. Adequate instruction on the Landscape Plan for the protection of existing vegetation to be retained during construction.
 - g. The geographical location of all plant species proposed in the Plant Schedule on the Landscape Plan.
 - h. The botanical name, common name, quantity, average size at maturity and intended pot size for each plant species in the Plant Schedule of the Landscape Plan.
 - i. The type of irrigation listed on the Landscape Plan amended from spray irrigation, (which is not a water efficient option) to drippers or aqua hose.
 - j. A note on the Landscape Plan specifying that all planted areas will to be mulched to a minimum 75mm thickness using an appropriate timber species such as Pine or local common Eucalyptus species avoiding rare timber species such as Red Gum or Jarrah.
 - k. A 24 month maintenance plan with notes on appropriate weed control, irrigation,

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mulch replenishment, dead plant replacement and pruning is included on the Landscape Plan to ensure the successful establishment, and on-going health, of new planting.

- l. New lawn areas on the Landscape Plan being established with seed from a non-invasive grass species. Appropriate grass species include Queensland Blue-grass (*Dicantheum sericeum*), Red-leg Grass (*Bothriochloa macra*), Weeping Grass (*Microlaena stipoides*), Creeping Bent Grass (*Agrostis stolonifera*), Clustered Wallaby Grass (*Danthonia racemosa*), Kentucky Blue-grass (*Poa pratensis*), Tall Fescue (*Festuca arundinacea*).
 - m. Timber edging around lawn areas or garden beds that does not utilise Jarrah, Red Gum or Native (White) Cypress Pine (*Callitris columellaris*) unless it can be demonstrated that they are a recycled product. Acceptable products include treated pine, recycled plastic, moulded concrete, plantation grown Sugar Gum, brick edging or local stone.
 - n. Tree planting to achieve a 5m canopy separation when trees are mature.
 - o. Canopy trees located more than 10m from dwellings.
5. The landscape works as shown on the endorsed plan must be carried out prior to occupation of the permitted development, or if not occupied, within three months of completion of the permitted development. With written consent of the Responsible Authority landscaping may be deferred to the first planting season (May to September) following the completion of the permitted buildings and/or works. New planting must be maintained or replaced as necessary to the satisfaction of the Responsible Authority.
6. The petrol station/convenience shop and automatic car wash may operate 24 hours a day, seven days a week. The following components of the use may only operate during the following hours:
 - drive through - 6am to 10pm.
 - manual car wash - 7am to 6pm Monday to Saturday.
 - operation of vacuums - 7am to 6pm.
7. The following acoustic measures must be constructed in accordance with the Marshall Day Acoustics report RP 001 R01 20200675 dated 2 February 2022 to the satisfaction of the Responsible Authority:
 - Acoustic fence on the south boundary.
 - All mechanical services installed on the roof of the control building / convenience store.
 - The auto carwash.

All acoustic measures implemented in accordance with the Marshall Day Acoustics report must be maintained to the satisfaction of the Responsible Authority.

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8. Noise emissions from use must not exceed the limits set out in the:
 - Environmental Protection Authority Guidelines for Noise from Industry in Regional Victoria ('NIRV' — EPA publication 1411 as amended from time to time.
 - Environmental Protection Authority's publication 1826.4 Noise limit assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues or subsequent applicable policy.
9. No external sound amplification equipment, loud speaker, siren or other audible signalling device other than those required for emergency purposes / customer communication will be installed on the land to the satisfaction of the Responsible Authority.
10. Any air-conditioning unit must be positioned so that no noise disturbance is caused to occupiers of adjoining properties to the satisfaction of the Responsible Authority. Any roof top unit must be provided with a sight screen, to the satisfaction of the Responsible Authority.
11. All external lighting provided on the site must be baffled so that no direct light is emitted beyond the boundaries of the site and no nuisance is caused to adjoining properties to the satisfaction of the Responsible Authority. All external lighting must be generally in accordance with the TMK consulting engineers Light Assessment Report dated 21 October 2022 to the satisfaction of the Responsible Authority.
12. The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:
 - a. transport of materials, goods or commodities to or from the land
 - b. appearance of any building, works or materials
 - c. emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.
 - d. presence of verminAll to the satisfaction of the Responsible Authority
13. Deliveries to and from the site must only take place between 7:00am and 7:00pm on any day to the Satisfaction of the Responsible Authority.

Waste collections from the site must only take place between 7:00am to 6:00pm Monday to Saturday (not including public holidays) to the satisfaction of the Responsible Authority.
14. Private Waste collection shall be undertaken generally in accordance with the Waste Management Plan (Prepared by SUHO Reference SH361483 dated 22 February 2022) to the satisfaction of the Responsible Authority.

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Waste collection shall be managed to that:

- Any rubbish compaction is carried out while the vehicle is moving and outside of the site
- Bottles are not broken up within the subject site
- Noisy verbal communication between drivers and operators is avoided where possible.

15. Prior to any works commencing on the land a "Construction Management Plan" (CMP) must be prepared to the satisfaction and approval of the Responsible Authority, detailing how the owner will manage the environmental and construction issues associated with the development

The CMP must address; any demolition, bulk excavation, management of the construction site, land disturbance, hours of construction, noise, control of dust, public safety, traffic management, construction vehicle road routes, soiling and cleaning of roadways, discharge of any polluted water, security fencing, disposal of site waste and any potentially contaminated materials, location of site offices, redirection of any above or underground services, and site lighting during any night works.

16. The development must incorporate the sustainable design initiatives in accordance with the Sustainability Management Plan (SMP) (identified as the SUHO report reference SH361483 dated 22 February 2022) to the satisfaction of the Responsible Authority.

Prior to the occupation of the development, a report from the author of the SMP, approved pursuant to this permit, or similarly qualified person or company, must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm that all measures specified in the SMP have been implemented in accordance with the approved Plan.

17. Prior to the commencement of the buildings or works (including the removal of any trees or other vegetation), Development Stormwater Drainage Engineering Plans and Computations must be submitted to, and approved by, the Responsible authority. Development Stormwater Drainage Engineering Plans and Computations must be in line with all the requirements of the approved point of discharge certificate.

<https://www.yarraranges.vic.gov.au/Development/Roads-drains/Applications-and-permits/Submitstormwater-drainage-and-computations>

18. Prior to the occupation of the permitted development a detention system, must be constructed/installed to drain all impervious areas, to the satisfaction of the responsible authority.

19. Prior to the occupation of the permitted development the construction of all civil works within the site, including detention system must be fully completed and subsequently inspected and approved by a suitably experienced Civil Engineer at the arrangement

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and expense of the owner/developer. This person must supply written certification that the works have been constructed in accordance with this permit and to relevant standards to the satisfaction of the responsible authority.

20. Prior to the occupation of the permitted development a concrete vehicle crossing must be constructed in Monbulk Road to serve the development to the satisfaction of the Responsible Authority.
21. All vehicles must enter and exit the site in a forward direction.
22. Prior to the commencement of the buildings or works (including the removal of any trees or other vegetation), a Road Safety Audit (RSA) should be submitted to the Responsible Authority for approval. The RSA should be in relation to the development and the proposed changes to Monbulk Road. The RSA should also include the intersection of Renouf Court and Monbulk Road, which has an acute angle that is further impacted by the increase in traffic and lane widening.
23. Prior to the commencement of the buildings or works, a functional layout plan must be submitted to the Responsible Authority that responds to the RSA to the satisfaction of the Responsible Authority.
24. Signage must be clearly displayed at all exits from the land directing patrons to consider neighbours and leave the premises as quietly as possible, most especially during the night time to the satisfaction of the Responsible Authority.
25. No advertising sign other than those allowed in accordance with the Planning Scheme can be erected on the site without a planning permit from the Responsible Authority.
26. The signage must not contain any flashing light.
27. The sign lighting must be designed, baffled and located to the satisfaction of the responsible authority to prevent any adverse effect on adjoining land.
28. The signs must be constructed and maintained to the satisfaction of the responsible authority.
29. Prior to the commencement of use, a Bushfire Safety Plan addressing:
 - flammable materials / products sold and storage procedures
 - petrol deliveries

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- operation / non operation of the use under all fire danger ratings,
- general emergency procedures
- details staff responsibilities for implementing emergency procedures in the event of a bushfire.
- details of fuel pump bushfire safety measures
- location of tank vents
- bowser / pump / underground petrol tank / tank vent shutdown and closure procedures.
- on-site training sessions and fire equipment checks.
- bushfire monitoring procedures
 - Details the use of radio, internet and social networks that will assist in monitoring potential threats during the bushfire danger period.
 - Describe and show (include a map) the area to be monitored for potential bushfire activity.

must be provided to the satisfaction of the Responsible Authority. Once approved the Bushfire Safety Plan must be implement to the satisfaction of the Responsible Authority.

30. **CFA**

The bushfire protection measures forming part of this permit or shown on the endorsed plans, including those relating to construction standards, defendable space, water supply and access, must be maintained to the satisfaction of the responsible authority and the relevant fire authority on a continuing basis. This condition continues to have force and effect after the development authorised by this permit has been completed.

31. **CFA - Bushfire Management Plan Required**

Before the development starts, a Bushfire Management Plan must submitted to and endorsed by the Responsible Authority. Once endorsed the plan must not be altered unless agreed to in writing by CFA and the Responsible Authority. The plan must be generally in accordance with the Bushfire Management Plan prepare by Fireguard Australia, Revision B, dated 13.02.2022 but modified to replace the conditions for Construction standards with:

a) **Construction standards**

The building(s) must be constructed to a minimum Bushfire Attack Level of 29 (BAL-29).

32. **Department of Transport**

Prior to the commencement of the buildings and works, amended plans must be submitted to and approved by the Head, Transport for Victoria. When approved by the Head, Transport for Victoria, the plans must be endorsed by the Responsible

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Authority and will then form part of the permit. The plans must be generally in accordance with the plan submitted (Traffix Group, Drw. No. G27274-02-01, dated 22 July 2022) but modified to show:

- a) A left and right turning lane on Monbulk Road.
 - b) Details of the bus stop.
 - c) Access to the development.
 - d) Any associated works.
33. Prior to the commencement of any works on Monbulk Road, detailed plans of the agreed roadwork plans must be submitted for approval.
34. Prior to commencement of the use, the following roadworks on Monbulk Road must be completed at no cost to and to the satisfaction of the Head, Transport for Victoria and the Responsible Authority:
- a) Left and right turning lane.
 - b) any associated works.
35. If the existing bus stop on Monbulk Road cannot be used during the construction of the development a temporary bus stop must be provided in an alternative location at no cost and to the satisfaction of the Head, Transport for Victoria.
36. Any request for written consent to disrupt bus operations or a temporary bus stop on Monbulk Road during the construction of the development must be submitted to and approved by the Head, Transport for Victoria not later than 8 weeks prior to the planned disruption / temporary bus stop relocation and must detail measures that will occur to mitigate the impact of the planned disruption or temporary bus stop.
37. **Melbourne Water**
- Prior to the completion of works, measures must be carried out in accordance with the approved Stormwater Treatment Plan dated 8 November 2022 to offset any increase in impervious surface to the satisfaction of Melbourne Water and the Responsible Authority.
38. The layout, size, design and location of the proposed treatment works as shown on the approved Stormwater Treatment Plan must not be altered without prior written consent from Melbourne Water.
39. **Expiry**
- This permit will expire if the development is not started within two years of the date of this permit. The Responsible Authority may extend this period if a request is made in

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writing before the permit expires or within six months afterwards.

This permit will expire if the development is not completed or the use is not commenced within four years of the date of this permit. A request may be made to Responsible Authority to extend the time to complete a development or a stage of the development if:

- a. The request for an extension is made within 12 months of the permit expiry.
- b. The development or stage has lawfully commenced before the permit expiry.

40. This permit as it relates to the display of signage expires 15 years from the date of this permit.

NOTES:

- The proposed development requires works within the road reserve. Separate approval under the Road Management Act 2004 for this activity may be required from the Head, Transport for Victoria. Please contact the Department of Transport about working within the road reserve prior to commencing any works.
- Prior to the commencement of any works affecting or involving Shire roads or drains, Asset Protection and/or Road Reserve/Easement Works permit(s) are required. An application for a permit can be obtained from the Shire of Yarra Ranges.