

Ref: P18/1664: Direct Dial: Emine Gurleyen on (03) 5950 1263



24 January 2020

North Park Investment Group
C/- Apex Town Planning
Suite 5, 1004 Doncaster Road
DONCASTER EAST VIC 3109

Dear Sir / Madam

**PLANNING APPLICATION P18/1664
2122 FRANKSTON-FLINDERS ROAD HASTINGS ALSO KNOWN AS
2122-2128 FRANKSTON-FLINDERS ROAD HASTINGS**

I wish to advise that the above application was considered and it was determined to grant a permit as detailed on the attached notice – which contains the proposed Permit conditions. If there are no Appeals against the decision, the Planning Permit will be issued in this form.

This determination does not constitute a permit to undertake the proposed use or development. Consequently, you should not undertake any action on the application until further advised.

Council is required to notify objectors of the determination. Objectors have 28 days within which to lodge an appeal with the Victorian Civil and Administrative Tribunal.

A permit cannot be issued until at least 28 days after the issue of the notice – if advice is received from the Tribunal that no Appeals were lodged.

In the event of an appeal being lodged with the Registrar of Planning Appeals, you will be notified and all further correspondence should then be conducted with the Tribunal. Further information regarding Appeals is detailed on the back of the attached Notice.

If you have any further questions I will be pleased to assist.

Yours faithfully

A handwritten signature in blue ink, appearing to read "E. Gurleyen".

**EMINE GURLEYEN
SENIOR PLANNER**

Contact the Mornington Peninsula Shire

☎ 1300 850 600
🌐 mornpen.vic.gov.au
✉ customerservice@mornpen.vic.gov.au

By post: Private Bag 1000,
90 Besgrove Street, Rosebud VIC 3939
ABN: 53 159 890 143

**NOTICE OF
DECISION TO
GRANT A
PERMIT**

Application No:	P18/1664
Planning Scheme:	Mornington Peninsula
Responsible Authority:	Mornington Peninsula Shire

ADDRESS OF THE LAND:

**2122 FRANKSTON-FLINDERS ROAD HASTINGS ALSO KNOWN AS
2122-2128 FRANKSTON-FLINDERS ROAD HASTINGS
LOT 1 TP 194266 VOL 9297 FOL 298
LOT 1 TP 87563 VOL 10021 FOL 205
LOT 18 LP 24342
LOT 2 LP 76160**

WHAT WILL THE PERMIT ALLOW?

THE USE AND DEVELOPMENT OF THE LAND FOR A SERVICE STATION, FOOD AND DRINK PREMISES AND CAR WASH, ALTERATION OF ACCESS TO A ROAD ZONE CATEGORY 1 AND ASSOCIATED WORKS IN ACCORDANCE WITH THE ENDORSED PLANS

WHAT WILL THE CONDITIONS OF THE PERMIT BE?

Condition 1 to 45 inclusive

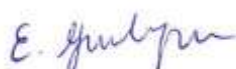
Amended plans

1. Before the use and/or development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - a. The site property boundary and footpath being realigned generally in accordance with Appendix A.

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Signature for the Responsible Authority:



EMINE GURLEYEN - SENIOR PLANNER

Form 5

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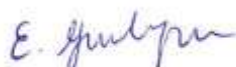
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- b. Deletion of the kerb extending into the existing Frankston-Flinders Road pavement opposite Autumn Court in accordance with Appendix A.
- c. The underground Spel Purceptor oil water separator connected to the sewer system.
- d. Redundant vehicle crossings removed and reinstated with kerb and channel and naturestrip.
- e. The height of the roof mounted platform.
- f. The height of the west boundary fence reduced from 2.4m to 2.0m.
- g. The acoustic report by Clarity Acoustics amended to note the reduced fence height and provide recommendations to address noise impacts.
- h. A detail drawing of the west boundary fence which shows:
 - i. Implementation the recommendations of the acoustic report.
 - ii. The height, colour and material of the fence.
 - iii. The material to be timber palings with the rungs on the western side.
- i. Doors to the auto car wash bay in accordance with the Acoustic Report.
- j. The vacuum bays relocated to the eastern side of the property.
- k. Fuel vents relocated toward the eastern side of the property.
- l. Removal of the sign at the south-east corner of the property.

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- m. Site levels, finished floor levels, finished ground levels and roof levels nominated to the Australian Height Datum (AHD).
- n. An ESD Report prepared by a suitably qualified professional and the development plans amended to reflect all sustainability features indicated in the ESD Report.

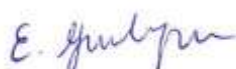
Where features cannot be visually shown, include a notes table providing details of the requirements (i.e. energy and water efficiency ratings for heating/cooling systems and plumbing fittings and fixtures, etc.).

- o. A landscape plan that includes the following:
 - i. Details of surface finishes of driveways and pathways;
 - ii. A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity and quantities of each plant;
 - iii. Landscaping and planting to all open areas of the site;
 - iv. 100% of species to be indigenous to the Ecological Vegetation Class (grassy woodland);
 - v. A row of large shrubs or small canopy trees between 3-5 metres at maturity planted in the landscape strip located adjacent to the west boundary of the subject site;
 - vi. At least three shrubs or trees being planted in the Frankston-Flinders road reserve;
 - vii. Pedestrian access to the subject site; and
 - viii. Details of irrigation and soil preparation.
 - ix. All species selection must be to the satisfaction of the Responsible Authority.

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Layout

2. The layout of the land, the size and type of buildings and works approved by this permit including the materials of construction as shown on the endorsed plans must not be altered or modified without the consent of the Responsible Authority.
3. The works shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority prior to the use of any building or the commencement of the approved use.
4. Prior to the initial occupation of the development, external finishes must be completed to a professional standard to the satisfaction of the Responsible Authority.

Landscaping

5. The works contained in the Landscape Plan must be implemented to the satisfaction of the Responsible Authority prior to the occupation of the buildings or the commencement of the use.
6. The landscaping works must be maintained to the satisfaction of the Responsible Authority at all times and any dead or diseased plant must be replaced with the same species in accordance with the endorsed landscape plan to the satisfaction of the Responsible Authority.
7. All disturbed surfaces on the land resulting from the works must be revegetated and stabilised to the satisfaction of the Responsible Authority.

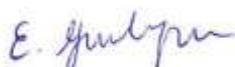
Tree Protection

8. The trees on the subject site and adjoining land must be protected from damage during development in compliance with the tree management process, tree protection zones and tree protection measures contained in Australian Standard AS 4970-2009 Protection of trees on development sites.
9. Any pruning of trees on the subject site and adjoining land must be undertaken by a qualified arborist in compliance with the procedures and practices described in AS 4373-2007 Australian Standard pruning of amenity trees.

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Amenity

10. All external lighting used to illuminate the exterior of the building and works must be fitted with cut-off luminaries so as to prevent the emission of direct light onto adjoining land and roadways and no external lighting shall be fitted that results in any adverse visual prominence of the site, all to the satisfaction of the Responsible Authority.
11. The auto car wash bay doors must remain closed during wash cycles.
12. All mechanical plant associated with the proposed development must be compliant with the SEPP N-1 noise limits at the nearest affected receiver location in conjunction with all other noise sources associated with the subject site.
13. Air conditioning and other fixed plant or equipment must be designed and installed to comply with relevant State Environment Protection Policies and prevent any noise nuisance beyond the boundaries of the land to the satisfaction of the Responsible Authority.
14. No externally amplified music is permitted. Any external public-address system must be set at a suitable level that will not cause a nuisance to adjoining and nearby residents to the satisfaction of the Responsible Authority.
15. Noise from the land must not exceed the relevant limits prescribed by the State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1, N-2 (Control of Music Noise from Public Premises) and EPA Publication 1411 Noise in Regional Victoria.
16. The operations of the site must meet the requirements of the EPA noise control guidelines Publication 1254.

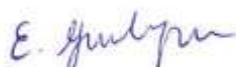
Hours of operation and deliveries

17. Except with the further written consent of the Responsible Authority, the manual car wash must only operate between the hours of 7.00am – 10.00pm, 7 days per week.

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18. Waste collection from the subject site must only occur between the following times:

Monday – Friday:	7.00am – 6.00pm
Saturdays:	7.00am – 1.00pm

19. Fuel deliveries associated with the service station must only occur between the hours of 7.00am – 10.00pm, 7 days per week.

20. Deliveries via Medium Rigid Vehicles to the Service Station and Food and Drink Premises must only occur between the following times:

Monday – Friday:	7.00am – 6.00pm
Saturdays:	7.00am – 1.00pm

Acoustic Report

21. All works must be undertaken in accordance with the recommendations provided within the endorsed Acoustic Report to the satisfaction of the Responsible Authority, and the approved uses and building must operate in accordance with the recommendations, to the satisfaction of the Responsible Authority. No alterations to the Acoustic Report may occur without the written consent of the Responsible Authority.

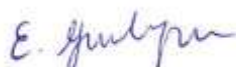
Environmental Health

22. The proprietor and land owner shall not cause or permit undue detriment to the amenity of the area to arise out of or in connection with the use of the premises.
23. No polluted waters, or any other liquid wastes shall be discharged into the stormwater system, or any other watercourse.
24. The approved must enter into a trade waste agreement with South East Water and install the appropriate interceptor systems for the site to the satisfaction of the Responsible Authority.
25. The site must gain registration under the Food Act 1984 and meet the requirements of the Food Act 1984, FSANZ food standards code and relevant Australian Standards.

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Environmentally Sustainable Development

26. All works must be undertaken in accordance with the endorsed ESD Report to the satisfaction of the Responsible Authority, and the approved uses and building must operate in accordance with this Plan, to the satisfaction of the Responsible Authority. No alterations to the ESD Report may occur without the written consent of the Responsible Authority.

Consolidation of land

27. Before the use and/or occupation of the development, the lots that comprise the subject land must be consolidated into two titles in accordance with the Hastings Business 4 Restructure Plan, October 2009 and be registered at the Land Registry office. A copy of the consolidated title must be provided to the Responsible Authority.

EPA Conditions

28. Petroleum storage tanks must be designed, installed and operated in accordance with the Guidelines on the Design, Installation and Management Requirements for Underground Petroleum Storage Systems (UPSSs) (EPA Publication No. 888.4, August 2015).
29. A secondary containment system must be provided for liquids which if spilt are likely to cause pollution or pose an environmental hazard.
30. Displaced petrol fumes must be collected with a vapour recovery system.
31. The permit holder must not contaminate land or groundwater.

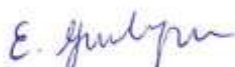
Engineering

32. After the endorsement of Condition 1 plans and before any works associated with the development starts, engineering plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The plans must be drawn to scale with dimensions and emailed in pdf format to devenadmin@mornpen.vic.gov.au.

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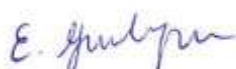
The plans must show:

- a. All areas of the development, other than underneath the fuelling points canopy (this area to be a separate system to capture and treat run-off prior to discharging to the sewer, subject to the appropriate authority's conditions), being drained by means of an underground drainage system to retain a post development 1 in 10 year storm event for the critical storm duration. Discharge from the site must be limited to an equivalent pre-development flow based on a 1 in 2 year storm event for the critical storm duration and be connected to the existing underground drainage system in Frankston-Flinders Road via a 225mm minimum diameter drainage pipe.
- b. A drainage system on the site being designed to ensure storm water runoff exiting the site meets the current best practice performance objectives for stormwater quality, as contained in the Urban Stormwater Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999).
- c. A drainage surcharge route within the development to avoid inundation of any buildings.
- d. Details of all road works in Frankston-Flinders Road.
- e. Details, including levels of the sealed apron within the site.
- f. The design of all vehicle movements entering and exiting the property being in a forward direction.
- g. Reinforced concrete vehicular crossings to Council standards, with any redundant crossing or vehicle laybacks being removed and replaced with kerb and channel, including reinstatement of the nature strip fronting the site.
- h. Sight distance for vehicles and pedestrians not being unduly restricted at the exit from site by fencing, signage or landscaping works.

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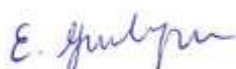
33. Before any works associated with the development starts, drainage computations are required for the drainage system, including consideration of any drainage catchment external to the development that may drain to the drainage system.
34. Before any works associated with the development starts, the splay in the site property boundary to provide a transition for a minimum naturestrip width of 3.0 metres plus a footpath width of 1.5 metres between any turn lane and the property boundary shall be transferred to Vic Roads as Road on title.
35. At least fourteen days prior to the commencement of any works for this development, a project specific Construction Management Plan (CMP) using the standard Construction Management Plan (CMP) template found on the Mornington Peninsula Shire's website, or equivalent, 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 approved CMP must be implemented to the satisfaction of the Responsible Authority prior to and during construction of the works.
36. Before the initial occupation of the development drainage works within the development must be constructed in accordance with approved engineering plans, and to the satisfaction of the Responsible Authority.
37. Before the initial occupation of the development, vehicle crossings, areas set aside for the parking of vehicles and driveways as shown on the endorsed plans must be constructed in accordance with approved engineering plans, surfaced with reinforced concrete and drained to the satisfaction of the Responsible Authority.

Car spaces, access lanes and driveways must always be kept available for these purposes.

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VicRoads Conditions

38. Prior to the commencement of works, a Functional Layout Plan, generally as per TTM Consulting (Vic) Pty Ltd plan 1011702, Issue D dated 30/08/19 to the satisfaction of VicRoads, must be submitted to the responsible authority for endorsement. Once endorsed, the plan(s) will form part of this permit.
39. Prior to the commencement of the use or occupation of the development, all disused or redundant vehicle crossings must be removed, and the area reinstated to the satisfaction of the Responsible Authority (RA) and at no cost to VicRoads or the RA.
40. Vehicles must enter and exit the land in a forward direction at all times.
41. Prior to the commencement of any roadworks, the applicant must submit the detailed engineering design plans along with detailed design stage road safety audit to VicRoads for review and obtain written approval. The detailed design plans must be prepared generally in accordance with the approved functional layout plan and functional stage road safety audit;
42. Prior to the commencement of the use or the occupation of the buildings or works hereby approved, the access crossover and associated works to Frankston Flinders Road, including service relocation, must be provided and available for use to the satisfaction and at no cost to VicRoads and the Responsible Authority.
43. At least 14 days before any works associated with the development start, a project specific Traffic Management Plan (TMP) to the satisfaction of the Responsible Authority and VicRoads must be submitted to, and approved in writing by, the Responsible Authority and VicRoads. The TMP must be implemented to the satisfaction of the Responsible Authority and VicRoads.
44. The loading and unloading of goods from vehicles must only be carried out on the land to the satisfaction of the Responsible Authority.

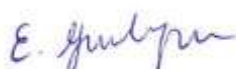
Permit Expiry

45. This permit will expire if:

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- a. The development has not been completed within four years of the date of this permit; or
- b. The use has not commenced within four years of the date of this permit.

In accordance with Section 69 of the *Planning and Environment Act 1987*, an application may be submitted to the Responsible Authority for an extension of the periods referred to in this condition.

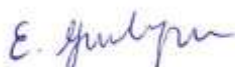
Notes:

- The preparation of functional layout plans, detailed engineering design and the construction and completion of all work must be undertaken in a manner consistent with current VicRoads' policy, procedures and standards and at no cost to VicRoads. In order to meet VicRoads' requirements for these tasks the applicant will be required to comply with the requirements documented as "Standard Requirements – Externally Funded Projects" and any other requirements considered necessary depending on the nature of the work.
- Functional layout plans may need to be amended to accommodate any changes that may arise during the detailed design stage review; in response to the road safety audit; in relation to services and their relocation; vegetation; drainage; treatment of hazards within clear zones and other matters.
- No work must be commenced in, on, under or over the road reserve without having first obtaining all necessary approval under the Road Management Act 2004, the Road Safety Act 1986, and any other relevant acts or regulations created under those Acts.
- *EPA Publication 1670 (Victorian Underground Petroleum Storage Systems: A guide to preventing and managing leaks and spills, 2018)* provides additional guidance for duty holders regarding ongoing management of UPSSs as well as the requirements and obligations under the *Environment Protection Act 1970*.

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Form 5

IMPORTANT INFORMATION ABOUT THIS NOTICE

WHAT HAS BEEN DECIDED?

The Responsible Authority has decided to grant a permit. The permit has not been issued.

This notice sets out what the permit will allow and what conditions the permit will be subject to if issued.

WHAT ABOUT REVIEWS?

For the applicant-

- * The person who applied for the permit may apply for review of any condition in the notice of decision to grant a permit. The application for review must be lodged within 60 days of the giving of this notice.

For an objector-

- * An objector may apply for review of the decision of the Responsible Authority to grant a permit. The application for review must be lodged within 28 days of the giving of this notice.
- * If there is no application for review, a permit will be issued after 28 days of the giving of this notice.

For all applications for review-

- * An application for review is lodged with the Victorian Civil and Administrative Tribunal.
- * An application for review must be made on the relevant form which can be obtained from the Victorian Civil and Administrative Tribunal and be accompanied by the applicable fee.
- * An application for review must state the grounds upon which it is based.
- * A copy of an application for review must be served on the responsible authority, each other party and each other person entitled to notice of the application for review under the **Planning and Environment Act 1987** and the **Victorian Civil and Administrative Tribunal Act 1998** within 7 days after lodging the application with the Victorian Civil and Administrative Tribunal.
- * Details about applications for review and the fees payable can be obtained from the:

Victorian Civil and Administrative Tribunal
Planning and Environment List
55 King Street,
Melbourne, 3000.

Phone: 1300 01 8228

Fax: (03) 9628-9789

DX 210576