

MINUTES

**SPECIAL MEETING HELD AT THE COUNCIL
MEETING ROOM COBRAM CIVIC CENTRE, PUNT
ROAD, COBRAM, ON MONDAY, 10 MAY 2010**

The meeting commenced at 6.00 pm.

PRESENT: Councillor Ed Cox (Mayor)
Councillor Alex Monk (Deputy Mayor)
Councillor Judy Heather
Councillor Garry Jones
Councillor Jessie McCallum
Councillor Tim McCurdy
Councillor David McKenzie
Councillor Peter Robinson

IN ATTENDANCE:

Gary Arnold	Chief Executive Officer
Chris Cowley	Director Corporate Governance
Rick Devlin	Acting Director Infrastructure Services
Richard Whiting	Acting Director Development
David Booth	Acting Manager Community and Sustainability

1. CALLING TO ORDER – CEO

The CEO called the meeting to order

2. PRAYER

The Mayor read the Prayer.

Almighty God we humbly ask you to guide our deliberations for the welfare and benefit of the Moira Shire and its people whom we serve.

Amen

3. ACKNOWLEDGEMENT OF COUNTRY

The Mayor read the Acknowledgement of Country.

We, the Moira Shire Council, would like to acknowledge the traditional owners of the land upon which we meet and pay our respects to their Elders both past and present.

4. APOLOGIES AND REQUESTS FOR LEAVE OF ABSENCE

Councillor Brian Keenan and Kaye Thomson, Acting Director Community Sustainability were apologies for this meeting.

5. DECLARATION UNDER ACTS, REGULATIONS, CODES OR LOCAL LAWS

Nil

6. DECLARATION OF ANY INTEREST OR CONFLICT OF INTEREST

Councillor Judy Heather disclosed an Indirect Interest in item 7.1.

Councillor Jessie McCallum disclosed an Indirect Interest in item 7.1.

Councillor David McKenzie disclosed a predetermined position on item 7.1.

7. OFFICERS REPORTS FOR DETERMINATION

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| 7.1 | TP1000042-SUPERMARKET AND SHOPS, BELMORE STREET,
YARRAWONGA | 3 |
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8. CLOSE OF MEETING

The meeting closed at 6.09 pm.



**GARY ARNOLD
CHIEF EXECUTIVE OFFICER**

FILE NO: TP1000042
3. GROWING SHIRE
COUNCIL PLAN ACTION NO. 3.1.1

ITEM NO: 7.1
(ACTING DIRECTOR DEVELOPMENT,
RICHARD WHITING)

TP1000042-SUPERMARKET AND SHOPS, BELMORE STREET, YARRAWONGA

Councillors Judy Heather and Jessie McCallum both disclosed an Indirect Interest in the following item and left the meeting at 6.02 pm.

Councillor David McKenzie disclosed a predetermined position on the following item and also left the meeting at 6.02 pm.

1. Executive Summary

This application seeks approval for the development of a supermarket and 11 specialty shops, reduction in car parking, altered access to a Road Zone Category 1 and to display advertising signs on land bounded by Belmore Street, McNally Street and Hovell Street, Yarrowonga.

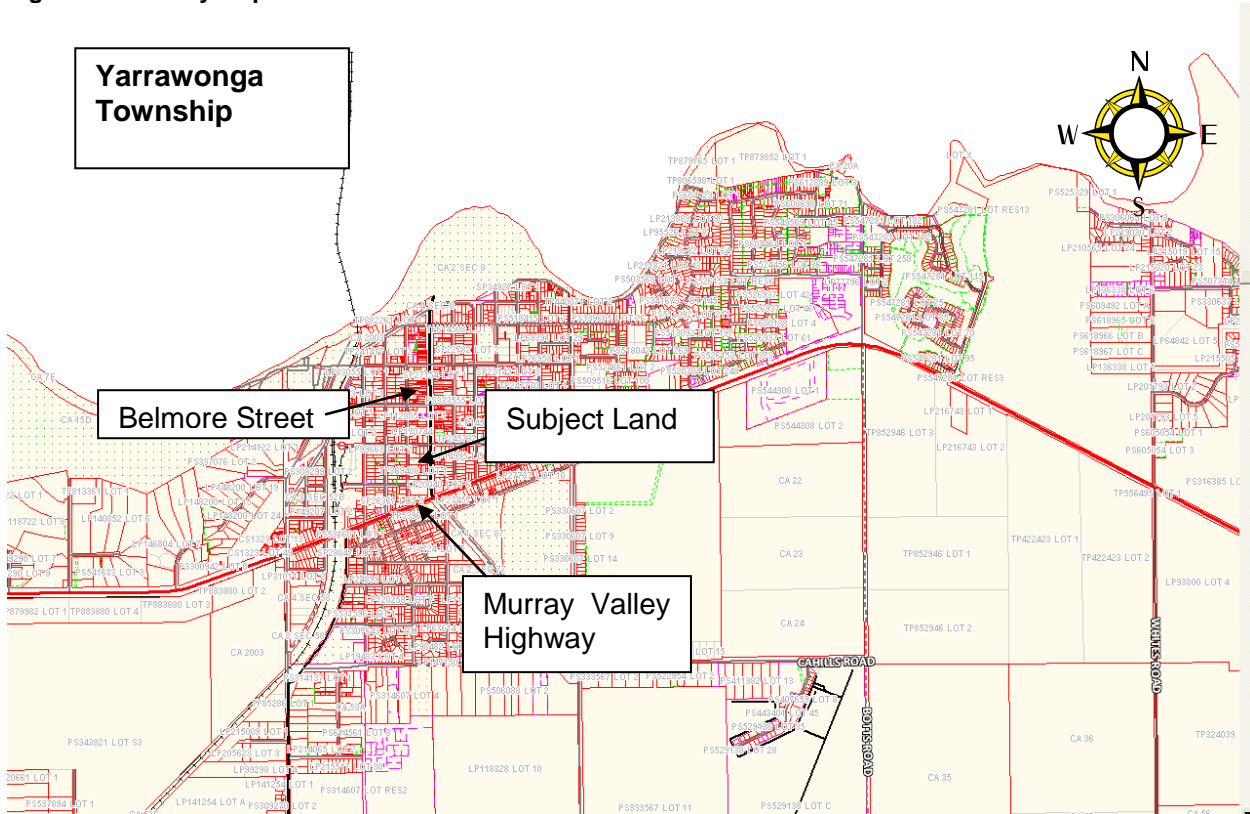
The application replaces planning application TP0800324 which formed part of Moira Planning Scheme Amendment C42 and was recommended for refusal by a Panel considering the submissions to the Amendment.

Public notice of the application has been given and at the close of the notification period, five submissions had been received, four objecting to the application and one in support.

The application satisfies the requirements of the Moira Planning Scheme.

It is recommended the application be approved subject to conditions.

Figure 1 - Locality Map



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2. Key Issues

The key issues for this application include:

- Compliance with zone provisions
- Objections
- Comments from referral authorities

3. Application Details

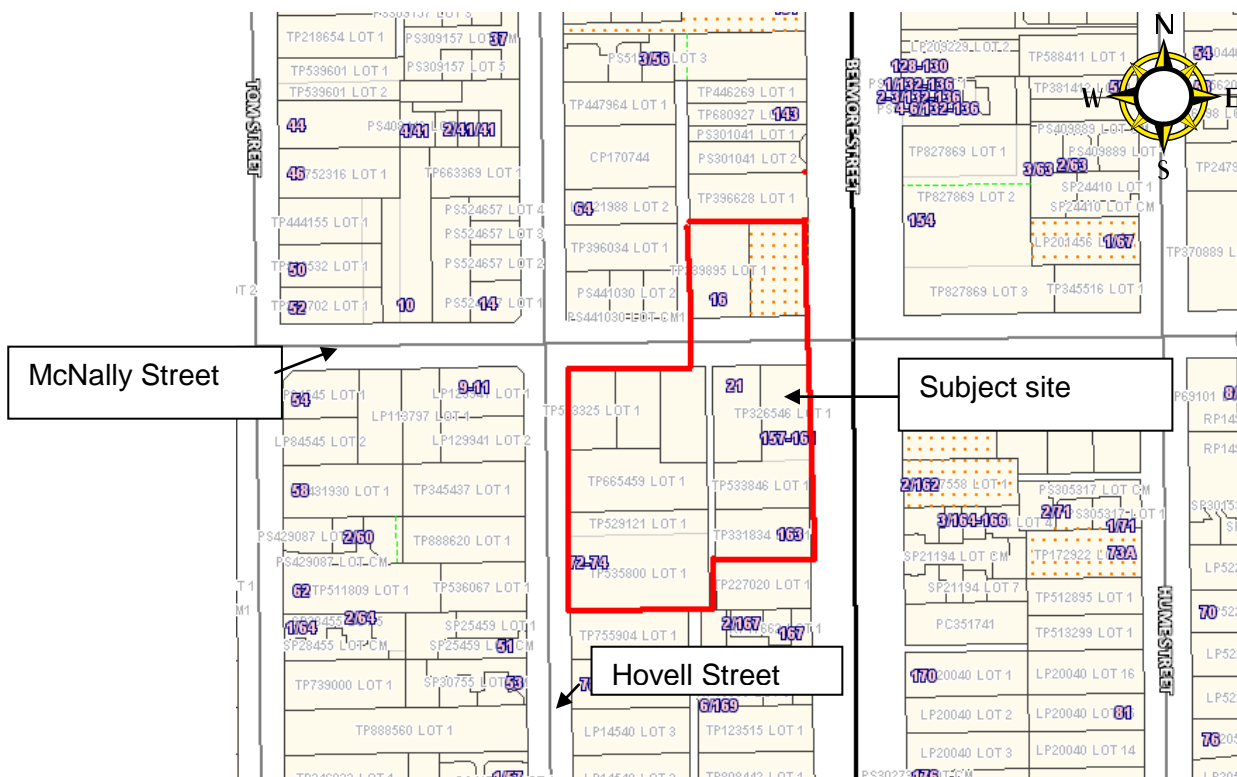
Applicant: Brendan Howard, Urbanomics
 Owners: Pigdon Holdings Pty Ltd
 K R Parker Pty Ltd – 72-74 Hovell Street, Yarrowonga
 Description: 153-163 Belmore Street, 15-21, 70-74 Hovell Street and 16 McNally Street Yarrowonga
 Site Area: 11,050m²
 File No: TP1000042
 Zone: Business 1 Zone
 Overlay: Nil

4. Location

The subject land is bounded by Belmore Street, McNally Street and Hovell Street.

The development comprises two parts; specialty shops proposed for a 1840m² parcel of land on the north-west corner of Belmore Street and McNally Street and a supermarket and specialty shops proposed on a 9250m² parcel of land on the south side of McNally Street, between Belmore Street and Hovell Street as shown on the plan below.

Figure 2 – Locality Plan



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5. Proposal

The proposed development comprises:

- A 3,500m² supermarket which includes a 250m² mezzanine floor area;
- Eleven shops (including a liquor shop which is attached to the south east corner of the supermarket). Five of the specialty shops are located on the north side of McNally Street and the remaining five south of McNally Street;
- Signage for the supermarket including 1 Illuminated Business Sign (16.45m²), 2 Illuminated Business Signs (21.9m²) and 3 Illuminated Business Signs (8.7m²);
- A total of 157 on-site car spaces;
- A double loading bay located on the north side of the supermarket building to accommodate trucks entering from Hovell Street and exiting onto McNally Street;
- An acoustic fence and landscape buffer along the northern boundary of McNally Street;
- A 5.0m wide landscape buffer along the southern boundary adjacent to the interface with 76 Hovell Street;
- A 4.0m wide landscape buffer between the western wall of the supermarket and Hovell Street;
- The supermarket building generally has a height of 6m with a maximum height of 8.5m over the mezzanine area while the southern wall has a height of 4.4m;
- A 4.4m high steel framed pergola incorporating landscaping (creepers) to provide a "green edge" to the Hovell Street interface and partly to the 76 Hovell Street interface;
- A "supergraphic" in the pre-cast wall along Hovell Street.

It is proposed to alter the on-street parking arrangements in McNally Street from parallel to angle parking to increase the number of on-street car spaces which will be subject to further Council consent.

In addition to the above, the following changes have been made to the previous proposal (TP0800324) considered by the Panel, as follows:

- Reduction in the building footprint by approximately 40 square metres;
- Increased setback from Hovell Street frontage of 2.5 m;
- Increase in car parking spaces (157 from 150);
- Increase in loading area approximately 20 square metres; and
- Inclusion of additional landscaping.

6. Referral of Application

The application was referred to VicRoads and the Director of Public Transport (DOT) under Clause 55 of the Planning and Environment Act. Neither authority objected to the application; however VicRoads require conditions to be included on any permit issued.

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A meeting was held with the applicant, VicRoads, DOT and Council officers and the applicant was advised that:

- VicRoads do not support median parking in Belmore Street; and
- DOT propose a bus stop in Belmore Street adjacent to the proposed Supermarket and are prepared to introduce a revised timetable that may include additional services.

Both of these initiatives are supported.

North East Water confirmed that conditions required for the previous application should be imposed.

7. Moira Planning Scheme Provisions

The following Planning Scheme provisions are relevant to this proposal:

State Planning Policy Framework

- Clause 11.03-5 Economic Well Being – The proposal contributes to the economic well being of the community by minimising potential land use conflicts and creating additional employment opportunities;
- Clause 12.01 A More Compact City - The application is in response to the rezoning of land that takes advantage of the existing settlement pattern, transport and public infrastructure;
- Clause 14.01 Settlement - The application is in response to the rezoning of land providing sufficient land for commercial purposes;
- Clause 17.01 Activity Centres - The application is in response to the rezoning of land providing opportunity for new activities to be located within the existing Yarrowonga central business area, which will complement and enhance the existing land uses in the centre;
- Clause 17.02 Business - The proposed development is adjacent to the existing retail area and is in response to the rezoning of land for retail and related purposes. The central business area contains a mix of uses, is serviced by public transport and allows for the use of existing infrastructure;
- Clause 18.02 Car Parking and public access to development – The proposed development integrates with an existing declared VicRoads road, whilst not affecting the function of the roadway. The development provides for car parking in accordance with prospective demand;
- Clause 18.03 Bicycle transport – The development provides bicycle parking in accordance with the prospective demand;
- Clause 19.03 Design and Built Form – The proposed development provides high quality urban design and architecture that reflects characteristics and aspirations of the community and enhances the diversity amenity and safety of the public realm.

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Local Planning Policy Framework Municipal Strategic Statement

- Clause 21.04-4 Settlement Strategies for Yarrowonga seeks the relocation of inappropriate or non-conforming uses in Belmore Street, Hunt Street and the Highway to more appropriate zoned sites. The application is in response to the rezoning of land facilitating the relocation of the car yard, motor showroom and mechanical repairs from the main street of Yarrowonga to more appropriate commercial premises on the fringe of the town.

Local Planning Policy

- Clause 22.05 Car Parking Policy – The proposed development responds to providing car parking at the appropriate rates for the proposed uses in accordance with the Yarrowonga Car Parking Precinct Plan, which includes parking credits.

Zone Provisions

- Clause 34.01 Table of Uses lists a shop as a Section 1 Use (no permit required);
- Clause 34.01-4 a permit is required for buildings and works.

Particular Provisions

- Clause 52.05 – Advertising Signs.
- Clause 52.06 – Carparking: Provision has been made to satisfy the requirements of this clause.
- Clause 52.07 – Loading/Unloading: Provision has been made to satisfy the requirements of this clause.
- Clause 52.29 – Land Adjacent to a Road Zone, Category 1: Belmore Street is a Road Zone Category 1 (RDZ1). Within this zone a permit is required to alter or create a new access to the road. The application has been referred to VicRoads.
- Clause 52.34 – Bicycle facilities: Provision has been indicated on plans submitted with the application which will satisfy the requirements of this clause.

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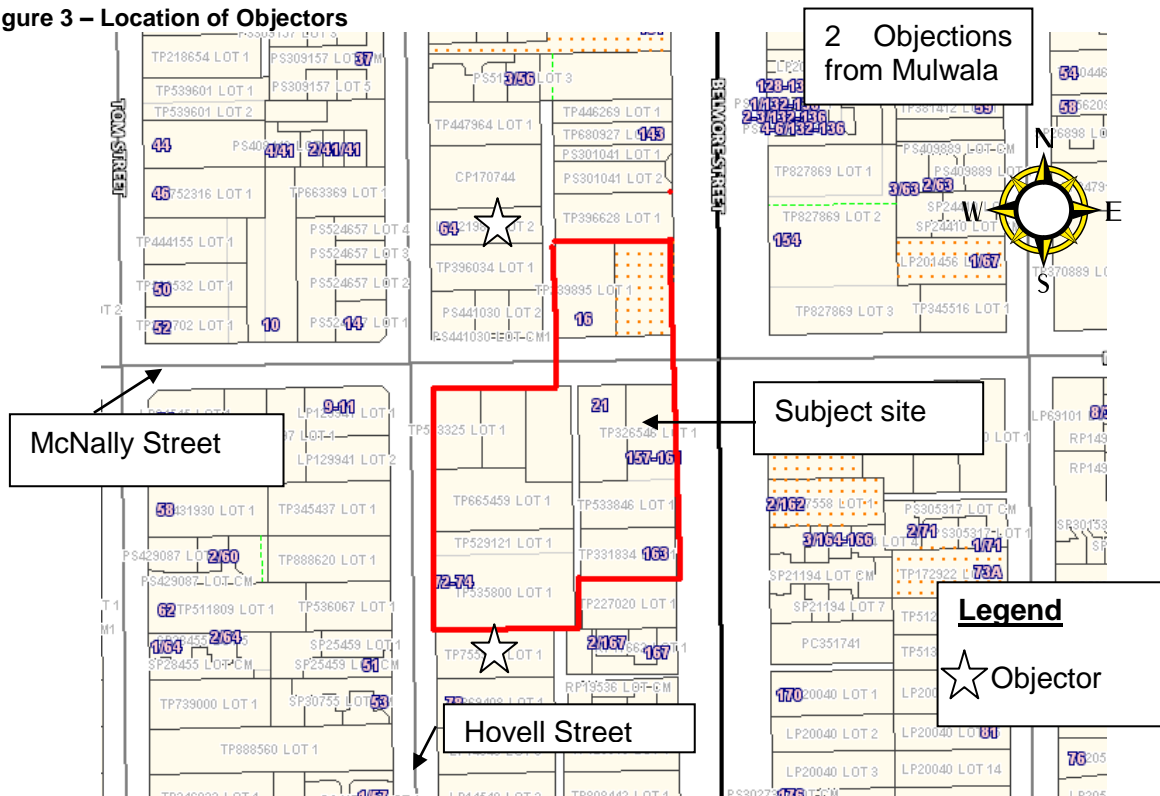
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8. Submissions

Five submissions were received following public notice. Four submissions objected to the application. One submission supported the application.

Figure 3 – Location of Objectors



The main grounds of objection can be summarised as follows:

- Provision of car parking;
- Design details of the wall facing Hovell Street;
- Placement of maintenance equipment, compressors, lighting and security on the south side of the supermarket building; and
- The height of the wall on the south boundary.

9. Consideration of the Grounds of Objection

Provision of Car parking

All objections include comments regarding the extent of car parking for the development.

The submitted plans show 157 on-site spaces, plus a further 33 which are located off-site in Hovell, Belmore and McNally Streets.

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When assessing parking rates, a credit can be applied for existing uses. In this case, a credit of 88 car spaces has been applied which reflects the mixed use of the site as follows:

EXISTING USE	Area	Rate	Credit
Car showroom/spare parts sales	340 sqm	(shop) 4 per 100	13.6
Office	340 sqm	2.5 per 100	8.5
Car service centre	480 sqm	(industry) 2.9 per 100	13.92
Car yard (north of McNally Street)	472 sqm	(restricted retail) 2 per 100	9.44
Car yard (south of McNally, west of Belmore Street)	748 sqm	(restricted retail) 2 per 100	14.96
Auto repair (155 Belmore Street)	472 sqm	(industry) 2.9 per 100	13.68
7 houses		2 per house	14
TOTAL			88.1

The Yarrowonga Parking Precinct Plan specifies a rate of 8 spaces per 100m² of floor area for a supermarket and 4 spaces per 100m² of floor area for a shop, resulting in the following requirement:

$$\begin{aligned}
 \text{Supermarket} - 3500\text{m}^2 \text{ (at } 8/100\text{m}^2) &= 280 \\
 \text{Shop} - 1171\text{m}^2 \text{ (at } 4/100\text{m}^2) &= \underline{46.84 \text{ (rounded to 47)}} \\
 &= 327 \text{ spaces} \\
 \text{Less 'credit' of 88 car spaces} &= 239 \text{ spaces}
 \end{aligned}$$

In considering the original supermarket proposal for the site, the Panel for combined Amendment C42 and Planning Permit TP0800324 recommended that when considering any new application, car parking should be provided *at rates of 5.32 spaces per 100 sqm for supermarket' and 3.5 spaces per 100 sqm for 'shop'*. Based on these rates, the car parking requirement is:

$$\begin{aligned}
 \text{Supermarket} - 3500\text{m}^2 \text{ (at } 5.32/100\text{m}^2) &= 186.2 \\
 \text{Shop} - 1171\text{m}^2 \text{ (at } 3.5/100\text{m}^2) &= \underline{40.98 \text{ (rounded to 41)}} \\
 &= 227 \text{ spaces} \\
 \text{Less 'credit' of 88 car spaces} &= 139 \text{ spaces}
 \end{aligned}$$

Since the completion of the Panel Hearing, authorisation has been granted for an amendment to the Moira Planning Scheme to be prepared and exhibited to provide a revised Parking Precinct Plan for Yarrowonga subject to the following condition:

"The Amendment documentation must reflect the outcomes of the Department's review of the VPP parking provisions prior to the Amendment going on exhibition."

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The review of the Victorian Planning Provisions for car parking (Clause 52.06) has not been completed at this stage.

The revised precinct plan proposes car parking rates of 5 spaces per 100m² floor area for a supermarket and 4 spaces per 100m² floor area for shop which aligns with the draft provisions of the State car parking review and a previous study completed for the Council (Macroplan 2006).

The new rates proposed for Yarrowonga are considered to be a realistic rate for a regional town and reflect what was suggested by the Panel. Based on these rates, the car parking assessment is:

Supermarket – 3500m ² (at 5/100m ²)	=	175
Shop – 1171m ² (at 4/100m ²)	=	<u>46.84 (rounded to 47)</u>
	=	222 spaces
Less credit of 88 car spaces	=	134 spaces

It is reasonable that the car parking requirement for the development be calculated according to the revised Yarrowonga Parking Precinct Plan. This rate is generally in accordance with the recommendation of the Panel which recommended a review of the Yarrowonga Parking Precinct Plan and application of a revised car parking rate.

The development proposes 157 on-site car parking spaces which exceeds the above requirement by 23 spaces

Design details of the wall facing Hovell Street

The submitted plans show articulation to the western wall of the proposed supermarket comprising a 'gum leaf' graphic set in the concrete, together with a timber 'folded' screen wall to conceal mechanical plant above the roofline. In addition, the majority of the wall is to be concealed by a steel grate type pergola which is to be covered by climbing plants. However, no resident of Hovell Street has objected to the proposed articulation.

Accordingly, the nominated articulation together with street tree planting's will provide suitable visual relief to residents of Hovell Street.

Placement of maintenance equipment, compressors, lighting and security on the south side of the supermarket building

The plans do not indicate that the area between the south wall of the supermarket and the boundary fence is to be used for storage of mechanical plant/equipment or any other item. The plans indicate that the plant room and condenser are to be located on the roof above the mezzanine area separated from this area.

There is no indication on the plans of any lighting or security measures for this area; however this has been addressed by way of planning permit condition.

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The height of the wall on the south boundary

The submission on behalf of the adjoining landowner to the south seeks a reduction of the height of the proposed 3m high boundary fence on the south side to 1.7m to match the existing fence height.

The 3m high wall was intended to provide privacy and security to the adjoining landowner. However, a reduction in the fence has been accommodated through a planning permit condition.

10. Financial Implications

The Council will be required to meet the cost of any review of the Council's decision by VCAT.

11. Community Consultation

Public notice of the application was given by sending notices to adjoining landowners/occupiers, display of notices on the site and publishing a public notice in the Yarrowonga Chronicle.

A mediation meeting was held on 30 April with the applicant to discuss matters raised in submissions. The meeting provided opportunity to explain and clarify the car parking arrangement associated with the development and improve, where possible, amenity concerns at the interface with 76 Hovell Street regarding landscaping, textured wall finish and colours, security, lighting and fencing. Whilst not all matters raised could be addressed to the complete satisfaction of all parties, particularly with respect to car parking, the meeting was conducted in a positive and constructive manner.

12. Legislative / Policy Implications

The Planning and Environment Act 1987 and the Moira Planning Scheme set out the requirements for use and development of land, including the requirements for public notice and referrals.

The relevant legislative requirements have been satisfied.

13. Environmental Implications

The application will not result in adverse environmental impacts.

14. Conflict of Interest Considerations

There are no Council officer conflict of interest issues within this report.

15. Conclusion

The proposal is consistent with the provisions of the Moira Planning Scheme and addresses the recommendations of the Panel for the combined Amendment C42 and Planning Permit TP0800324.

Provision of on site car parking is satisfactory and in excess of that required assessed against proposed car parking rates and taking into account credits for existing land uses.

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The proposed layout and design has incorporated features to address interface issues with the residential properties in Hovell Street.

The objections raised do not warrant a refusal of the application. It is therefore recommended that the application be approved, subject to conditions.

RECOMMENDATION

That Council issue a Notice of Decision to Grant a Planning Permit for Buildings and Works comprising a Supermarket and 11 Specialty Shops, reduction in car parking requirement, display of advertising signs and alteration of access to a Road Zone Category 1 at 153-163 Belmore Street, 15-21, 70- 74 Hovell Street and 16 McNally Street, Yarrowonga, subject to the following conditions

1. Before the development starts, 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 drawn to scale with dimensions and three copies must be provided. The plans must show:
 - a) Schedule of Construction materials (as required by Condition 5);
 - b) Details of acoustic fencing (as required by Condition 6);
 - c) Security lighting and gateway (as required by Condition 15);
 - d) Boundary fencing (as required by Condition 16);
 - e) Landscaping (as required by Condition 29);
 - f) Type and location of bicycle racks (as required by Condition 25);
 - g) Proposed signage (as required by Condition 34);
 - h) Drainage Plan (as required by Condition 35); and
 - i) Footpaths (as required by Condition 43).
2. Before the development starts, all titles to the subject land must be consolidated into a single lot, and a carriageway easement created on the land in favour of 165 Belmore Street Yarrowonga.
3. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
4. Before the development starts, an agreement pursuant to Section 173 of the Planning and Environment Act, 1987 must be entered into by the owners of the subject site and be registered on the title of the subject site, pursuant to Section 181 of the Act. This agreement must be to the satisfaction of the Responsible Authority and must include the following:

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- (a) Agreement between the owner of the subject land, and the title holder of 165 Belmore Street proposed to have a right of carriageway over the land as shown as a carriageway easement on the endorsed plan as to the ongoing maintenance arrangements for that land and will include, but not necessarily be limited to the limitation and obligations as agreed to by the affected property owners.
- All costs relating to the preparation, lodgement and registration of this agreement must be borne by the owner.
5. Before the development starts, a schedule of construction materials, external finishes and colours to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the schedule will be endorsed and will then form part of the permit.
6. Before the development starts, details of the proposed acoustic fence along McNally Street, including details of height, construction materials etc., together with supporting documentation from a qualified acoustic engineer, must be submitted to and approved by the Responsible Authority. When approved, the fence details will be endorsed and will then form part of the permit.
7. 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 vermin;
 - (e) other.
8. Deliveries to and from the site (including waste collection) must only take place between:
- 7.00 a.m. and 10.00 p.m. Monday to Saturday
 - 8.00 am. and 9.00 p.m. Sunday or any public holiday.
9. Noise levels emanating from the premises must not exceed those required to be met under State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade), No. N-1.
10. Any security alarm installed on the premises must be fitted with a 'cut-off' device limiting any sounding of the alarm to maximum duration of ten (10) minutes, with no repeat sounding until manually reset or 'silently wired' to a security firm or the Victoria Police in accordance with any current standard published by Standards Australia International Limited and be connected to a security service.

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11. All external plant and equipment must be acoustically treated or placed in sound proof housing to reduce noise to a level satisfactory to the Responsible Authority.
12. All pipes, fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise screened or hidden from view to the satisfaction of the Responsible Authority.
13. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the buildings without the written consent of the Responsible Authority.
14. Land between the south wall of the supermarket building and the boundary fence with 76 Hovell Street must be landscaped with trees and shrubs to the satisfaction of the Responsible Authority and is not to be used for storage of any plant equipment or any other item.
15. Low level security lighting and a gate across the Hovell Street frontage of the landscaped area is to be provided between the south wall of the supermarket and the boundary with 76 Hovell Street, to the satisfaction of the Responsible Authority.
16. The northern boundary fence of 76 Hovell Street must be no more than 1700mm in height.
17. Provision must be made on the land for the storage and collection of garbage and other solid waste. This area must be graded and drained and screened from public view to the satisfaction of the Responsible Authority and must not be used for any other purpose.
18. 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.
19. External lighting on any part of the proposed development must be designed, baffled and located so as to prevent any adverse effect on adjoining land, including road reserves, to the satisfaction of the Responsible Authority.
20. No fewer than 157 car parking spaces must be provided on the land.
21. A minimum of 3 car spaces must be provided for the exclusive use of disabled persons. The car spaces must be provided as close as practicable to the entrance of the supermarket and shops and must be clearly marked with a sign to indicate that the spaces must only be used by disabled persons. The dimensions of the car spaces must be in accordance with Australian Standard 2890 series.

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22. Before the use of the buildings starts, the areas set-aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
- (a) constructed;
 - (b) properly formed to such levels that they can be used in accordance with the plans;
 - (c) surfaced with an all-weather-seal coat;
 - (d) drained;
 - (e) line marked to indicate each car space and all access lanes;
 - (f) clearly marked to show the direction of traffic along access lanes and driveways;
- to the satisfaction of the Responsible Authority.
- Car spaces, access lanes and driveways must be kept available for these purposes at all times.
23. All car parking spaces must be designed to allow all vehicles to drive forwards both when entering and exiting the property.
24. Any alteration to the parking configuration in adjacent streets (excluding the Belmore Street median) must be approved by the Responsible Authority and VicRoads (if required) and constructed at the expense of the developer to the satisfaction of the Responsible Authority.
25. Before the use of the building starts, provision must be made on the site for the parking of no fewer than 17 bicycles. Bicycle racks must be provided in a location to be approved by the Responsible Authority
26. All disused or redundant vehicle crossings must be removed and the area reinstated to kerb and channel at full cost to the developer to the satisfaction of the Responsible Authority and VicRoads.
27. Access to the site shall only be at the nominated crossings shown on the endorsed plan. The crossing and road pavement works are to be constructed to the satisfaction of VicRoads and the Responsible Authority.
28. The loading and unloading of goods from vehicles must only be carried out on the land within the designated loading bays and must not disrupt the circulation and parking of vehicles on the land.

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29. A landscaping plan for the whole of the subject land, together with details of any proposed on-street plantings, must be submitted to and approved by the Responsible Authority, prior to the development permitted by this permit commencing or, within 30 days of the issue of the Building Permit, whichever is the sooner. An endorsed copy of the plan will then form part of this permit. The submitted plan must;
- (a) include a survey of all existing vegetation and natural features showing plants (over 2.0 metres in height) to be removed, including any trees in the nature strip,
 - (b) include a 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,
 - (c) the method of preparing, draining, watering and maintaining the landscaped area,
 - (d) the weed management program,
30. Before the use of the building starts or by such later date as is approved by the Responsible Authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
31. 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.
32. Any street trees to be removed must be replaced with advanced trees (minimum of two metres high at time of planting), of a species and in a location specified by and to the satisfaction of the Responsible Authority.
33. Before the erection of signage, plans of proposed signs, must be provided and approved by the Responsible Authority. The plans must be drawn to scale with dimensions and include details of proposed colours, wording and illumination.
34. The location and details of the signs, including those of the supporting structure, as shown on the endorsed plans, must not be altered without the written consent of the Responsible Authority.

Infrastructure Planning Conditions:

35. Before any of the works allowed by this permit can be started, a properly prepared drainage plan with computations must be submitted to and approved by the Responsible Authority. The stormwater drainage system for the development must incorporate measures to enhance stormwater discharge quality from the site and protect downstream waterways.

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RICHARD WHITING)

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(cont'd)**

The stormwater drainage system for the development must incorporate water sensitive urban design and must be designed in accordance with "Urban Stormwater Best Practice Environmental Management Guidelines" 1999.

The plan must give details of how the works on the land are to be drained to a legal point of discharge and retarded to the existing discharge rates for a 1 in 10 year ARI storm. An endorsed copy of the plan and computations will form part of this permit.

36. Prior to the commencement of any works on site, the Developer must investigate and determine if the existing piped drainage system will be detrimentally affected by the proposed Development. Such effects may be a predicted volume in excess of the design capacity of the system causing local storm water ponding, or surcharging on the subject land, or along the existing pipe system. The Developers Engineering Consultant must submit drainage computations including total energy line and hydraulic grade line for the existing and proposed drainage as directed by Responsible Authority.
37. The drainage detailed in the approved Drainage Discharge Plan must be constructed to the satisfaction of the Responsible Authority prior to the commencement of the use of the buildings.
38. The Developer is to take into consideration the issues of stormwater quality and include an erosion and sediment control plan with appropriate treatments and operational features to minimise stormwater pollution in accordance with the "Best Practice Environmental Management Guidelines for Urban Stormwater".

A stormwater management plan must be forwarded to and approved by the Responsible Authority prior to the commencement of the construction works. The plan must be in accordance with Section 6 of the guidelines referred to above. The plan should also address what measures the developer has put in place to control litter and sediment during the construction phase.

The Developer must provide full details to the Responsible Authority for approval, of the expected discharge water quality emanating from the development, prior to the commencement of any works.

The drainage detailed in the approved Stormwater Management Plan must be constructed to the satisfaction of the Responsible Authority prior to the commencement of the use of the buildings.

39. Any new or altered vehicular entrances to the subject land from the roads must be constructed at a location and of a size and standard satisfactory to the Responsible Authority and VicRoads. The Responsible Authority may require the developer to maintain or repair the existing vehicle crossing or to make a contribution towards the cost of the repair of the road if in the opinion of the Responsible Authority vehicles accessing the premises are found to be contributing to the deterioration of the road or vehicle crossing.

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(cont'd)**

40. Prior to the commencement of the development, a plan is to be provided of the Off Street Parking area demonstrating that it complies with the requirements of AS/NZS 2890.1. and AS/NZS 2890.6
41. Before any works commence a plan is to be provided for approval by the Responsible Authority demonstrating that the proposed on-street parking complies with the requirements of AS2890.5. Angle parking is a Major Traffic Control item under the Road Safety (Traffic Management) Regulations 2009 and written approval is required from the Responsible Authority before works commence.
42. Prior to the commencement of use of the buildings, all internal vehicular and pedestrian accesses and parking areas must be constructed and drained to the satisfaction of the Responsible Authority.
43. The minimum width of constructed footpath within the road reserve along the frontages of the development must be 2.0 metres.
44. The car parking areas must be illuminated to comply with the requirements of AS/NZS 1158.3.1. Pedestrian Area (Category P) lighting and AS4282.
45. Before any works associated with the development commence within the road reserve, detailed construction plans must be prepared to the satisfaction of the Responsible Authority. All works constructed or carried out must be in accordance with those plans.

The preliminary plans imply that the centreline of McNally Street on the east side of Hovell Street intersection will be offset from the west side.

Should the alignment of the centreline of McNally Street vary by more than 0.5 metres across the Hovell Street intersection to accommodate the on-street parking, the developer will be required to undertake works on the intersection to channelise the traffic on the west side of the intersection to the satisfaction of the Responsible Authority.

46. All works both on and off the site must be installed as part of the development and must be in accordance with the standards of the Responsible Authority whether or not the works is being constructed on behalf of the Responsible Authority, developer, Body Corporate, individual, or otherwise.
47. Prior the commencement of the use of the buildings, all access, parking, roads, footpaths, buffers, drainage, irrigation, lighting, landscaping and any other item must be completed to the satisfaction of the Responsible Authority.
48. 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 two years of the date of commencement.

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires, or within three months afterwards.

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(cont'd)**

VICROADS CONDITIONS

49. Before the development starts, an agreement, pursuant to Section 173 of the Planning and Environment Act, 1987, must be entered into by the owners of the subject site and be registered on the title of the subject site, pursuant to Section 181 of the Act. This agreement must be to the satisfaction of the VicRoads and Responsible Authority and must include all requested information in VicRoads letter dated 29 March 2010 (Ref: 10-0879) with respect to a revised Traffic Impact Assessment Report (TIAR) and sweep paths. All costs relating to the preparation, lodgement and registration of this agreement must be borne by the owner.
50. Any mitigation works identified in the TIAR will be completed at no cost to VicRoads to VicRoads satisfaction.
51. Only one direct access will be permitted from Benalla - Yarrowonga Road (Belmore Street). This access shall be located as shown on the plan appended with the application. This access to the property shall be left in and left out and shall be designed and constructed to the Council satisfaction.
52. Angle parking along Benalla-Yarrowonga Road (Belmore Street) fronting the property will not be permitted.
53. Construction activities within the declared road reserve shall be performed in accordance with the VicRoads' Standard Specifications for Roadwork. Traffic Management shall be conducted in accordance with a traffic management plan prepared in accordance with the Road Safety Act and Road Management Act Code of Practice for Worksite Safety-Traffic Management.
54. A Worksite Traffic Management Plan must be submitted to the VicRoads for approval at least 14 days prior to any works commencing within the declared road reserve.

NORTH EAST WATER CONDITIONS

55. The Development must be independently serviced with water supply and metered to the satisfaction of North East Region Water Corporation at the applicant's cost.
56. That the owner/applicant enters into an agreement with North East Water to construct all necessary works to provide water supply to serve the Development, at the applicant's cost, and in accordance with the Corporation's specifications and requirements.
57. The Development must be serviced with sewerage to the satisfaction of North East Region Water Corporation at the applicant's cost.
58. That the owner/applicant enters into an agreement with North East Water to construct all necessary works to provide sewerage to serve the Development, at the applicant's cost, and in accordance with the Corporation's specifications and requirements.

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(cont'd)**

59. Water supply and sewerage system headworks charges must be paid as determined by North East Water's policy for development charges.
60. Easements must be provided over sewers to the satisfaction of North East Region Water Corporation.
61. The owner/applicant must enter into an agreement with North East Water for any proposed structure/s or work/s over a North East Water easement.
62. The existing sewer main that runs through the property is to be replaced with heavy duty PVC pipe or relined from manhole to manhole if any part of the proposed building is constructed over the main or within the easement in accordance with the Corporation's specifications and requirements.
63. Footings of any building over the main or within the easement must be designed so as to not put any additional load on the sewer main.
64. Any sewer manhole lids in trafficable areas are to be replaced with heavy duty lids to the Corporation's specifications and requirements.
65. Any existing sewer connection points from buildings that are removed from the development site must be capped and sealed to the Corporation's specifications and requirements.
66. Any water tapplings from buildings that are removed from the development site must be sealed to the Corporation's specifications and requirements. Any meters removed from buildings at the development site must be returned to the Corporation.
67. A new sewer connection point for 165 Belmore Street is to be installed at a location that will remain accessible and the internal house drainage is to be reconnected to the new sewer connection point.

PLANNING NOTES

- a) 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.
- b) Construction and/or demolition works must comply with the requirements specified in the Environment Protection Authorities, Noise Control Guidelines TG302/92.
- c) Written approval from the Responsible Authority is required for any alterations to vehicle crossings and should be obtained from Council's Assets Department prior to commencing building.
- d) The Department of Transport (DOT) has indicated that a bus stop may be installed adjacent to the Supermarket in Belmore Street for customers.

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(cont'd)**

- e) The use of the land for any purpose not specified in this permit may require the further consent of the Responsible Authority.
- f) Except where no permit is required under the planning scheme, no sign must be constructed or displayed without a permit.
- g) The Best Practice Environmental Management Guidelines for Urban Stormwater (The Stormwater Committee, 1999) may be used as a guide when developing site controls to minimise sediment laden runoff and stormwater pollution during construction. Section 6.3, titled Construction Activity, of these guidelines provides a useful checklist to develop a site management plan.
- h) A consent to work within Road Reserve permit must be obtained from the Responsible Authority prior to the carrying out of any vehicle crossing works.
- i) Prior to any works commencing, an Asset Protection Permit pursuant to Moira Shire Council's Streets and Roads Local Law 2003 is to be obtained.

MOTION

CRS. PETER ROBINSON / TIM MCCURDY

That the recommendation be adopted.

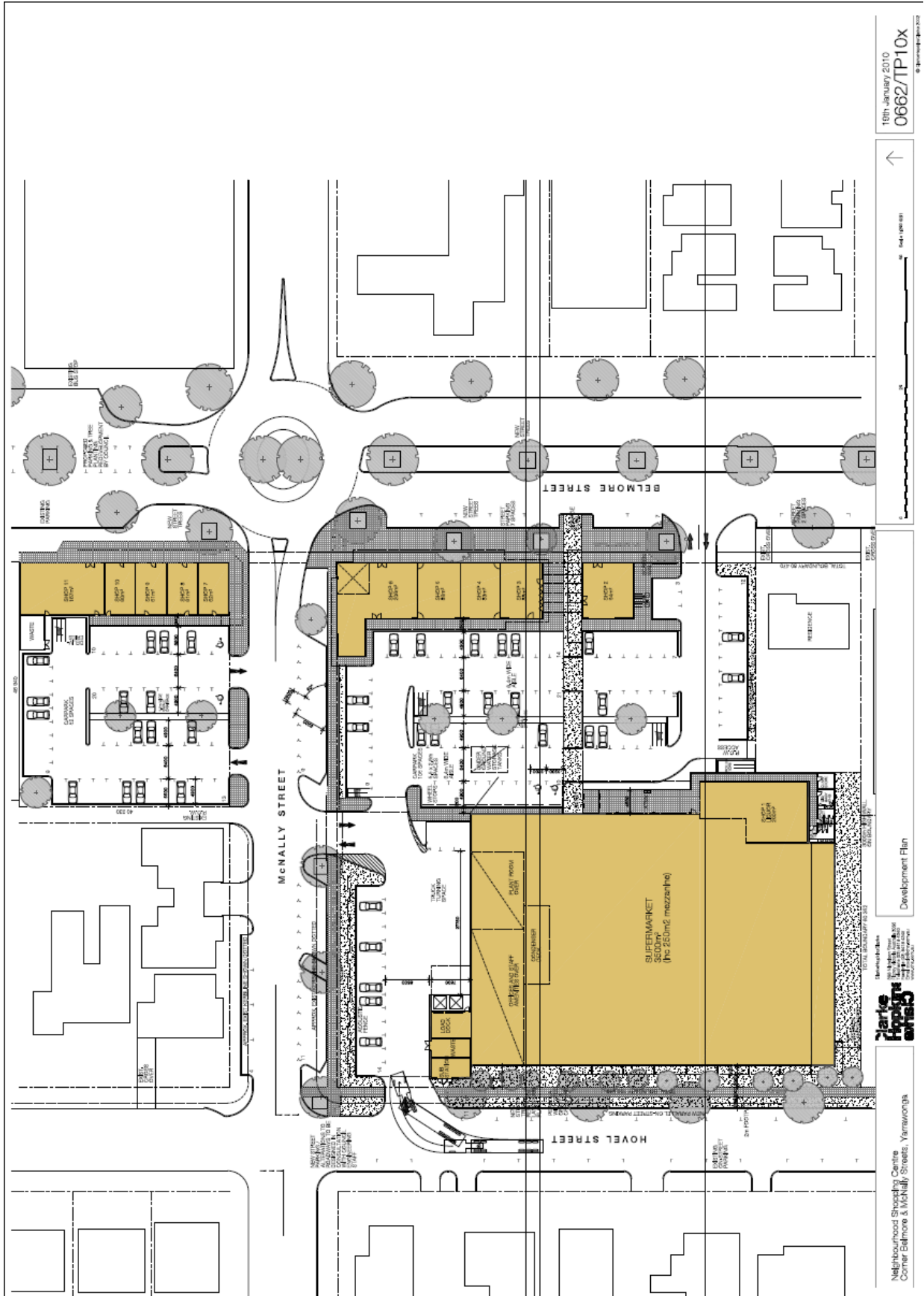
(CARRIED)

Councillors Heather, McCallum and McKenzie returned to the meeting at 6.08 pm.

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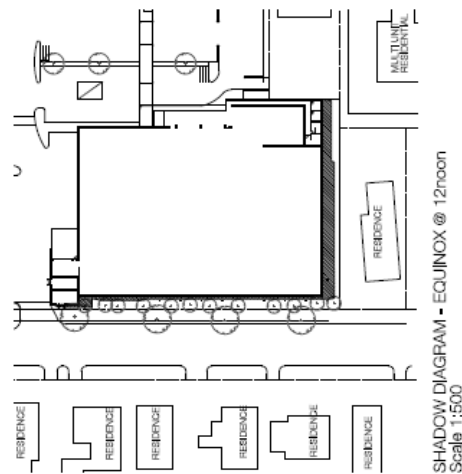
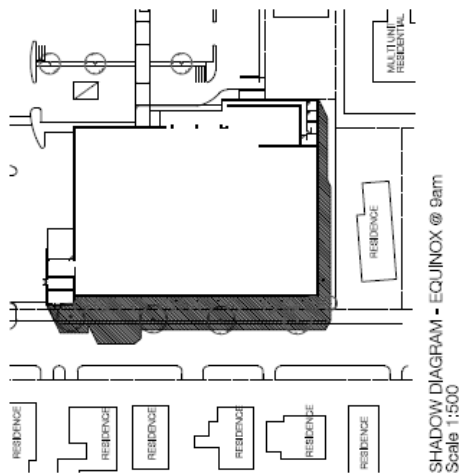
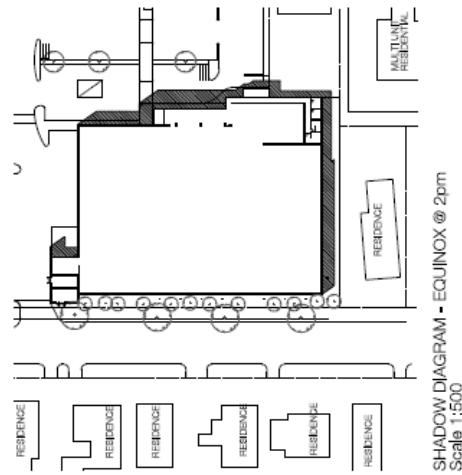
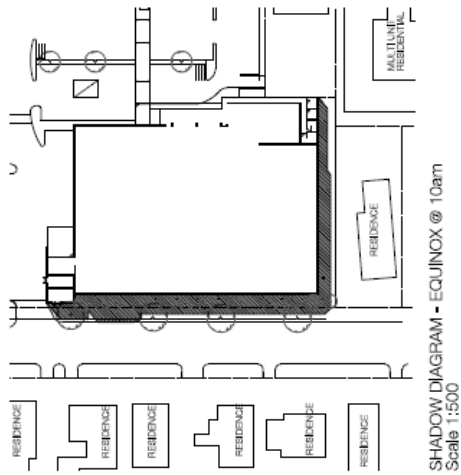
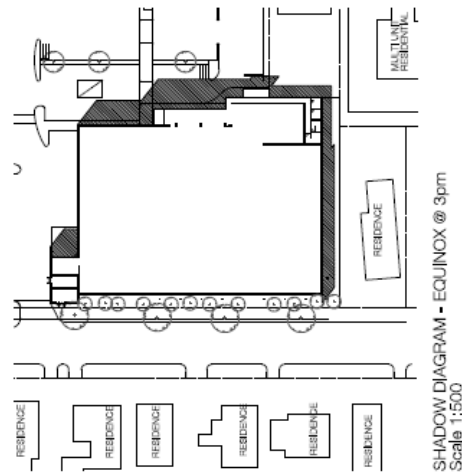
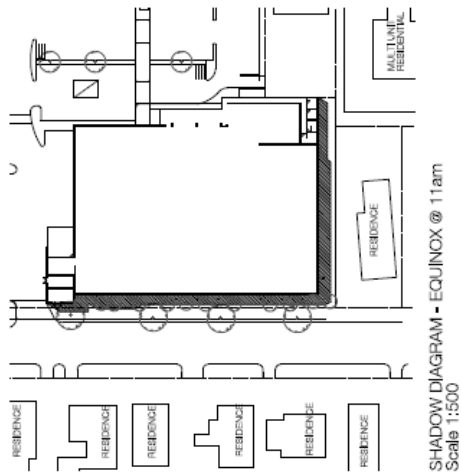
**TP1000042-SUPERMARKET AND SHOPS, BELMORE STREET, YARROWONGA
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(cont'd)**



18th February 2010
0662/TP30



Shadow Diagram - Equinox



Neighbourhood Shopping Centre
Corner Edmore & McNally Streets, Yarrawonga

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