

INCORPORATED DOCUMENT

Site Specific Control

280 Bridge Inn Road, Mernda

September 2018

This is an incorporated document under
the Whittlesea Planning Scheme pursuant to section 6(2)(j)
of the Planning and Environment Act 1987.

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INTRODUCTION:

This document is an incorporated document in the Schedule to Clause 51.01 and the Schedule to Clause 72.04 of the Whittlesea Planning Scheme (the Scheme). Despite any provision to the contrary in the Scheme, pursuant to Clause 51.01 of the Scheme, the land identified in this incorporated document may be used and developed in accordance with the specific controls contained in this document.

In the event of any inconsistency between the specific controls contained in this document and any provision of the Scheme, the specific controls contained in this document will prevail.

ADDRESS OF THE LAND:

280 Bridge Inn Road, Mernda 3754

THIS DOCUMENT ALLOWS:

Despite any provisions of the Whittlesea Planning Scheme, a permit may be granted for the use and development of a Restaurant. The restaurant use must be in conjunction with a vineyard, winery or function centre uses permitted on the land. No permit is required for the use and staged development of the land known as 280 Bridge Inn Road, Mernda 3754 as a vineyard, winery and function centre, removal of native vegetation, use of land to sell or consume liquor, and subdivision into three lots generally in accordance with plans as endorsed pursuant to condition 1 of this Incorporated Document. The endorsed plans may be amended from time to time by the Responsible Authority.

THE FOLLOWING CONDITIONS APPLY TO THIS DOCUMENT:

Use and/or development permits - amended plans required

1. Before the development commences, three copies of 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 this permit. The plans must be generally in accordance with the plans received in September 2016 and prepared by F2 Architecture Pty Ltd but modified to show:

- a) Schedule of built form materials
- b) Schedules of materials of hardstand surfaces.
- c) The location of the 'Cellar Door' clearly identified.
- d) All vegetation to be removed (within the Vineyard Lot).
- e) The location of any advertising signage.
- f) A Red Line Plan
- g) A Subdivision Plan

Landscape plan when no prior concept plan submitted

2. Before the development and use commences, three copies of a landscape plan prepared by a suitably qualified landscape designer to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of this permit. The plan must show:

- a) A survey of all existing vegetation and natural features;
- b) The area or areas set aside for landscaping;
- c) A schedule of all proposed trees, shrubs/small trees and ground cover;
- d) The location of each species to be planted and the location of all areas to be covered by grass, lawn or other surface material;
- e) Paving, retaining walls, fence design details and other landscape works including areas of cut and fill;
- f) Appropriate irrigation systems;
- g) The provision of canopy trees throughout the development as appropriate.

Limitation on number of patrons

3. Unless with the prior written consent from the Responsible Authority, the number of patrons present on the property at any one time must not exceed 150 to the satisfaction of the Responsible Authority.

Land management plan

4. Before the development and/or use commences, a Land Management Plan prepared by a suitably qualified environmental consultant must be submitted to and approved by the Responsible Authority. The plan must include:

- a) A review of the present condition of the site, including identification of any land management issues that may be evident. This assessment must detail all relevant site conditions, including: contours, existing remnant vegetation (including current Ecological Vegetation Classes), waterway / drainage networks and dams, soil condition, wildlife habitat areas, weed infestations, erosion sites, existing buildings and structures, proposed buildings and structures, existing roadways and tracks, existing and proposed fences and include a detailed legend.
- b) An appropriate list and quantities of indigenous plant species intended for rural landscaping and revegetation on the property.
- c) Identification and description of any land management issues such as erosion, salinity, weed invasion and pest animal invasion / activity occurring or that may occur on the property.
- d) Description of the future use of the land, e.g. type and quantity of stock, type of agricultural production, conservation, and any associated activities such as fencing etc. that will need to be constructed as a result of the development.
- e) Identification of the potential impacts of the proposed development and measures to reduce environmental and visual impacts.
- f) Recommendations for land management actions that address the impacts of the proposed development, net gain requirements, if appropriate, and other key land management issues affecting the property, e.g. weed control, pasture improvement / management, with particular emphasis on the long-term management and enhancement of native vegetation.
- g) An outline of a minimum 5-year schedule of works / timeline incorporating proposed mitigation measures and all other high priority land management actions, including: weed control, pest animal control, revegetation / shelterbelts, remnant native vegetation

protection, protection of waterways, fencing, pasture improvement / management, erosion control / mitigation actions, salinity control / mitigation actions.

In addition to the above requirements, site specific issues may need to be addressed depending on the property and the proposed future land use. These requirements will be determined by the responsible planning officer and environmental staff.

The approved Land Management Plan must be carried out and completed to the satisfaction of the Responsible Authority. The land must continue to be used in accordance with the approved Land Management Plan unless amended to the satisfaction of the Responsible Authority.

Native Vegetation offset requirements

5. Prior to the removal of the native vegetation hereby approved, the permit holder must prepare and implement a native vegetation offset management plan to achieve a net gain associated with the removal of native vegetation approved under this permit to the satisfaction of the Responsible Authority. The offsets must be provided in accordance with the provisions of the Victorian Native Vegetation Management Framework and the Port Phillip and Westernport Regional Native Vegetation Plan.

With the agreement of the Responsible Authority, a monetary contribution made payable to the Responsible Authority for it to secure the requisite land and to establish and maintain the required native vegetation offset may be accepted in lieu of the preparation and implementation of the offset management plan by the permit holder.

Waste management plan

6. Before the use and/or development hereby permitted starts, a Waste Management Plan must be prepared to the satisfaction of the Responsible Authority. Once satisfactory, such a plan will be endorsed and must be implemented to the satisfaction of the Responsible Authority. The Plan must provide the following details of a regular private waste (including recyclables) collection service for the subject land including:-

- The type/s and number of waste bins.
- Screening of bins.
- Type/size of trucks.
- Frequency of waste collection.
- The provision and use of a bin-tug. The bin-tug must be maintained in an operational state at all times;
- Hours of collection (to comply with EPA Regulations).

To the satisfaction of the Responsible Authority. The endorsed Waste Management Plan must not be amended without prior written consent of the Responsible Authority.

EPA Requirements

7. Surface water discharge from the premises must not be contaminated with waste.

8. All development and use of the premises involving the emission of dust and other air quality indicators must comply with the State Environment Protection Policy (Air Quality Management).

Venue Management Plan

9. Before the use starts, three copies of a Venue Management Plan must be submitted to and approved by the Responsible Authority. The Venue Management Plan (VMP) must include the following information:

- a) *location, type and details of existing licensed premises in the locality.*
- b) *identification of all noise sources associated with the premises including, but not limited to, music noise, entries and exits to the premises and courtyards likely to impact on nearby residential property.*
- c) *Measures to be undertaken to address all noise sources identified, including on and off-site noise attenuation measures.*
- d) *Details of training provided for bar staff in the responsible serving of alcohol.*
- e) *Hours of operation for all parts of the premises and delivery times to and from the site, including waste management.*
- f) *Lighting within the boundaries of the premises.*
- g) *Security lighting outside the premises.*
- h) *Details of the provision of music including the frequency and hours of entertainment provided by live bands and DJs.*
- i) *Details of waste management plan including storage and hours of collection for general rubbish and bottles associated with the licensed premises.*
- j) *Any other measures to be undertaken to ensure minimal amenity impacts from the licensed use.*

The Venue Management Plan will be endorsed to form part of the planning permit and must not be altered unless with the prior written consent of the Responsible Authority.

Development and/or use layout not altered

10. The development and use as shown on the endorsed plans must not be altered unless with the prior written consent of the Responsible Authority.

Satisfactory Continuation

11. Once the use and development has started it must be continued and completed to the satisfaction of the Responsible Authority.

General amenity

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

- a) Transport of materials, good or commodities to or from the land;
- b) Appearance of any building, works or materials;
- c) Emissions 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) (Specify others as appropriate)

13. The amenity of the locality must not be adversely affected by the activity on the site, the appearance of any buildings, works or materials, emissions from the premises or in any other way, to the satisfaction of the Responsible Authority.

Hours of operation

14. Unless with the prior written consent from the Responsible Authority, the use hereby permitted may only operate between the following hours:

- Monday to Thursday 11 am to 11 pm
- Friday to Sunday 11 am to 12 am

External lighting / light spill

15. All external lighting must be designed, baffled and located so as to prevent adverse effect on adjoining land, to the satisfaction of the Responsible Authority.

Services

16. Before the use commences, reticulated (water, sewerage, gas and electricity) services must be constructed and available to the satisfaction of the Responsible Authority.

Air Conditioning

17. No air conditioning equipment, plant or the like shall be installed on the roof of the building such that it would be visible to the public.

Colours and materials of buildings

18. The nature and colour of building materials used in the construction of the buildings and works hereby permitted shall be of a non-reflective finish and in muted tones to the satisfaction of the Responsible Authority.

Noise from air-conditioning

19. Air-conditioning and other plant and equipment installed on the subject building(s) shall be positioned and baffled so that noise disturbance is minimised, to the satisfaction of the Responsible Authority.

General Drainage Requirement

20. Discharge of stormwater from the land will be required by means of an underground pipe drainage system designed to the satisfaction of the Responsible Authority and discharging to the legal point of discharge in a street or an underground pipe drain to the requirements of the Responsible Authority. In this regard no water shall be discharged from any pipe or paved area onto the surface of any adjacent land.

Stormwater flows in excess of the approved capacity of the pipe drainage system must not be trapped by any construction but must be permitted to flow over the finished surface of the site to the street or drainage easement.

Internal Drainage Works

21. Before starting any buildings or works, engineering plans showing a properly prepared design (with computations) for the internal drainage and method of disposal of stormwater from all roofed and sealed areas, including the use of an on-site detention system (if required), must be submitted to Council for approval. These internal drainage works must be completed to Council's satisfaction prior to using or occupying any building on the site.

External Drainage Works

22. Prior to using or occupying any building on the site, the permit holder is required to construct at no cost to Council, drainage works between the subject site and the Council nominated point of discharge. Such drainage works must be designed by a qualified engineer and submitted to and approved by Council. Computations will also be required to demonstrate that the drainage system will not be overloaded by the new development. Construction of the drainage system must be carried out in accordance with Council specifications and under Council supervision.

Car Park Construction (Unsealed)

23. Before the use commences, the area(s) 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 crushed rock, gravel, or granitic sand;
- d) Within 10m of any street alignment, concreted or otherwise permanently sealed;
- e) Drained and maintained;

to the satisfaction of the Responsible Authority. Car spaces, access lanes and driveways must be kept available for these purposes at all times, to the satisfaction of the Responsible Authority.

Vehicle manoeuvring

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

Number of car spaces required

25. A minimum of 54 car spaces must be provided on the land for the use and/or development hereby permitted, to the satisfaction of the Responsible Authority.

Car parking for disabled persons

26. A minimum of two car space(s) must be provided for the exclusive use of disabled persons. The car space(s) must be provided as close as practicable to (a) suitable entrance(s) of the building and must be clearly marked with a sign to indicate that the space(s) must only be utilised by disabled persons.

Protection of fences and landscaped areas

27. In areas set aside for car parking, measures must be taken to the satisfaction of the Responsible Authority to prevent damage to fences or landscaped areas.

Directional sign

28. A sign to the satisfaction of the Responsible Authority must be provided directing drivers to the area set aside for car parking and must be maintained to the satisfaction of the Responsible Authority. The sign must not exceed 0.3 square metres in area.

Parking on nearby roads

29. Vehicles under the control of the operator of the use or the operator's staff must not be parked on nearby roads.

Vehicular Access

30. Vehicular access to the site for Stage 2 must be way of a vehicle crossing constructed in accordance with Council's Vehicle Crossing Specifications to suit the proposed driveway(s) and the vehicles that will be using the crossing(s). The location, design, and construction of the vehicle crossing(s) must be approved by the Responsible Authority. Any existing unused or redundant crossing(s) must be removed and replaced with concrete kerb, channel and naturestrip to the satisfaction of the Responsible Authority. All vehicle crossing works are to be carried out with Council supervision under a Road Opening Permit.

Signage and Line-marking Plan

31. Prior to the commencement of development, a signage and line-marking plan showing all road markings and signs is to be submitted to Council for approval. The use and installation of signs and line marking must be in accordance with all relevant standards, including Council standard drawings, VicRoads, Australian Standards and AustRoads.

Loading/unloading (for commercial or industrial development)

32. The loading and unloading of goods from vehicles must only be carried out on the land and must not disrupt the circulation and parking of vehicles on the land, to the satisfaction of the Responsible Authority.

Landscaping completion and maintenance

33. Unless with the prior written consent of the Responsible Authority, before the use commences, the landscaping works shown on the endorsed plans must be carried out, completed and maintained to the satisfaction of the Responsible Authority.

Landscape Bond (Non-residential)

34. Within two months from the date of issue of this permit, or at such later date as the Responsible Authority may approve in writing, there shall be lodged with the Responsible Authority an amount of (insert amount) as security deposit for the satisfactory completion and maintenance of the landscaping works hereby permitted.

Upon completion of the landscaping works to the satisfaction of the Responsible Authority, the Responsible Authority will refund up to 50% of the security deposit to the payee. Upon the maintenance of the landscaping works for a period of 2 years after the completion of such works to the satisfaction of the Responsible Authority, the Responsible Authority will refund to the payee the balance of the security deposit.

In the event that the landscaping works are not completed or maintained to the satisfaction of the Responsible Authority, the Responsible Authority may complete and/or maintain the landscaping work and deduct the cost thereof (including supervision) from any security deposit lodged pursuant to this permit.

Tree Removal

Removal of Native Vegetation

35. Before the removal of the vegetation hereby approved starts, three copies of a plan must be submitted to and approved by the Responsible Authority, showing all vegetation to be removed and retained clearly identified and numbered on the plan. The vegetation must be clearly referenced in a table detailing the species/vegetation communities, the Diameter at Breast Height (DBH), height, extent of cover/canopy and health/condition.

Compliance with Endorsed Plan

36. No native vegetation, other than that shown on the endorsed plan, is to be destroyed, felled, lopped, ring barked or uprooted, without the consent of the Responsible Authority.

Vegetation to be Suitably Marked

37. The vegetation nominated for pruning and/or removal must be suitably marked prior to the commencement of any works and an inspection arranged with an appropriate Council Officer to verify that the vegetation marked accords with this permit.

Consulting Arborist to Supervise Works

38. A consulting arborist must be employed to supervise works which may impact upon trees marked for retention on the approved plan.

Induction of Construction Personnel

39. The consulting arborist must conduct an induction of all personnel involved in construction that may impact on tree protection zones.

Supervision of Vegetation Removal/Pruning by Council Officer

40. Prior to any arboricultural works, the applicant must contact Council's Parks and Open Space Manager to arrange for an appropriate officer to be present on site to supervise the vegetation removal and/or pruning works. At the completion of the works, the applicant is to arrange for the appropriate Council officer to inspect the site to ensure compliance with the planning permit.

Processing of Vegetation

41. All vegetation removed must be processed (shredded and hammer milled) on site and stockpiled in a secure area (as agreed by the Responsible Authority) for future reuse as mulch around other trees that are located within Council reserves.

Contractor to be Suitably Qualified

42. The contractor proposed to undertake the works must be suitably qualified and experienced and must hold appropriate insurances to the satisfaction of the Responsible Authority.

Tree Protection Zone plan

43. Prior to development commencing (including any demolition, excavations, tree removal, delivery of building/construction materials and/or temporary buildings), the trees marked on the endorsed plans as being retained must have a Tree Protection Zone (TPZ) defined on a plan to the satisfaction of the Responsible Authority. Unless works have already been shown on endorsed plans within the periphery, the zone for each tree shall be marked to extend to at least 1 metre from the drip line of each tree. If works are shown on the endorsed plan within the periphery, then the tree protection zone must be taken in to only the minimum amount necessary to allow the works to be completed. All tree protection fencing required by this permit must be erected in accordance with the approved TPZ.

Tree protection zone fencing

44. Prior to development commencing (including any demolition, excavations, tree removal, delivery of building/construction materials and/or temporary buildings, tree protection zone fencing is to be constructed to the following requirements:

- a) Ring lock wire mesh approximately 1.8 metres high.
- b) Main posts 100mm treated pine (TP).
- c) Intermediate posts steel star pickets (SP).
- d) The corner posts are to be TP with TP stays.
- e) Every third post is to be TP.
- f) SP to be placed intermediately between the TP posts at 3 metre intervals.
- g) The ring lock mesh to encircle the structure and be firmly secured at each post.
- h) Posts must be sunk into the ground by 450mm (there is to be no concrete to secure posts as this will affect p.H. levels).

45. Prior to development commencing (including any demolition, excavations, tree removal, delivery of building/construction materials and/or temporary buildings), the tree protection fencing must be erected to the satisfaction of the Responsible Authority in accordance with the approved tree protection zone(s). The fencing must be erected to form a visual and physical barrier, be a minimum height of 1.5 metres above ground level, and include signage clearly marked "Tree Protection Zone – No Entry" on all sides.

46. Prior to the commencement of the approved works (including any demolition, excavations, tree removal, delivery of building/construction materials and/or temporary buildings), the erected tree protection fences must be inspected and approved by the Responsible Authority.

Tree protection fencing maintenance

47. Once erected and approved by the Responsible Authority, the tree protection fencing shall be maintained in good condition and may only be removed upon completion of all development works, to the satisfaction of the Responsible Authority. Should temporary access be necessary within the Tree Protection Zone during the period of construction, the Responsible Authority must be informed prior to relocating the fence (as it may be necessary to undertake additional root protection such as bridging over with timber).

Enhancement of Growing Environment inside a Tree Protection Zone

48. The area inside the tree protection zone should, where considered relevant by the consulting arborist, be modified in the following manner to enhance the growing environment of the tree and to help reduce stress or damage to the tree:

- a) The area within the protection zone may require mulch with wood chips or compost matter to a depth of 150 millimetres.
- b) Trees may require supplementary watering, with the amount to be assessed by the consulting arborist and determined by the extent of disturbance to the trees roots and climatic conditions.
- c) Where severing of roots (greater than 50 millimetres in diameter) is required directly adjacent to the protection zone they must be cut cleanly. Where possible this is to be completed at the beginning of development of the site. Roots are not to be left exposed, but back-filled or covered with damp hessian.

Storage/Activities within the Tree Protection Zone

49. The storing or disposing of chemicals or toxic materials must not be undertaken within 10 metres of any tree protection zone. Where the slope of the land suggests these materials may drain towards a tree protection zone, the storing or disposing of these materials is strictly forbidden.

50. The following actions must not be undertaken in any tree protection zone as identified on the endorsed plan, to the satisfaction of the Responsible Authority:

- a) Storage of materials or equipment;
- b) Attachment of materials to trees (including temporary service wires, nails, screws or any other fixing device);
- c) Open cut trenching or excavation works (whether or not for laying of services);
- d) Changes to the soil grade level (including filling);
- e) Parking of vehicles or machinery.

Expiry (use and/or development)

51. In accordance with the Planning and Environment Act 1987 a permit for the development expires if:

- a) the approved development does not start within 4 years of the date of this permit; or
- b) the approved development is not completed within 6 years of the date of this permit; and/or
- c) the approved use is not commenced within two years of the completion of the development.

Time Limit (Subdivision)

52. In accordance with the Planning and Environment Act 1987, a permit for development which requires the certification of a plan of subdivision or consolidation under the Subdivision Act 1988 expires if:

- (a) the plan is not certified within two years of the issue of the permit; or
- (b) the development or any stage is not completed within 5 years of the certification of the plan of subdivision or consolidation under the Subdivision Act 1988.

Before the permit expires or within twelve months afterwards, the owner or the occupier of the land to which it applies may ask the Responsible Authority for an extension of time. The Responsible Authority may extend the time within which the development or any stage of it is to be started or the development or any stage of it is to be completed or within which a plan under the Subdivision Act 1988 is to be certified.

Advertising Requirements Note:

Without the consent of the Responsible Authority, no advertising, direction or identification sign shall be erected on the land (including flags, windvanes, bunting streamers or other like devices) except where in compliance with Clause 52.05 of the Whittlesea Planning Scheme.

Registration Under Food Act 1984 Note:

The premises is required to be registered with Council's Health Department under the *Food Act 1984*.

Noise control

The permit holder should be aware that the operation of the use is at all times required, pursuant to the Environmental Protection Act 1970, to meet the requirements of the State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2.

Noise control

The permit holder should be aware that the operation of the use is at all times required, pursuant to the Environmental Protection Act 1970, to meet the requirements of the State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1.

Other Provisions

Despite any provisions of the Whittlesea Planning Scheme, no planning permit is required pursuant to any of the following provisions, provided that the proposal is generally in accordance with the endorsed plans as amended from time to time to the satisfaction of the Responsible Authority:

Clause 52.06 – Car Parking

Clause 52.07 – Loading and Unloading of Vehicles

Clause 52.27 – Licensed Premises

Clause 52.34 – Bicycle Facilities