CASEY PLANNING SCHEME

193-209 King Road, Harkaway
Rosemaur

INCORPORATED DOCUMENT

XXXX 2020

This document is an incorporated document in the Casey Planning Scheme pursuant to Section 6(2)(j) of the Planning and Environment Act 1987
1.0 Introduction

This document is an incorporated document in the schedule to clause 45.12 and clause 72.04 of the Casey Planning Scheme (Planning Scheme) pursuant to section 6(2)(j) of the Planning and Environment Act 1987.

The land identified in clause 3.0 of this incorporated document may be developed and used in accordance with the control contained at clause 4.0 of this incorporated document.

If there is any inconsistency between any provision of this incorporated document and any provision of the Planning Scheme, the control at clause 4.0 of this incorporated document shall prevail over any contrary or inconsistent provision in the Planning Scheme.

2.0 Purpose

To permit and facilitate the use and development of the land described in clause 3.0 of this incorporated document more commonly known as Rosemaur, Harkaway for the purpose of an Exhibition Centre (Art Gallery), Function Centre, Restaurant and Dwellings (the Project).

3.0 Land

The control in this document applies to all of the land 193-209 King Road, Harkaway being the land shown as Lot 5 on LP118783 (Land).

4.0 Control

Any requirement in the Planning Scheme which:

• Prohibits use and/or development of land; or
•Requires a permit for use and/or development of land; or
•Requires use or development of land to be carried out in a particular manner,

does not apply to the use and development of the Land identified in clause 3.0 of this document undertaken either for or in connection with the following uses or development:

• Use of Land for an Exhibition Centre (Art Gallery), Function Centre, Restaurant (150 patrons) and Dwellings.
• Buildings and works associated with the construction of Exhibition Centre (Art Gallery), Function Centre, Restaurant and Dwellings.
• Removal, destruction and/or lopping of native vegetation.
• Car parking and associated works.
• Sale and consumption of liquor.

This Incorporated Document does not exempt application of the requirements of clause 52.05 (Signs) of the Planning Scheme.

This control is subject to the conditions in clause 5.0 of this document.

5.0 Conditions

The use and development of the Land must be carried out generally in accordance with the following conditions:

Submission of Plans to Responsible Authority for Endorsement

1. Before the development starts, plans to the satisfaction of the Responsible Authority must be submitted to and endorsed by the Responsible Authority. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans prepared by Architecture Associates and marked ‘Plans for Rosemaur Gallery Project 1601’, dated 15 June 2020, drawings TPO1 to TPO12, but modified to show:
a) Details of the extent of the area where liquor is to be consumed or sold, represented by a red line, which must be generally located within the Exhibition Centre (Art Gallery), Function Centre, Restaurant and associated storage areas only.

b) An amended Site Plan to show:
   i. If applicable, the details, type, location and capacity of the waste water system including details of the setback distances of the dispersal field from any buildings or property boundaries.
   ii. The maximum width of all cross-overs and material of construction.
   iii. The provision of a minimum 5.5 metre wide vehicle crossing for the access points to King Road.
   iv. The location of any proposed water tanks including the setback to the property boundaries.
   v. The location of Tree Protection Zones for vegetation within the road reserve along the King Road frontage as detailed in the Preliminary Arboricultural Assessment prepared by Artio Consulting, dated 7 November 2016, and any Arboricultural Assessments submitted under condition 2j.
   vi. A fence (or signage) which prohibits public vehicle access to the access road that services delivery/waste vehicles to the Restaurant area, and a notation that this access is to be used by staff, delivery and waste vehicles only.
   vii. The surface of the overflow car parking area which must be consistent with Condition 23c).

c) Amended Floor Plans to show:
   i. The finished floor levels of the building(s) to correspond to the submitted survey plan prepared by Charlton Degg Land Development Consultants, reference 1084, dated 12 July 2018.
   ii. The contour information to correspond to the submitted survey plan referred.

d) Amended Elevations Plans to show:
   i. The maximum wall and building height above natural ground level on all four elevations.
   ii. The finished floor levels and finished roof levels of the building(s) to correspond to the submitted survey plan prepared by Charlton Degg Land Development Consultants, reference 1084, dated 12 July 2018.
   iii. A schedule of construction materials, external finishes and colours which must complement the surrounding landscape.
   iv. The colour of external water tanks.
   v. Any proposed fencing.

e) A Vegetation Plan that shows:
   i. Details of all vegetation on the Land including the stand of vegetation along the north side of the property, around the existing dam and within the road reserve including the location, height and species names and a notation of which vegetation is to be removed.
   ii. The location of all trees on the Land and the location of Tree Protection Zones for vegetation within the road reserve along the King Road frontage as detailed in the ‘Preliminary Arboricultural Assessment’ prepared by Artio Consulting, dated 7 November 2016, and any Arboricultural Assessments submitted under Condition 2j.
   iii. Compliance with the requirements of the Bushfire Management Plan referred to in condition 39.

f) A Car Parking and Pedestrian Layout Plan which provides the following:
   i. Maintains all sealed car spaces to the west or north-west side of the building, noting that overflow parking may be provided on the north-east side of the building.
   ii. The layout and design must:
       • Be sympathetic to the natural contours of the Land through the provision of terraced car parking areas;
       • Provide a sense of arrival that celebrates the views to the south-west;
       • Provide direct and convenient/central pedestrian connectivity to the Restaurant and Exhibition Centre;
- Promote efficient and orderly traffic flow/vehicle movements; and
- Provide a dedicated coach/bus drop off area which is independent to areas shared by other vehicles (i.e. waste vehicles).

iii. A minimum 8 metre setback to the northern boundary (King Rd road reserve) to allow for sufficient landscaping within the setback area and to ensure that vegetation within the road reserve is not impacted upon. A lesser setback may be permitted where it has been demonstrated that the vegetation within King Rd road reserve would not be impacted upon.

iv. Shows the location of bicycle facilities in accordance with Clause 52.34.

g) An amended front entry area location to be on the north-west side of the building to be consistent with the amended car parking and pedestrian footpath layout required by Condition 2g).

h) A swept path assessment which demonstrates that waste vehicles, delivery vehicles, fire fighting vehicles and buses/coaches can satisfactorily enter and exit and manoeuvre within the Land. The assessment must demonstrate that there will be no conflict between waste vehicles, buses/coaches and delivery vehicles.

i) A cross-section/s of the car parking areas which accurately depicts the maximum extent of earthworks and location of vegetation within the King Road and Hilden Drive road reserves. All earthworks must be located outside of the Tree Protection Zone of the vegetation location within the King Road and Hilden Drive road reserves.

j) An Arboricultural Assessment which responds to the final plans and details of the tree protection zones of all roadside vegetation within King Road within 10 metres of any part of the proposed development, including the car parking areas and passing bays within King Road. The report must demonstrate that the development does not impact on any existing roadside vegetation within King Road.

k) 120 sealed car spaces and sufficient areas to be set aside that can accommodate a minimum of 153 unsealed overflow spaces.

Compliance with Endorsed Plans

2. The use and development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.

3. The layout of the uses and various activities forming part of the uses on the endorsed plans must not be altered without the written consent of the Responsible Authority.

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

5. The landscaping shown on the approved plans must be completed within six (6) months of occupation of the development or by such later date as is approved by and to the satisfaction of the Responsible Authority in writing.

6. Unless otherwise agreed in writing, before the use commences, the following works must be completed to the satisfaction of the Responsible Authority:

a) The building(s) is/are connected to reticulated water supply, drainage and underground electricity to the requirements of the relevant servicing authority.

b) The buildings are connected to reticulated sewerage to the requirements of South East Water, or to an on-site waste water treatment and disposal facility to the satisfaction of the Responsible Authority.

c) All proposed areas set aside on the approved plan/s for access, circulation and car parking (with the exception of the overflow car parking area) must be constructed with concrete, asphalt or other hard surfacing material, drained and the parking areas delineated. Once
constructed, these areas must be maintained to the satisfaction of the Responsible Authority.

d) All road and drainage infrastructure must be designed and constructed in accordance with plans and specifications approved by the Responsible Authority.

e) The existing vehicle crossings to be removed and the ground surface reinstated.

f) Water supply must be provided in accordance with the water supply requirements of the endorsed Bushfire Management Plan.

g) Existing vegetation must be managed in accordance with the defendable space requirements of the endorsed Bushfire Management Plan.

h) The buildings must be constructed in accordance with construction requirements of the endorsed Bushfire Management Plan.

i) The equestrian trail from Farm Lane to Hilden Drive must be constructed as a functional Fire Access Track in accordance with the approved engineering plans to the satisfaction of the CFA and the Responsible Authority.

j) King Road must be fully constructed with a sealed pavement between Baker Road and Hilden Drive in accordance with the approved engineering plans and to the satisfaction of the Responsible Authority.

Agreement with Council

7. Unless otherwise agreed in writing by the Responsible Authority, before the development starts (or such other time agreed to in writing by the Responsible Authority) the owner must enter into an agreement under section 173 of the Planning and Environment Act 1987 (the Act) with the Responsible Authority. The agreement must provide for the following:

a) That the owner will

i. operate and maintain the Gallery in compliance with National Standards for Australian Museums and Galleries, as amended from time to time;

ii. carry out and maintain an insurance policy that will insure both the building(s) and art collection against loss for full replacement value;

iii. ensure the building(s) are secured at all times at a level and to a standard commensurate with other galleries hosting international art collections; and

iv. operate and maintain the Gallery in such a way that it remains compliant with, and able to act as a ‘Borrower’ within the meaning of that term in the International Council of Museum Guidelines for Loans, as amended from time to time.

b) If the Gallery use ceases, the use of the land as a Function Centre, Restaurant and Dwellings must be discontinued until such time as the Gallery is reopened to the satisfaction of the Responsible Authority.

c) That for a minimum of 40 weeks per calendar year, it will publicly display artwork of a combined value of no less than the Agreed Value. For the purposes of this clause, Agreed Value means $500,000,000 (AUD) and is to be determined by reference to the audited accounts and financial statements of Rose & Maurice Hogg Gallery Ltd, which must be provided to the Responsible Authority at the conclusion of each financial year, to the satisfaction of the Responsible Authority. Any valuation must be undertaken by an ‘approved valuer’ authorised by the Department of Communication and the Arts as an ‘approved valuer’ under Australian Government’s Cultural Gifts Program.

d) That no more than 2 dwellings may be constructed and used on the Land at any time, and that those dwellings must at all times be associated with the Gallery, Function Centre and/or Restaurant.
e) That the Responsible Authority is under no obligation to enter the Land for the purposes of collecting waste.

The form and content of the agreement must be to the satisfaction of the Responsible Authority, and all costs relating to the preparation, negotiation, execution and registration of the section 173 Agreement must be met by the owner. Before the use commences, an application must be made to the Registrar of Titles to register the section 173 agreement on the title to the Land under section 181 of the Act.

Waste Collection

8. Before the use starts, a Waste Management Plan prepared by a suitably qualified person must be submitted to and approved by the Responsible Authority. The plan must:

   a) Outline the manner in which waste will be collected from the Land, and that waste is to be collected by a private waste contractor;

   b) State that Responsible Authority will not at any time provide garbage, recycling, green or hard waste collection to this site;

   c) Show the width and gradients of all access roads;

   d) Detail the bin quantity, size and colour;

   e) Detail on a site plan showing location and space allocated to the garbage and recycling bin storage area and collection point;

   f) Estimate garbage and recycling generation volumes for the whole development;

   g) Detail the collection frequency and times. Waste collection must be outside the peak operation times;

   h) Shows the waste and recycling collection locations (specifying number and size of bins) and the dedicated bin collection and bin storage locations (drawn to scale and dimensioned);

   i) Detail the garbage and recycling equipment used, including details of the size and dimensions of the private waste collection vehicle;

   j) Demonstrate that bin storage areas are suitably screened from public view and appropriately accessible by the waste contractor for collection; and

   k) Show the waste vehicle route within the site and swept path diagrams for the waste vehicles, including required manoeuvres.

9. The Land must be used in accordance with the approved Waste Management Plan at all times to the satisfaction of the Responsible Authority.

Environmentally Sustainable Design

10. Before the development starts (or such other time agreed to in writing by the Responsible Authority), an Environmentally Sustainable Development Management Plan must be prepared by a suitably qualified environmental engineer or equivalent and must be submitted to and approved by the Responsible Authority. The report must be generally in accordance with the Environmentally Sustainable Design Report submitted (prepared by Atelier Ten, dated July 2017) but modified to show/include:

   a) Clearly specify Environmental Sustainable Design targets or performance outcomes and demonstrate how they will be achieved to meet sustainability objectives relating to energy management, water sensitive urban design, construction materials, indoor environmental quality, waste management and transport, which may use relevant tools such as either
b) Clearly demonstrate how ‘Australian Best Practice’ or Green Star 5 Star equivalent will be achieved relating to energy management, water sensitive urban design, construction materials, indoor environment quality, canopy cover, waste management and transport.

c) Details of the specification on the initiatives to be incorporated in the development with regard to indoor environmental quality.

d) Details of the energy reduction initiatives that will be incorporated into the design and have regard to energy and greenhouse gas emissions. Include as appropriate provision for solar orientation, natural light, HVAC and the optimisation of energy and greenhouse gas emission of through an architectural strategy.

e) Details of Integrated Water Management initiatives to be incorporated including:
   i. Document the means by which best practice Integrated Water Management including retention on-site and re-use will be achieved;
   ii. A Melbourne Water STORM rating and MUSIC model demonstrating how initiatives will meet best practice stormwater management;
   iii. Recycling treatment and re-use of stormwater to best practice;
   iv. WSUD initiatives;
   v. A water supply/demand analysis in relation to water collection, storage and re-use; and
   vi. Clarification of water storage capacity and re-use including consideration of storm water and rainwater detention on site for non-potable applications including fire testing, toilets, urinals (if installed), air conditioning, and landscaping.

f) A Green Travel Plan.

11. The Environmental Sustainable Design targets or performance outcomes works as specified within the approved Environmentally Sustainable Development Management Plan must be implemented to the satisfaction of the Responsible Authority.

Construction Management Plan, Operational and Management Manual and Event Management Plan

12. Before the development starts, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Construction Management Plan must be prepared by a suitably qualified person to the satisfaction of the Responsible Authority and must show and/or provide for the following:

   a) Details of the staging of all buildings and works;

   b) Hours during which construction activity will take place;

   c) The location of any temporary cabins and site sheds;

   d) The location and storage of machinery on the site;

   e) Security fencing and site access details;

   f) A traffic management plan which ensures that no traffic hazards are created in or around the site and which must include the following details:
      i. The movement of construction vehicles to and from the site;
      ii. Details of the delivery and unloading points and expected frequency; and
      iii. The location for parking of contractors’ vehicles, which must be contained within the Land.

   g) The location of the building refuse points and methods for ensuring the containment of waste within the Land during construction;
h) Methods to prevent discharge of construction materials and sediment;

i) Arrangements to ensure that no debris is deposited on any road while vehicles are travelling to and from the site, and details of the method and frequency of clean up procedures including facilities for vehicle washing;

j) The nomination of, and contact details for, a dedicated liaison officer for contact by the Responsible Authority in the event of relevant queries or problems experienced;

k) An outline of any necessary requests to occupy public footpaths or roads and anticipated disruptions to local services;

l) The measures necessary to minimise noise/dust and other amenity impacts from mechanical equipment and demolition/construction activities; and

m) The erection of a sign on the site prior to any work commencing which is clearly visible from the adjacent road reserves stating that unauthorised entry to the site is not permitted and showing the name of the builder or another person responsible for the site and a telephone number for contact outside working hours. The signs may only be removed on satisfactory completion of the works.

13. Before the use starts, an Operational and Management Manual to the satisfaction of the Responsible Authority must be prepared and submitted to the satisfaction of the Responsible Authority. The Operational and Management Manual must include the following:

   a) The contact details of the nominated person(s) responsible for the day to day management and control of the building(s);

   b) A complaint handling process to effectively manage any complaints received from neighbours including a Complaints Register. The Complaints Register to be kept at the Gallery must include details of the complaint received, any action taken and the response provided to the complainant. The Complaints Register shall be maintained and available for inspection by the Responsible Authority at all reasonable times;

   c) Details of delivery vehicle and waste collection times which must not occur prior to 7am or after 7pm on any day;

   d) Details of hours of operation; and

   e) Location of safety signage.

14. At all times the Gallery, Restaurant and Function Centre must be operated and managed to the satisfaction of the Responsible Authority in accordance with the approved Operational and Management Manual.

15. Within two years of the use commencing, the owner must engage a qualified consultant to prepare and provide a car parking demand assessment to the satisfaction of the Responsible Authority. The car parking demand assessment must address the following:

   a) A car parking survey outlining the car parking demand for weekday operation / weekend operation / one large event operation that has occurred;

   b) An analysis of whether the parking provision on site is satisfactory, having regard to the average parking demand;

   c) If the car parking provision is not adequate to cater to the actual demand, recommendations including the potential need for construction of more parking spaces on the Land;
i. If the recommendation requires the provision of more formal car parking spaces on the site, a further car parking demand assessment must be undertaken within one year of the additional car parking spaces being provided to demonstrate that the provision is sufficient;

d) Consideration of any written complaints / enquiries received by the Responsible Authority as part of the approved Operational and Management Manual.

16. At least three months prior to any event where more than 580 patrons or visitors will be present, an Event Management Plan to the satisfaction of the Responsible Authority and the Country Fire Authority must be prepared and submitted for approval. The Event Management Plan must include (where appropriate):

   a) Details of the nature of the event;
   b) Details of the duration and hours of the event;
   c) Details of any external speakers or noise equipment;
   d) The number of anticipated patrons/visitors;
   e) Demonstrate that there is sufficient car parking on site which is delineated on a site plan;
   f) Details of any additional parking that is required for the event;
   g) A Bushfire Emergency Plan to the satisfaction of the Country Fire Authority; and
   h) A Traffic Management Plan which details how traffic and carparking will be managed including:

      ii. The means by which the direction of traffic and pedestrian flows to and from car parking areas will be controlled both on- and off-site;
      iii. Measures to discourage patron car parking within King Road through appropriate signage or other communication;
      iv. Measures to preclude staff parking in designated patron car parking areas;
      v. Staffing and other measures to ensure the orderly departure and arrival of patrons especially any large groups departing at closing time; and
      vi. Servicing of the drainage and maintenance of car parking areas.

Landscaping and Vegetation

17. Before the development starts (or such other time agreed to in writing by the Responsible Authority), a Landscape Plan prepared by a suitably qualified person must be submitted to and approved to the satisfaction of the Responsible Authority. The plan must be drawn to scale with dimensions and three copies must be provided. The plan must show:

   a) A survey (including botanical names) of all existing vegetation to be retained and/or removed;
   b) Details of surface finishes of pathways and driveways;
   c) 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; and
   d) Details of any structural elements such as planter boxes, edging or other non-vegetation landscaping features.

   All species selected must be to the satisfaction of the Responsible Authority. Landscaping must demonstrate the use of sustainable practices and, if irrigation is to be provided, it must not use potable water. No tree planting is to be undertaken within any easement.
18. The landscape works must be carried out in a manner which is consistent with the recommendations set out in the ‘Preliminary Arboricultural Assessment’ prepared by Artio Consulting, dated 7 November 2016, and any Arboricultural Assessments submitted under condition 2j, to the satisfaction of the Responsible Authority.

19. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority. Areas shown on the endorsed plan as landscaped must not be used for any other purpose. For the avoidance of doubt, maintaining landscaping includes the removal and replacement of any dead, diseased or damaged plants.

20. Before the development starts, a tree protection fence must be erected around the Tree Protection Zone of any affected vegetation within King Road along the frontage of the Land. The fence must be constructed of star pickets and chain mesh or similar to the satisfaction of the Responsible Authority. The tree protection fence must remain in place until construction is completed and the ground surface of the Tree Protection Zone must be covered by a 100mm deep layer of mulch before the development starts and be watered regularly to the satisfaction of the Responsible Authority.

21. No vehicular or pedestrian access, trenching or soil excavation or filling is to occur within the Tree Protection Zone without the written consent of the Responsible Authority. No storage or dumping of tools, equipment or waste is to occur within the Tree Protection Zone.

Engineering

22. Before the development starts, detailed construction plans must be submitted to and approved to the satisfaction of the Responsible Authority. The plans must be drawn to scale with dimensions and three copies must be provided to the Responsible Authority. The plans must show:

   a) The construction of an unsealed fire access track through Reserve No. 1 on LP115396, located between Hilden Drive and Farm Lane, to CFA specifications and requirements.

   b) The sealing of King Road between Baker Road and Hilden Drive including:
      i. Functional Layout Plans for the sealing of King Road with a generally 6.0 metre wide pavement from Baker Road to Hilden Drive.
      ii. Detailed design of all roadworks and drainage for the sealing of King Road in accordance with the approved Functional Layout Plans.

   c) The construction of all internal vehicle access and circulation carriageways and parking areas. The plans must show the provision of the following to the satisfaction of the Responsible Authority:
      i. An all-weather pavement finished in concrete, asphalt or other approved hard surface material for areas shown as sealed parking areas (excluding overflow parking areas).
      ii. Any overflow parking levelled and reinforced with plastic mesh or similar within the grassed area as necessary to prevent the formation of potholes and depressions according to the nature of the sub-grade and the vehicles which will use the areas. Such parking area will be constructed and maintained to the satisfaction of the Responsible Authority. The permeable mesh product used needs to be to Australian Standards and be able to carry vehicles and function as a car park.
      iii. Drainage.
      iv. Signage, line marking, and parking space marking, including safe pedestrian paths designated through all parking areas (excluding overflow parking areas).
      v. Disabled parking spaces in accordance with Australian Standards.

   d) Any dam to be designed in accordance with engineering practice to the satisfaction of the Responsible Authority. The plans must show:
      i. Location of the proposed dam and distances to property boundaries.
      ii. Storage volume of the dam.
      iii. Dimensions, contours and finished levels
      iv. Cross section(s) showing depth, wall height & finished levels.
      v. Location, design and dimensions of the inlet and outlet.
vi. The wall of the dam designed to be watertight and support on a suitable foundation.
vii. The spillway and overflow system of the dam to be constructed of suitable material.
viii. The extent and type of vegetation proposed to be removed for the dam construction.
ix. Proposed location for the disposal of spoil from excavations.
x. Measures to limit the rate of stormwater discharge from the dam in minor storm events to the predevelopment rate.

23. Before the use starts or occupation of the buildings, the area/s set aside for the parking of vehicles and access lanes as shown on the endorsed plans (except for the overflow parking spaces) must be:
   a) constructed and properly formed to such levels that they can be used in accordance with the permitted used and development;
   b) surfaced with an all-weather-seal coat;
   c) drained, sealed, and line marked to indicate each car space and all access lanes; and
   d) line marked to show the direction of traffic along access lanes and driveways,
   all to the satisfaction of the Responsible Authority.

24. Sealed car spaces, access lanes and driveways must be kept available for these purposes at all times.

25. All works must be undertaken in a manner that minimises soil erosion, and any exposed areas of soil must be stabilised to prevent soil erosion, to the satisfaction of the Responsible Authority.

26. Except with the written consent of the Responsible Authority, during construction, a truck wheel-wash must be installed and operated so vehicles leaving the Land do not deposit mud or other materials on roadways to the satisfaction of the Responsible Authority.

27. Stormwater must not be discharged from the Land other than by means of controlled discharge from the proposed dam to the satisfaction of the Responsible Authority.

28. Polluted stormwater must not be discharged beyond the boundaries of the land from which it emanates, or into a watercourse or drain, but must be treated and/or absorbed on that land to the satisfaction of the Responsible Authority.

Restaurant and Art Gallery Operation

29. Unless with the further written consent of the Responsible Authority, the use of the Land as an Exhibition Centre (Art Gallery) may only operate between the hours of:
   - Tuesday to Sunday 10am to 5pm

30. Unless with the further written consent of the Responsible Authority, the use of the Land as a Restaurant and Function Centre may only operate between the hours of:
   - Sunday to Thursday 7am – 11pm
   - Friday and Saturday 7am – 1am (the following day).

31. Not more than 150 patrons may be present within the Restaurant at any one time (or as otherwise specified in an approved Event Management Plan) without the further written consent of the Responsible Authority.

32. Not more than 580 patrons or visitors may be present on the site at any one time (or as otherwise specified in an approved Event Management Plan) without the further written consent of the Responsible Authority.
33. Unless with the further written consent of the Responsible Authority, no more than three large events (events of more than 580 visitors/patrons) may be held within one (1) calendar year to the satisfaction of the Responsible Authority.

Sale and consumption of liquor

34. The layout of the licensed area as shown on the endorsed plan must not be altered or modified without the written consent of the Responsible Authority.

35. Except with the further consent of the Responsible Authority liquor must only be served or consumed in those areas that are shown on the plans as licensed areas between the following hours:
   - Monday to Saturday (excluding ANZAC Day and Good Friday) – 7am to 11pm.
   - Sunday – 10am to 11pm.
   - Good Friday and ANZAC Day – 12noon to 11pm.

36. Liquor must only be sold, stored or consumed in the areas shown on the plans as licensed areas to the satisfaction of the Responsible Authority.

37. Alcohol is not to be taken outside the licensed area by patrons at any time to the satisfaction of the Responsible Authority.

38. The predominant activity carried out within the Restaurant, must be the preparation and serving of meals for consumption on the premises.

Bushfire Management

39. Before the development starts, a Bushfire Management Plan to the satisfaction of the CFA and Responsible Authority must be submitted to and endorsed by the Responsible Authority. The plan must be generally in accordance with Map 3 of the Bushfire Management Plan of the Draft Bushfire Management Statement prepared by Terramatrix (Version 1.2, 18 August 2018). Once endorsed, the plan must not be altered unless otherwise agreed in writing by CFA and the Responsible Authority.

40. Prior to occupation of the buildings, a Bushfire Emergency Management Plan to the satisfaction of the CFA and Responsible Authority must be submitted to and endorsed by the Responsible Authority. The plan must not be altered unless otherwise agreed in writing by CFA and the Responsible Authority.

41. The bushfire protection measures shown on the endorsed plans, including those relating to construction standards, defendable space, water supply and access, must be maintained to the satisfaction of the Responsible Authority on an ongoing basis. This condition continues to have force and effect after the development authorised by this Incorporated Document has been completed.

42. Before the development starts, a Vegetation Management Plan to the satisfaction of the CFA and Responsible Authority must be submitted to and endorsed by the Responsible Authority. The plan must demonstrate vegetation management requirements in the area of defendable space around each building will continue to be met on an ongoing basis.

Amenity

43. The use of the Land must not cause any nuisance or annoyance to persons beyond the Land, by way of the emission of noise or otherwise to the satisfaction of the Responsible Authority.

44. Noise levels emanating from the Gallery and Restaurant must not exceed those required to be met under State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade), No. N-1, and (Control of Music Noise from Public Premises), No. N-2.
45. All external plant and equipment must be acoustically treated or placed in soundproof housing to reduce noise to a level satisfactory to the Responsible Authority.

46. The development (including works associated with the construction of the development) must not detrimentally affect the amenity of the area, 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, wastewater, waste products or litter, grit or oil.
   d) Presence of vermin.

47. All bins and receptacles used for the collection and storage of garbage, bottles and other solid wastes must be stored out of general view and storage areas maintained in a suitable condition to the satisfaction of the Responsible Authority.

48. External lighting must be designed, baffled and located to the satisfaction of the Responsible Authority so as to cause no loss of amenity to residents of adjoining properties.

49. The loading and unloading of goods from vehicles must only be carried out on the Land within the designated loading space/s and must not disrupt the circulation and parking of vehicles on the Land.

50. The loading and unloading of vehicles must always be carried out on entirely within the site and not interfere with other traffic.

51. Security lighting must be installed at the entrance to the building and within any car parking area and pedestrian access way, to the satisfaction of the Responsible Authority.

6.0 Expiry of the Incorporated Document

The control in this document expires in respect of the Land identified in clause 3.0 of the following circumstances apply:
   a) The development is not started within four (4) years from the date of approval of this document.
   b) The development is not completed within six (6) years from the date of approval this document.
   c) The use does not start within one (1) year of the completion of the development.
   d) The use is discontinued for a period of two (2) years.

The liquor component will expire if the operation of the liquor license does not commence within 12 months after the restaurant use commencing.

The Responsible Authority may extend the periods referred to if a request is made in writing before the expiry date or within three (3) months afterwards.