



# AGENDA

## SPECIAL MEETING OF COUNCIL

Tuesday, 19 January 2016

To be held at the  
Swan Hill Information Centre  
Commencing at 5:00 PM

**COUNCIL:**

Cr LT McPhee – Mayor

Cr JN Katis

Cr CM Adamson

Cr GW Norton

Cr GI Cruickshank

Cr JA Kiley

Cr JB Crowe

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B.16.1 PLANNING APPLICATION FOR THE USE AND  
DEVELOPMENT OF THE LAND FOR A SERVICE STATION,  
INSTALLATION OF ADVERTISING SIGNAGE IN  
COMMERCIAL 1 ZONE, VARIATION TO 52.12-1 AND  
CREATION OF ACCESS TO A ROAD IN A ROAD ZONE  
CATEGORY 1.....4

**SECTION A – PROCEDURAL MATTERS**

- **Open**
  
- **Acknowledgement to Country**
  
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## **SECTION B – REPORTS**

### **B.16.1 PLANNING APPLICATION FOR THE USE AND DEVELOPMENT OF THE LAND FOR A SERVICE STATION, INSTALLATION OF ADVERTISING SIGNAGE IN COMMERCIAL 1 ZONE, VARIATION TO 52.12-1 AND CREATION OF ACCESS TO A ROAD IN A ROAD ZONE CATEGORY 1**

**Responsible Officer:** Director Development and Planning  
**File Number:** 2015/111  
**Attachments:** 1 Site Plans and Vehicle Swept Path Diagrams

#### **Declarations of Interest:**

Adam McSwain - as the responsible officer, I declare that I have no disclosable interests in this matter.

#### **Summary**

This report seeks a Council resolution to grant a Notice of Decision to issue a planning permit for the use and development of land for a service station, installation of advertising signage in Commercial 1 Zone, variation to clause 52.12-1 of the Planning Scheme and creating access to a road in a Road Zone Category 1 at 56 McCallum Street, Swan Hill.

#### **Discussion**

This application has been referred to Council as six objections have been lodged against the proposal. A letter of support for this application was also received by Council.

#### The location and existing conditions

The subject site is rectangular in shape and fronts both McCallum Street and Beveridge Street. The lot has an approximate area of 1,022 square metres with the eastern boundary and southern boundary, both of which constitute the sites street frontage, measuring approximately 40.52 metres and 25.22 metres, respectively. The site is of a fairly uniform topography.

The site is located in an area that accommodates a range of uses and built forms. Both residential and commercial uses are represented in the locale. To the north and west of the site are residential interfaces, and to the east and south are direct road abutments. The southern interface abuts a main road, listed as a Category 1 Road Zone.

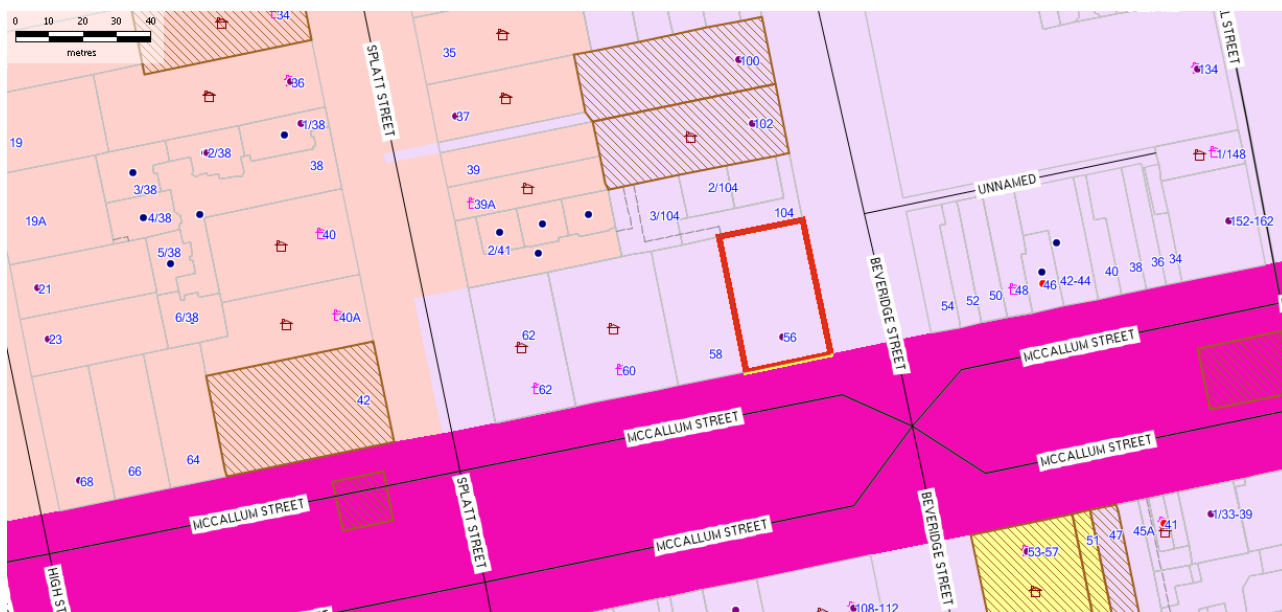
Surrounding uses to the site include residential, child care centre, comfort centre, town hall printing and publishing, supermarket and a service station that has identical

interfaces to the road network of McCallum Street and Beveridge Street (albeit mirrored).

The central parking bays which sit in the middle of McCallum Street extend westward to the intersection of McCallum and High Streets, approximately two blocks from the subject site.

As per Map 1 following, the site itself is zoned Commercial 1 Zone.

Map 1 – Zoning and Location of the subject land



Map 2 – aerial view of the subject land



### The proposal

The applicant proposes to develop and use the land for the purposes of a service station and associated uses including a small 80m<sup>2</sup> convenience store at 56 McCallum Street, Swan Hill.

The proposed hours of operation are 5am to 12 midnight.

A planning permit is required due to the following permit triggers outlined in the Planning Scheme:

Clause 34.01-1	Section 2 Use in the Commercial 1 Zone (C1Z)
Clause 34.01-4	Construct a building or carryout works associated with a Section 2 use in the C1Z
Clause 52.05	A variation of advertising signage
Clause 52.06	Car parking
Clause 52.12	Variation to the particular provisions of Service Stations
Clause 52.29	To create or alter access to a road in a Road Zone

### Assessment

#### State Planning Policy Framework

##### *Clause 17.01-1 Business*

Objective: 'To encourage development which meet the communities' needs for retail, entertainment, office and other commercial services and provides net community benefit in relation to accessibility, efficient infrastructure use and the aggregation and sustainability of commercial facilities.'

The proposal supports the objective by providing a retail service to the community within close proximity to the central activity centre.

#### Local Planning Policy Framework

##### *Clause 21.02-2 Key Issues – Settlement and Housing*

- The maintenance of Swan Hill as the major regional centre which most other towns rely on for services and facilities.

##### *Clause 21.04-1 Settlement Network and Hierarchy*

Objective: 'To maintain the settlement hierarchy.'

Strategy 1.1 Encourage use and development that will assist Swan Hill and Robinvale maintaining and enhancing their respective regional roles as significant providers of residential, commercial, business, industrial land and community services and facilities.

### *Clause 21.08-1 Business*

Objective: 'To provide for the growth of business and commerce.'

Strategy 1.1 Encourage growth and infill development in business areas.

Strategy 1.2 Provide a broad range of services and facilities that is consistent with the role of the town in the settlement hierarchy.

### Clause 21.10-1 Local Areas – Swan Hill, Economic Development

- Encourage two storey development and redevelopment at corner sites in the CBD in Campbell Street, Beveridge Street, Curlewis Street and McCallum Street.

Whilst the above is noted in the Local Policy, there is no Design and Development Overlay in place on these sites to guide Planning Officers in decision making. This is simply a statement without any further supporting policies and guidelines within the Swan Hill Planning Scheme.

Although this development is not a two story development, it is development within the CBD on a site that has been vacant for many years.

### Commercial 1 Zone

The purpose of the Commercial 1 Zone is as follows:

- To create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses.
- To provide for residential uses at densities complementary to the role and scale of the commercial centre.

The proposal meets the purpose of the zone by creating within the immediate area a mix of the uses listed within the purpose of the zone. Particularly, with the exact use currently operating adjacent the site on McCallum Street.

### Particular Provisions

#### Clause 52.05 - Advertising Signs:

Pursuant to the advertising sign requirements at Clause 52.05 of the Swan Hill Planning Scheme what is relevant to this application, is the requirements at Category 1 – Commercial Areas. Business identification signage is a Section 1 use, unless the total advertisement area of all signs exceeds eight square metres. The proposed signage exceeds this requirement, therefore requires a planning permit. The signage is similar to that of the Caltex service station opposite the subject land.

Advertising signage is considered appropriate.

Clause 22.02 - Car parking:

Pursuant to the car parking requirements at Clause 22.02, two car parking spaces are required per 100 square metres of convenience shop floor area. This proposal is for an 80 square metre convenience shop which would trigger one car parking space to be provided on site. The applicant is proposing to provide three car parking spaces within the site, inclusive of one disabled access car parking space, which exceeds the requirements.

Further to the above, a Traffic Engineer report was provided that completed a detailed Car Parking Demand Assessment which concluded that the proposed provision of three car parking spaces is sufficient to accommodate projected parking demands of no more than two spaces.

Clause 52.12 - Service Stations:

The purpose of the requirements of Clause 52.12 is to ensure the amenity, site layout and design are considered when land is to be used for a service station, especially if the site adjoins a residential zone. Although this development does not adjoin a residential zone it is adjacent to a residential use.

Requirements are set within this clause that must be met, although a permit may be granted to vary the requirements if the Responsible Authority considers a better design solution will result.

Site area and dimensions

Requirements:

- The site must be at least 1,080 square metres.
- The frontage must be at least 36 metres (30 metres if the site is on a corner) and the depth at least 30 metres.

The site is 1,022 square metres in total area which is 58 square metres smaller than the required 1,080 square metres, it also has a frontage of 25.2 metres which does not meet the required 30 metres frontage by 4.8 metres. The site does have a depth of 40.5 metres which exceeds the 30 metre requirement by 10.5 metres.

These combined elements actually create a better design solution as greater amenity protection can be provided to the residential use that abuts the site to the north. In having greater depth to the site the convenience store is located between the residential use and the fuel bowsers creating a buffer and allowing the fuel bowsers to be located further away from the residential use. While there is a residential use to the south, it is separated by a vacant lot measuring approximately 20.7 metres.



The following decision by the Victorian Civil and Administrative Tribunal (VCAT). Woolworths Limited v Mornington Peninsula Shire Council [2001] VCAT 2284 is a service station associated with supermarket in Residential 1 Zone with variation to Clause 52.12. Jeanette G Rickards, Presiding Member and W R Gould, Senior Member states;

*‘the area is however less than the area contemplated under clause 52.12 of 1080 square metres. If this area is considered in terms of what a service station can include as defined within the planning scheme, and taking into account the purpose of the clause to ensure the site layout and design, then it is clear why it is stated that the “site must be at least 1080 square metres”. However when the circumstances of the present proposal are considered, what is proposed is not the all encompassing service station as defined within the planning scheme, but rather a small component, that is to sell motor vehicle fuel from bowsers. Service station as defined can also include selling of motor vehicle accessories or parts, selling of food, drinks and other convenience goods, hiring of trailers, servicing or washing of motor vehicles and installing of motor vehicle accessories or parts. It is therefore open under clause 52.12 when considering the site layout and design to consider that if this site at 850 square metres results in a better design solution then it is reasonable to consider the reduced site area and dimensions’.*

While the VCAT decision referenced above doesn't provide the exact same circumstances as the proposal being considered here, it does provide some additional context when assessing the variation to site area and dimensions being considered for this site.

Through this proposal the 'service station' will only cater for the uses of selling motor vehicle fuel from bowsers, providing air/water for vehicles and the selling of food, drinks and other convenience goods. It doesn't provide for servicing or washing of motor vehicles and/or installing of motor vehicle accessories or parts.

Given these reasons the variation to the requirements should be allowed as it enables a better design that decreases potential amenity issues.

#### Crossovers

Proposal complies with requirements.

#### Kerb or barrier

Kerbing will be constructed along the frontage of the site.

#### Road Setbacks

Proposal complies with requirements.

### Discharge of waste

No vehicle wash area is proposed.

### Amenity requirements

The proposal is consistent with the intention of the Commercial 1 Zone. It is situated on a road identified as a Category 1 Road, and the site sits well within the identified Central Business District Area. The site does not have any direct interfaces with the General Residential Zone, however there are residential dwellings at the northern and western interfaces. The nature of the development means that there is potential for limited noise and light spill being generated during the hours of operation. Despite these minimal amenity impacts, the use on the site is consistent with the expectation of the Commercial 1 Zone.

### Trailers for hire

No trailer hire facilities are proposed on the site.

### Adjoining residential zone

The site does not adjoin General Residential Zone.

Given the only variation to requirements is the site area and dimensions and the fact that the site design actually increases the amenity protection to the residential use of the locality, the variation should be granted.

Clause 52.29 - Land Adjacent to a Road Zone, Category 1, or a Public Acquisition Overlay for a Category 1 Road:

The application was referred to VicRoads who did not object to the proposal but requested conditions be included in any Notice of Decision to issue a Planning Permit.

### Issues

- Public Notification:

Notice of the application generated seven submissions from owners and occupiers in the surrounding area. Six of the submissions were objections with one submission being support for the proposal.

The major concerns raised by the objectors are summarised as follows:

- Suitability of location.
- There will be an increase in traffic in the area therefore increased traffic congestion.

- Increased traffic will cause safety concerns for pedestrians.
- Loss of on-street car parking.
- The proposal will have a detrimental effect on the residential amenity of the area, through visual bulk, noise pollution, smell and fumes.
- There will be an increase in noise in the area as a result of the development.
- The use and development will potentially have an increased risk of fire.
- Already adequate petroleum retailers in Swan Hill.

#### Planning response to objections

- Suitability of location

A lot was mentioned about the suitability of the location in relation to existing commercial services and the proximity to residential uses, primarily through increased traffic and the detrimental effect on residential amenity. The following planning policy is applicable to the proposal and should be considered.

State Planning Policy Clause 17.01-1, which relates to business – planning should *‘encourage development which, meet the communities’ need for retail; entertainment, office and other commercial services and provides net community benefit in relation to accessibility, efficient infrastructure use and the aggregation and sustainability of commercial facilities.’*

Local Planning Policy Clause 21.08-1, which also relates to business, with the objective being *‘to provide for the growth of business and commerce’* – planning should *‘encourage growth and infill development in business areas.’*

Through the internal layout of the site, measures have been taken to reduce the operational effects of the development on adjoining residential uses. The fuel bowsers have been located away from the northern residential use with the convenience store being a buffer between the uses.

The proposed use is a permitted use pursuant to the C1Z. Further, a Service Station use is also permitted (subject to approval) in the General Residential Zone, which constitutes the land immediately adjoining the C1Z, in addition to being the previous Zone prior to the C1Z being applied to the subject site.

It is deemed the suitability of the lot is consistent with the proposed use and development in relation to the Commercial 1 Zone and the purpose of that zone.

- Traffic

An increase in traffic in the area was raised by the objectors as a concern. In the traffic assessment provided by the applicant it is noted that ‘the large majority of vehicles utilising service stations comprise of passing trade’, as such these trips do not represent additional vehicle movement on the road network. For this

assessment and consistent with generally accepted rates, it is assumed that 80% of service station traffic movements are diverted from already existing traffic.

The proposed development is expected to generate a total of 120 vehicle trips through site access during the commuter peak hours, but only attract a total of 24 unique vehicle trips to the site.

Considering the existing traffic volumes in the vicinity, the proposed development is not expected to have any material impacts on queues or delays for motorists in the vicinity of the site.

Council's Engineering Department did not have any concerns about the increase in traffic movements but did limit the length of truck sizes that are able to enter the site. If planning approval is granted, a condition will be placed on the permit restricting the size of semi trailers to 17.4 metres and B-doubles to 19 metres.

- Safety

Safety concerns were raised by the objectors in relation to the developments increased number of crossovers, increased risk to child care centre clients, and increased risk of accident at the existing pedestrian crossover. Road users, whether they are motorist or pedestrians, would have regard to the current road conditions and to each other, when using the roads. This is no different to any other area in town. It is true this is a major roundabout in Swan Hill, but there is a footpath to walk on that is not in the path of oncoming traffic.

To ensure the safest possible road layout, the access to McCallum Street will be restricted to left-in movements only. The southernmost Beveridge Street access is proposed to be left-in only, whilst the northern access will be restricted to left-out movements only and will be signposted as such.

Council's Engineering Department has reviewed all documentation submitted with the application including the Traffic Assessment Report and have not raised any concerns with regards to the predictable traffic increase.

- Amenity Issues

Given that the site and surrounding properties are located within and/or interface with a Commercial 1 Zone (while noting that some of these properties are residential dwellings through existing use rights) the amenity impact on adjoining and surrounding neighbours is considered to be minimal. This is supported by the VCAT case *Kelghan Pty Ltd v Mornington Peninsula Shire Council* [2000] VCAT 2538 in which Member Moles states;

*'With respect to transitional sites or sites located at the interface of zones, the Tribunal has said on numerous of (sic) occasions that there needs to be an expectation that in each zone, the use and development of land will be constrained or influenced by the adjacency of land in the other zoning.'*

*It has been said, for example, that dwelling owners/occupants if they occupy premises at the interface with a commercial or industrial zone, cannot expect to enjoy the same level of residential amenity as persons occupying residential properties more remote from the interface. Similarly, the Tribunal has said that persons operating businesses at the edge of commercial zone must expect to have constraints imposed on their activities or development in recognition of the need to maintain the amenity of an abutting residential zone (or open space area), which constraints would not apply in other more central parts of the commercial zone.'*

This opinion is also reflected and stated in *Woolworths Limited v Campaspe Shire Council* [2004] VCAT 641 by Laurie Hewet, Member.

In line with the above, the hours of operation will be limited to 5am to midnight daily, with the majority of the anticipated business occurring during peak hours, it is also anticipated that a maximum of two fuel deliveries will occur weekly. The physical design of the development will reduce the impact on the north adjoining allotment that is currently being used as residential.

The applicant has stated that “whilst acknowledging the concern regarding the emissions from the proposed service station, there is no substantial reasoning with regard to the health concerns presented, and this is reflected in the State and National standards not outlining regulatory controls for service stations. Coles will use ‘world’s best’ practice and standards in all the associated processes of the proposed service station, which will mitigate concerns raised by objectors such as the risk of fire, petrol runoff catchment onsite, reliance of underground tanks, mandatory site decontamination and clean-up upon end-of-lease etc. Additionally, the location of the vents will be reviewed and located appropriately in order to appease the concerns of the objectors.”

Tanker delivery employs a gravity-fed system and does not include any mechanised features that emit noise, the noise associated with the operation of the pumps will be virtually silent and the delivery truck turned off. Further, measured approach will be taken for deliveries on order to ensure trucks accessing the site are appropriately staggered and arriving at times which present minimal impact on the adjoining and surrounding residents. In addition, lights will be appropriately positioned to prevent any unnecessary light spill on adjoining properties.

If planning approval is granted, a condition will be placed on the permit requiring an acoustic fence and acoustic report be completed and recommendations implemented.

EPA Noise Control Guidelines for Service Stations state that where a residential area will be impacted by noise from deliveries, deliveries must be made during the following hours;

7 am – 10 pm Monday to Saturday

9 am – 10 pm Sundays and public holidays

If planning approval is granted, a condition will be placed on the permit restricting hours of deliveries. It is also noted that all ancillary motors or trucks should be turned off whilst making the delivery. The applicant has confirmed the truck engine will be off and the process of refilling is virtually silent as the fuel is gravity fed. There is next to no noise from this process.

Further if planning approval is granted, a condition will be placed on the permit that requires external lighting to be baffled and located to prevent adverse effect on adjoining land.

Through requiring the conditions outlined above and taking into account the Commercial 1 Zone, the amenity impacts of this proposal will be minimal.

- Loss of on-street car parking

To enable adequate crossovers to the site, a combined total of five on-street car parking bays will be removed from Beveridge and McCallum Streets. The applicant has offered to financially compensate Council for the loss of on-street car parking spaces. This will be enforced through a planning permit condition.

- Property devaluation

The objectors claim the proposed development will devalue their property. However, as stated in *DTR Co Pty Ltd v Whittlesea CC [2006] VCAT 1249*, *'property devaluation is not a valid planning consideration. If adjoining land is devalued because of detriment to its amenity, it is the detriment to the amenity that is considered in relation to town planning, not the resulting devaluation. Detriment to amenity can be limited to within acceptable levels through conditions on a permit.'*

- Adequate petroleum retailers

It was stated by several objectors that the need for another service station is not warranted. As cited in the following decision by VCAT, *Lindsay v Mildura RCC [2008] VCAT 2635* where the issue of "need" was discussed;

*'When the word "need is used in a town planning sense, it must mean community need. It is not necessary to show an element of urgent community necessity for a facility. Rather need connotes the idea that the well being of a community or some part of it can be better and more conveniently served by the provision of a particular facility.'*

*Need is a relevant consideration, but not an essential requirement....if an applicant can show a need for a proposed use, then this factor may outweigh other considerations adverse to the use. However, a lack of need will rarely, if ever, be a ground for refusing to grant a permit.'*

## **Consultation**

### Referrals

Comment was sought from Powercor, VicRoads and EPA, as well as Council's Building, Health, Engineering and Environment Departments.

Powercor had no objections to the proposal.

VicRoads did not object to Council issuing this planning permit however, did recommend conditions for inclusion in the planning permit. These have been included.

The EPA had no concerns with Council issuing this planning permit however, did recommend conditions for inclusion in the planning permit. These have been included.

The Building Department raised no objections subject to compliance with the Building Act and Regulations.

The Public Health Department raised no objections subject to compliance with and registration under the Food Act, 1984.

The Environment Department raised no objections subject to compliance with street tree removal process.

Engineering Services raised matters that are subject to the standard conditions for drainage, footpaths and access. Additional conditions regarding linemarking and directional and warning signage have been included, maximum truck sizes that can access the site have also been included in the permit conditions.

### Advertising

As previously mentioned the proposal was advertised to surrounding land owners and occupiers as well as displaying a sign on the property and placing an advertisement in The Guardian newspaper. As discussed previously, six objections and one supporting submission was received during consultation.

## **Financial Implications**

This development will have no adverse financial implications for Council.

The development will allow Coles customers to access discounted fuel through shopping docketts.

## **Social Implications**

The development will facilitate job growth of approximately four to six new positions and financial savings to Coles customers.

## **Economic Implications**

There are no known adverse economic implications for the proposed use and development. The ongoing employment will have a positive impact on the local economy.

## **Environmental Implications**

Subject to planning permit conditions regarding drainage and amenity protection and compliance with EPA Publication 888.1 Guidelines on the design, installation and management requirements for underground petroleum storage tanks, there are no foreseen environmental implications.

## **Risk Management Implications**

Development and use of the site will meet all required regulations and standards.

## **Council Plan Strategy Addressed**

***Economic Growth*** - A prosperous, growing and diverse local and regional economy.

## **Options**

Council generally has two options when considering this application. These being,

1. Issue a Notice of Decision to Grant a Planning Permit with conditions, or
2. Issue a Notice of Refusal for the Planning Application.

## **Recommendations**

**That Council issue a Notice of Decision to Grant a Planning Permit for the use and development of the land for a service station, installation of advertising signage in Commercial 1 Zone, variation to 52.12-1 and creation of access to a road in a road zone category 1.**

## **Draft Permit Conditions**

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 on 27/11/2015 and prepared by Switch, project code 1171, but modified to show:
- a) Any redesign of the proposal as required by VicRoads in accordance with Conditions 30 to 35;
  - b) Details of vent location as per Condition 6;
  - c) Acoustic fencing in accordance with Condition 7.
- 2 The use and development as shown on the endorsed plans must not be altered or modified except with the consent of the Responsible Authority.
- 3 The use and development hereby permitted must be managed so that the amenity of the area is not detrimentally affected, through the:
- a) Processes carried out on the land;
  - b) Transport of materials, good or commodities to or from the land;
  - c) Appearance of any building, works or materials;
  - d) Emissions of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.
- to the satisfaction of the Responsible Authority.
- 4 The use hereby permitted may only operate between the hours of 5am to midnight seven days per week to the satisfaction of the Responsible Authority.
- 5 Unless with the prior written consent of the Responsible Authority, deliveries to and from the site may only take place between the following hours:
- 7am to 10pm Monday to Saturday, and
  - 9am to 10pm Sunday and public holidays.
- 6 The vents must be located so as to not cause amenity impacts to the occupants of the neighbouring dwellings to the satisfaction of the Responsible Authority.
- 7 Before the plans are endorsed, an acoustic report prepared by a suitably qualified acoustic engineer must be submitted to and approved by the Responsible Authority. The report must prescribe measures to limit detrimental impacts on adjoining properties to the north and west from noise associated with the service station. Any recommendations from the acoustic report must be implemented and completed to the satisfaction of the Responsible Authority prior to the commencement of the use of the service station.
- 8 All ancillary motors and trucks must be turned off whilst making deliveries to the satisfaction of the Responsible Authority.
- 9 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.

- 10 Prior to the removal of the street tree's as shown on the endorsed plans, written permission must be gained from Council's Environment Department and arrangements made for the replacement of the tree's to the satisfaction of the Responsible Authority.
- 11 Prior to the commencement of construction, a drainage plan with computations prepared by a suitably qualified person 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 a minimum of three copies must be provided. The plans must be in accordance with Council's Infrastructure Design Manual and include:
  - a) How the land will be drained,
  - b) Underground pipe drains conveying stormwater to the legal point of discharge,
  - c) Measures to enhance stormwater discharge quality from the site and protect downstream waterways,
  - d) A maximum discharge rate from the site is to be determined by computation to the satisfaction of Council's Engineering Department,
  - e) Documentation demonstrating approval from the relevant authority for the legal point of discharge,
  - f) The provision of a treatment facility, installed before the development's discharge point, ensuring no effluent or polluted water of any type will enter Council's stormwater drainage system. The treatment facility must be designed and sized to meet the relevant authority's standards.
- 12 Storm water runoff from paved areas must be intercepted at the street boundary by installation of grating, connected to the underground treatment/drainage system, and not allowed to flow across the adjacent nature strip to the satisfaction of the Responsible Authority.
- 13 The drainage system must be designed to limit downstream flow to pre-development levels to the satisfaction of the Responsible Authority.
- 14 Prior to the commencement of the use of the service station, all drainage works required by the approved drainage plan must be completed to the satisfaction of the Responsible Authority.
- 15 Prior to works commencing, engineering plans detailing the civil works are to be submitted to Council for approval. These plans should include details of the relevant street signage, line marking and directional marking to be installed to show where entry and exit points are, and to warn drivers against incorrect/illegal turning manoeuvres. It is noted that the southern Beveridge Street access is to be left-in only and the northern Beveridge Street access is to be left-out only.

- 16 Prior to the commencement of the use of the service station, vehicular crossings shall be constructed in accordance with the endorsed plans to the satisfaction of the Responsible Authority, and must:
  - a) Comply with Infrastructure Design Manual Clause 12 and Standard Drawing 250 requirements,
  - b) Crossover gradient must not exceed 1:10.
- 17 Prior to the commencement of the use of the service station, all redundant vehicle crossings must be removed and (kerb and channel) reinstated to the satisfaction of the Responsible Authority
- 18 Prior to the commencement of the use of the service station, the internal site surfacing must be constructed, formed, finished and drained to the satisfaction of the Responsible Authority.
- 19 The loading and unloading of goods from vehicles must only be carried out on the land within the designated loading bay and must not disrupt the circulation and parking of vehicles on the land to the satisfaction of the Responsible Authority.
- 20 Prior to the commencement of the use of the service station, 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 sealcoat;
  - d) Drained and maintained;
  - 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, to the satisfaction of the Responsible Authority.
- 21 All car parking spaces must be designed to allow all vehicles to enter and exit the land in a forward direction to the satisfaction of the Responsible Authority.
- 22 Prior to the commencement of the use of the service station, a cash contribution of \$2000 per space must be paid to the Responsible Authority in lieu of five (5) car parking spaces removed from the road reserve as part of the development hereby permitted.
- 23 Traffic movements to and from the site are restricted to maximum truck sizes of

a 19m B-double at general mass and 17.4m long Semi truck and trailer at general mass to the satisfaction of the Responsible Authority (Council's Engineering Department).

**Environment Protection Authority conditions**

- 24 Vapour recovery equipment must be installed to ensure vapours are recovered and prevented from escaping to atmosphere and impacting the local community during refilling operations of underground petroleum storages systems onsite.
- 25 Leak detection equipment must be installed and maintained on all underground petroleum storage tanks.
- 26 The service station shall implement EPA Publication 888.1 Guidelines on the design, installation and management equipment for underground petroleum storage systems (UPSSs).
- 27 The onsite facilities must be constructed in such a way that noise generated by the premises complies with EPA Publication 1411 "Noise from Industry in Regional Victoria, October 2011", or as amended.
- 28 Environmental controls during construction shall be implemented in accordance with EPA Publication 480 "Environmental Guidelines for Major Construction Sites".
- 29 Stormwater contaminated with waste, oil, grease or sediments must not be discharged beyond the boundary of the premises and disposed of off-site by an EPA approved contractor or sent to sewer under an approved trade waste agreement.

**VicRoads conditions**

- 30 Single entry only access at the western corner of the subject land will be permitted from Sea Lake-Swan Hill Road (McCallum Street).
- 31 Prior to starting any work on the subject land, scaled functional layout plans showing proposed access points to the subject land including features such as pavement, shoulders, line marking, signs, power poles, trees and other road furniture must be submitted to, and meet VicRoads written satisfaction.
- 32 Prior to starting any work on the subject land, scaled layout plans showing swept paths for all possible movements by the longest design vehicle to be used into and out of the development must be submitted to, and meet VicRoads written satisfaction. It must also be demonstrated that all vehicles can be driven in a forward direction when entering and leaving the subject land.
- 33 Specifications of work to be undertaken in the declared road reserve and a program of works must be submitted to and approved by VicRoads prior to any

works commencing on the subject land.

- 34 Any advertising signs within the development must satisfy the following:
- a) The location and details of the signs shown on the endorsed plans must not be altered without the written consent of the Responsible Authority,
  - b) The signs must be contained within the property line; no part of the structure is permitted to protrude beyond the property line and into the road reserve,
  - c) The signs must be constructed and maintained to the satisfaction of the Responsible Authority,
  - d) The signs must be professionally manufactured from non-reflective or non-fluorescent materials,
  - e) The sign must not display feature/create an effect that could be mistaken for a traffic sign or signal, for example, a potential road hazard may be created, because it contains red, green, or yellow lighting, or has red circles, octagons, crosses or triangles, or a large reflective or illuminated arrows,
  - f) If any sign is illuminated, the source of the lighting must not be visible from any part of the declared road/highway,
  - g) If a sign is illuminated, any illumination must not be flashing, nor cause dazzle to the declared road traffic.
- 35 Prior to the development coming into use, all proposed works within the Sea Lake-Swan Hill Road (McCallum Street) road reserve must be completed to the satisfaction of, and at no cost to VicRoads.

#### **Permit expiry**

- 36 This permit will expire if one of the following circumstances applies:
- a) The development is not commenced within two (2) years of the date of this permit.
  - b) The development is not completed within four (4) years of the date of this permit.
  - c) The use is not commenced within two (2) years of the completion of the development.

Also, the signage component of the permit expires fifteen (15) years from the date of this permit.

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

If a request is made outside of the above time, the responsible authority cannot consider the request and the holder of this permit cannot apply to Victorian Civil

and Administrative Tribunal (VCAT) for a review of this matter.

**Responsible Authority Notes**

- a) Food Premises Approval for a new use is required for the premises. The premises must comply with the Food Safety Standard 3.2.3 Food Premises and Equipment to the satisfaction of Council's Public Health Services Department if food is to be sold.
- b) Registration is required under the Food Act 1984. The premises is required to be registered or notified with Council's Public Health Services Department under the Food Act 1984 dependant on the type of food sold.
- c) All building works associated with this development must be in accordance with the Building Act 1993, Building Regulations 2006 and the Building Code of Australia.
- d) A building permit will be required for the building work associated with this development.
- e) All works carried out within the road reserve associated with this approval require a "Consent to the Conduct of Proposed Work on a Road" from the Responsible Authority. The developer must obtain this consent prior to the commencement of works. A financial penalty under the Council's Local Laws will be imposed for non-compliance with this condition.

**VicRoads Notes**

- f) No work must be commenced in, on, under or over the road reserve without having first obtaining all necessary approval under the Road Management Act 2004, the Road Safety Act 1986, and any other relevant acts or regulations created under those Acts.
- g) The discharge of any concentrated drainage onto Sea Lake-Swan Hill Road (McCallum Street) road reserve is not permitted unless approved in writing by VicRoads.

Item No.	Item Title	Category
1171	PLANNING SUBMISSION	PLANNING

**PLANNING SUBMISSION**



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**PROPOSED COLES SERVICE STATION**  
 56 McCALLUM STREET,  
 SWAN HILL, VIC

LOCATION PLAN

Scale	1:500
Project No.	1171
Project Name	SPM-DA00
Client	C



Item No.	Item Title
1177	SPM-DA01
1178	SPM-DA02
1179	SPM-DA03
1180	SPM-DA04
1181	SPM-DA05
1182	SPM-DA06
1183	SPM-DA07
1184	SPM-DA08
1185	SPM-DA09
1186	SPM-DA10
1187	SPM-DA11
1188	SPM-DA12
1189	SPM-DA13
1190	SPM-DA14
1191	SPM-DA15
1192	SPM-DA16
1193	SPM-DA17
1194	SPM-DA18
1195	SPM-DA19
1196	SPM-DA20
1197	SPM-DA21
1198	SPM-DA22
1199	SPM-DA23
1200	SPM-DA24

PLANNING SUBMISSION

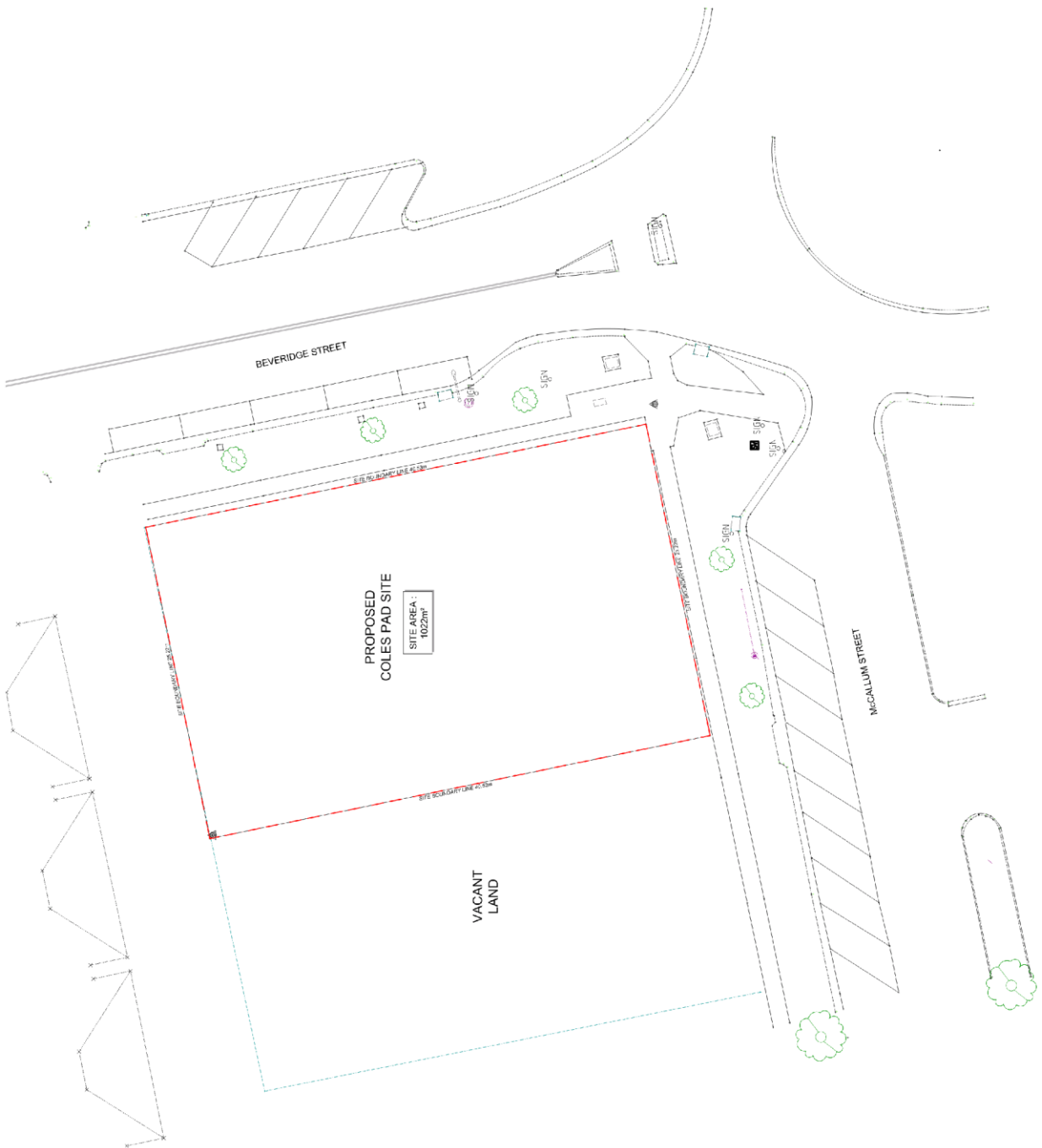


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**PROPOSED COLES SERVICE STATION**  
 56 McCALLUM STREET,  
 SWAN HILL, VIC

EXISTING SITE PLAN

Scale: 1:100	Orientation: N	North Arrow
Sheet: A1	Project: SPM-DA01	Phase: D
Date: 19 January 2016 Drawn By: [Name] Checked By: [Name]		





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PLANNING SUBMISSION

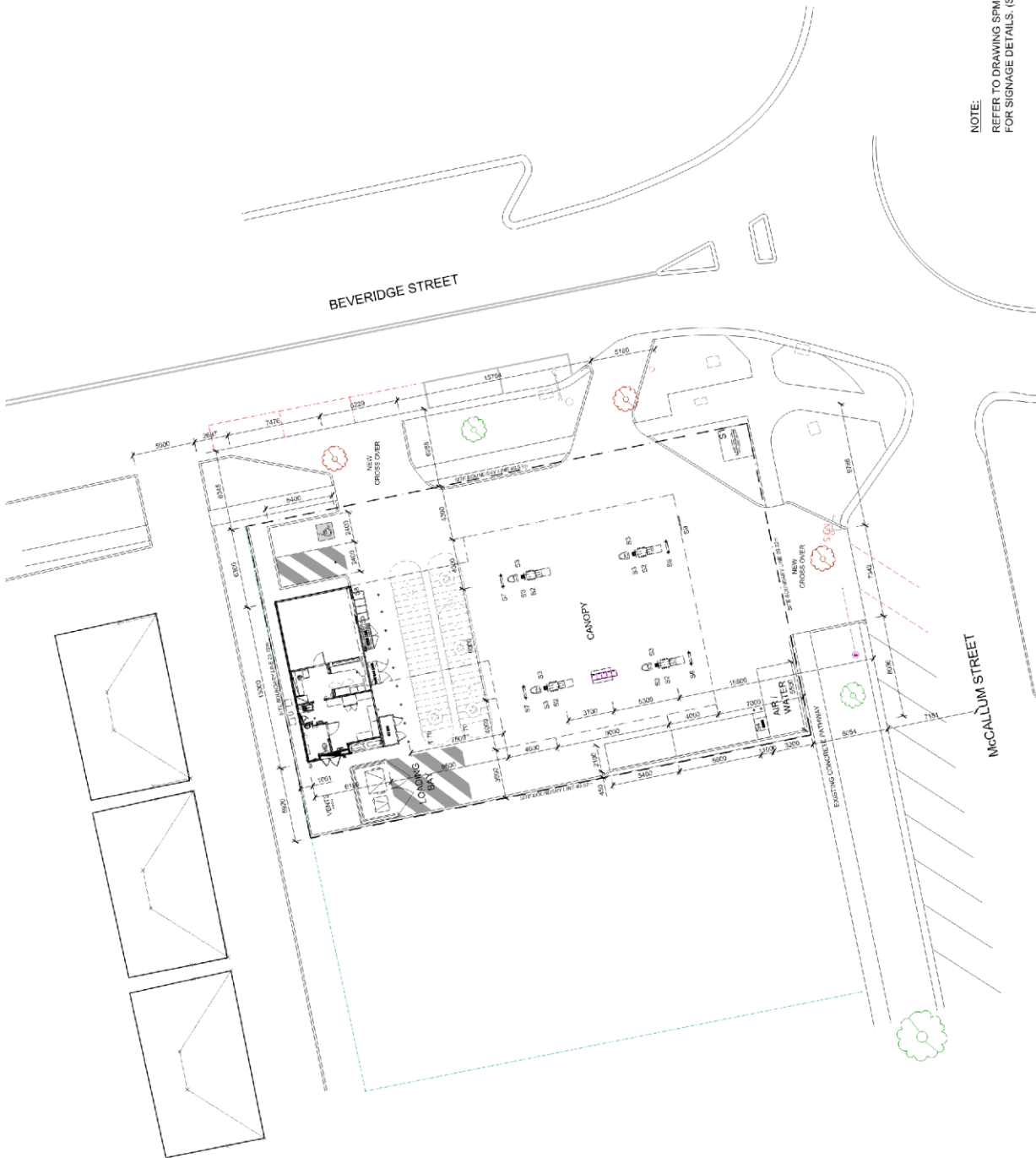


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Proposed:  
 56 McCallum Street,  
 Swan Hill, VIC

Drawing Title:  
 PROPOSED SITE PLAN

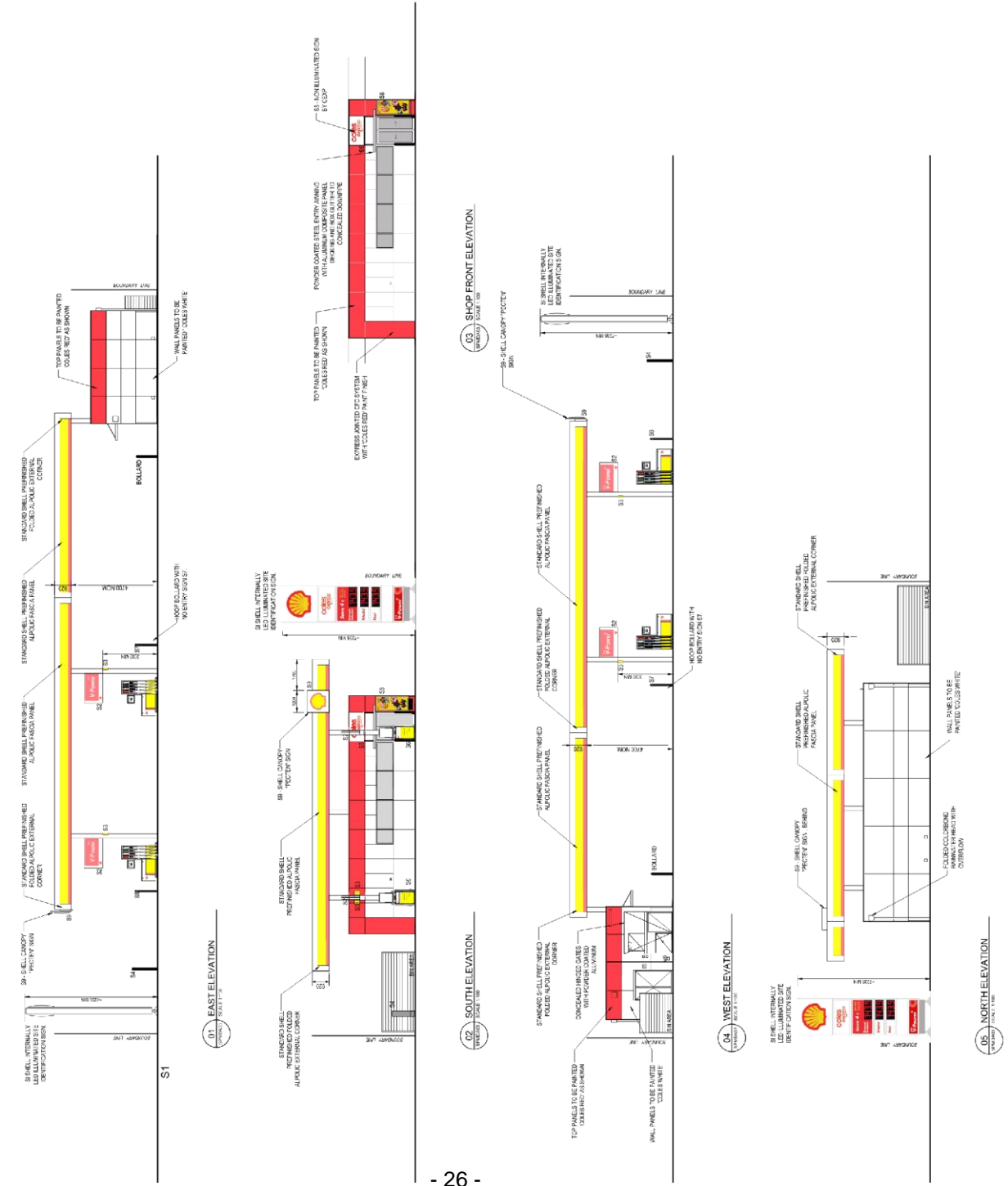
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Sheet: A1	Project: SPM-DA02
Revision: 1	Date: 19/01/2016
Author: [Name]	Checker: [Name]
Drawn: [Name]	Checked: [Name]
Approved: [Name]	Reviewed: [Name]



NOTE:  
 REFER TO DRAWING SPM-DA04  
 FOR SIGNAGE DETAILS (S1 - S9)

No.	Rev.	Description
01	1	ISSUED FOR CONSULTATION
02	1	ISSUED FOR CONSULTATION
03	1	ISSUED FOR CONSULTATION
04	1	ISSUED FOR CONSULTATION
05	1	ISSUED FOR CONSULTATION
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**PLANNING SUBMISSION**



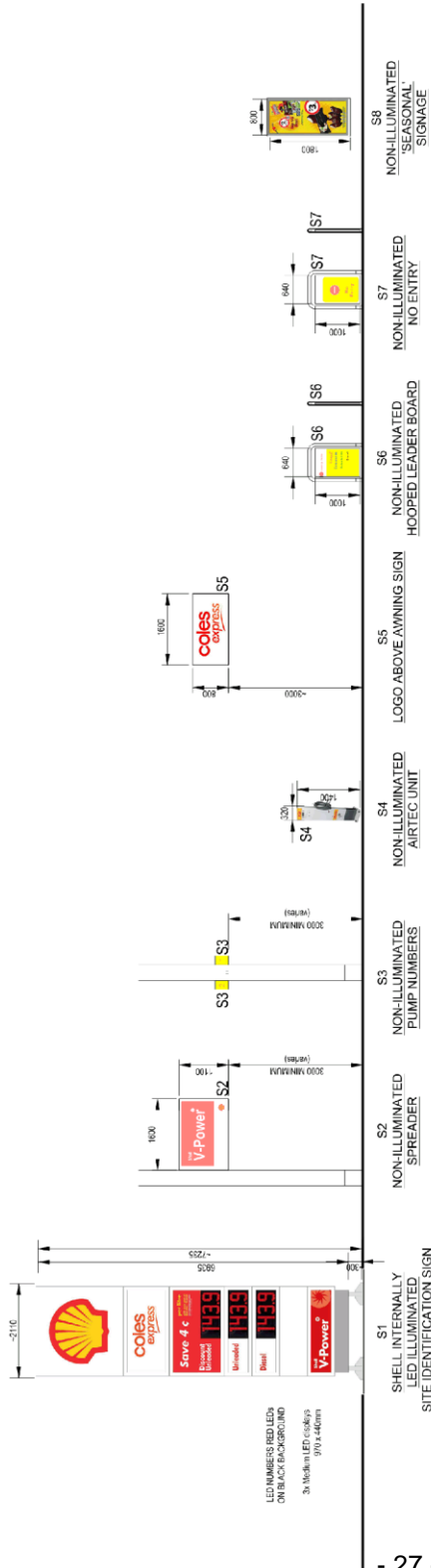
**PROPOSED: COLES SERVICE STATION**  
**56 WIGGALLUM STREET,**  
**SWAN HILL, VIC**

**PROPOSED SITE ELEVATIONS**

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Project No.	A1	Client Ref.	MB
Project Name	1171	Project Ref.	D
Client	SPM-DA03	Project Ref.	D
Project Ref.		Project Ref.	D

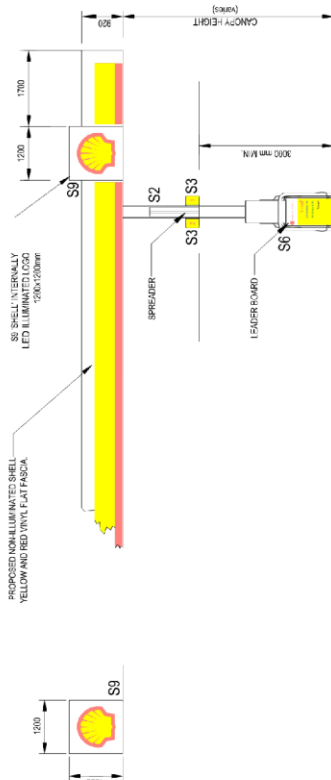
Project Name	Swan Hill
Project No	11771
Project Description	COLES SERVICE STATION
Submission No	1
Submission Date	11/11/15
Submission Status	PLANNING SUBMISSION

PLANNING SUBMISSION



**LEGEND**

- S1 7.0 METRE (NOM) - (S) STATION IDENTIFICATION SIGN
- S2 SPREADER SIGN
- S3 PUMP NUMBERING
- S4 AIRTEC UNIT
- S5 COLES EXPRESS LOGO
- S6 LEADER BOARD
- S7 NO ENTRY
- S8 'SEASONAL' SIGNAGE
- S9 SHELL PECTOR SIGN



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**PROPOSED COLES SERVICE STATION**  
 56 MCCALLUM STREET,  
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DRAWING DATE: 11/11/15

Scale	1:50	Version	VB
Project No	A1	Sheet No	1/1
Project Name	11771	Project Description	SPM-DA04
Submission No		Submission Status	B

Code	Description
100	GENERAL DRAINAGE
101	SEWERAGE
102	WATER SUPPLY
103	WATER TREATMENT
104	WATER STORAGE
105	WATER DISTRIBUTION
106	WATER CONSERVATION
107	WATER POLLUTION CONTROL
108	WATER RESOURCES
109	WATER INFRASTRUCTURE
110	WATER SERVICES
111	WATER REUSE
112	WATER TREATMENT PLANTS
113	WATER STORAGE TANKS
114	WATER DISTRIBUTION NETWORKS
115	WATER CONSERVATION DEVICES
116	WATER POLLUTION CONTROL DEVICES
117	WATER RESOURCES MANAGEMENT
118	WATER INFRASTRUCTURE MAINTENANCE
119	WATER SERVICES MAINTENANCE
120	WATER REUSE TREATMENT

**PLANNING SUBMISSION**

870m<sup>2</sup> WATER FALLING ON CONCRETE AREA MATCHED TO BE COLLECTED & TREATED BY CLASS 1 FULL RETENTION OIL/WATER SEPARATOR WITH ALARM (SPILL PARARECEPTOR) BEFORE DISCHARGE TO LEGAL POINT OF DISCHARGE.

445m<sup>2</sup> WATER FALLING ON CANOPY OR SHOP ROOFED AREA TO BE DIRECTED TO LEGAL POINT OF DISCHARGE.

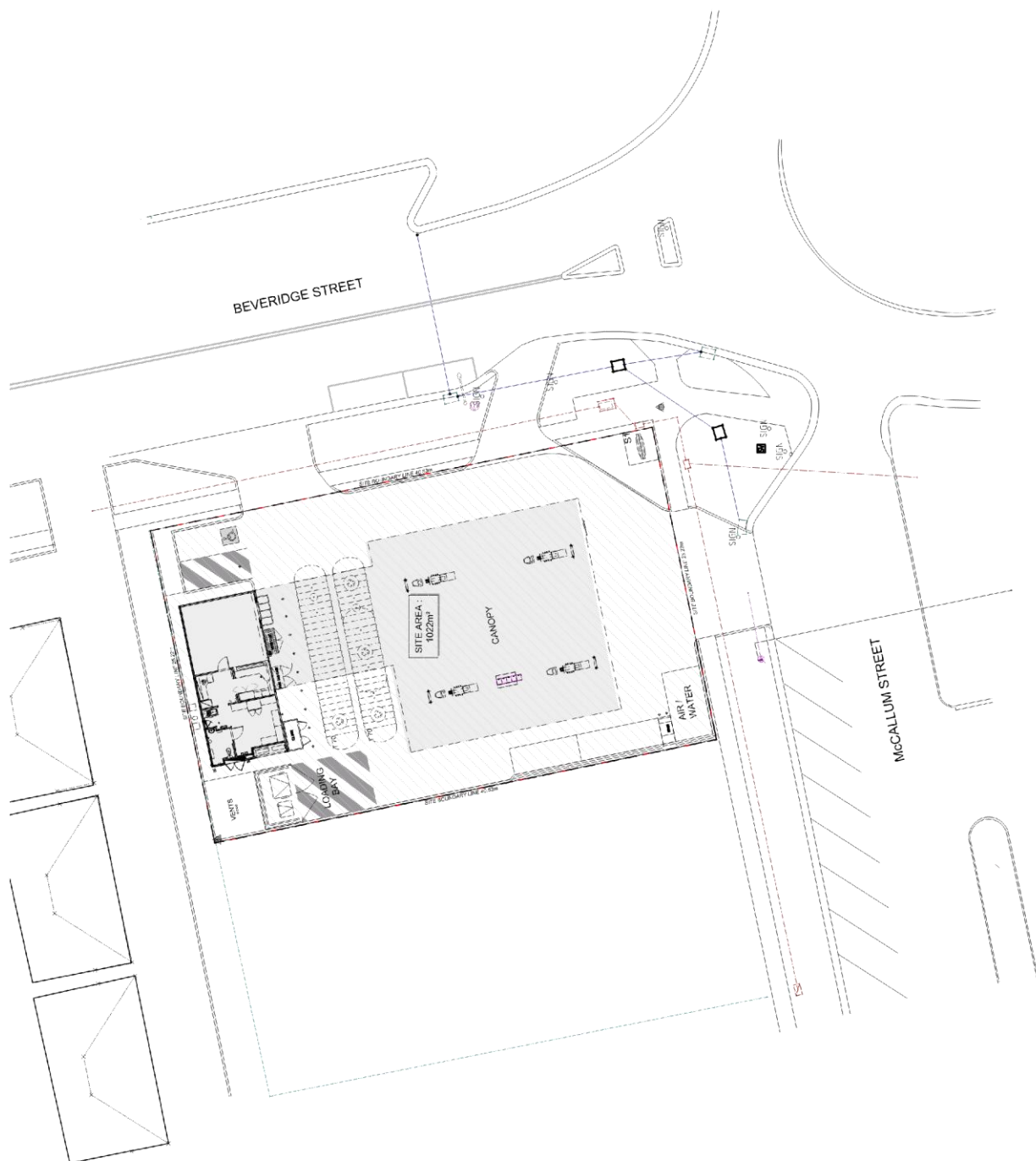


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**PROPOSED COLES SERVICE STATION**  
 56 McCALLUM STREET,  
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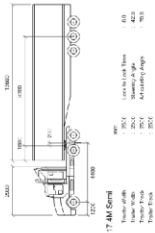
PROPOSED FORECOURT  
 DRAINAGE PLAN

Scale	1:100	North	North
Project No.	A1	Client	Switch Pty Ltd
Revision	1171	Project Name	SPM-DA05
Author	E	Project No.	1171



Item No.	Item Title	Item Status
1	17.4m Semi Tanker	Proposed
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**PLANNING SUBMISSION**

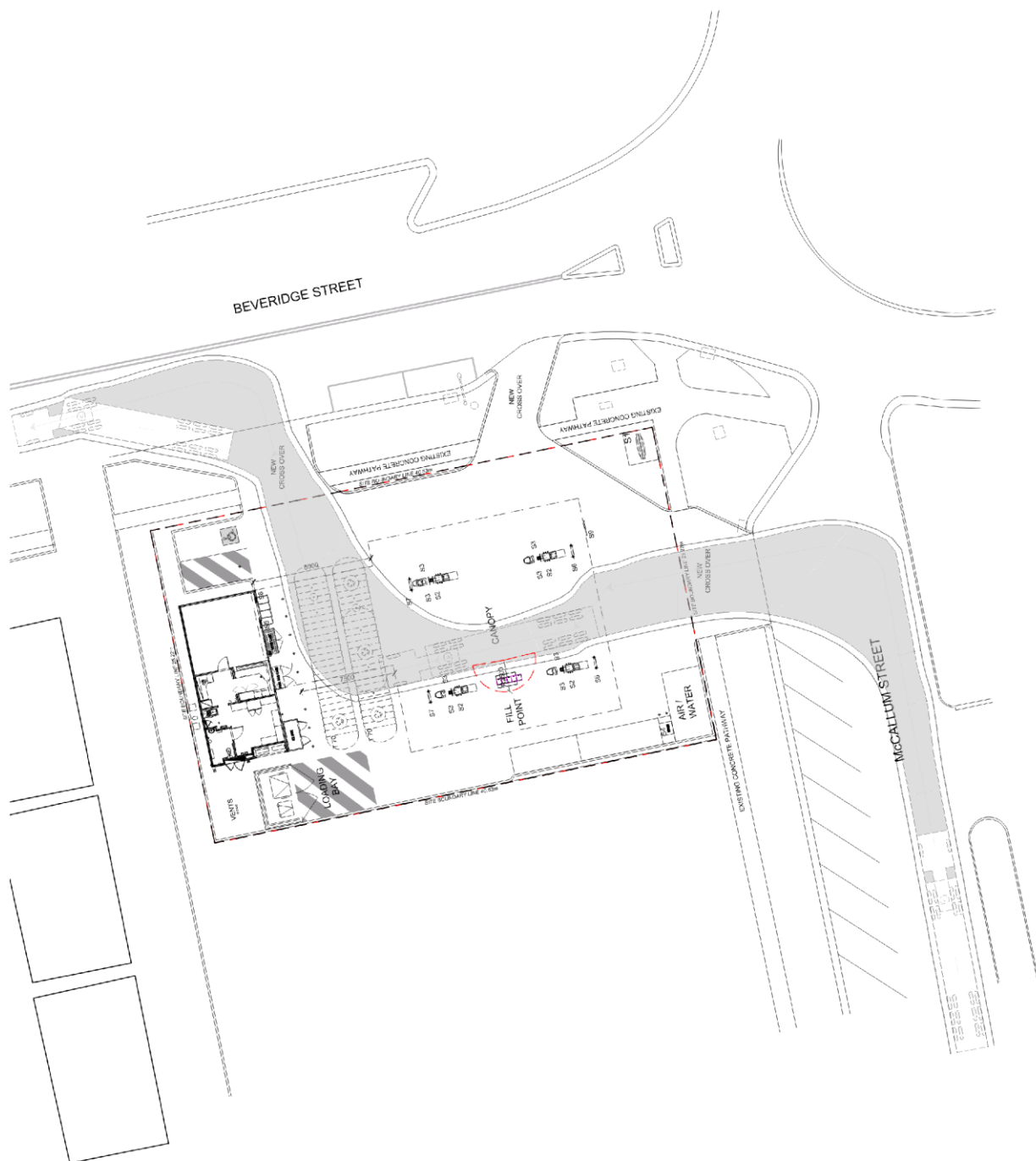


**switch**

Limited Liability Company  
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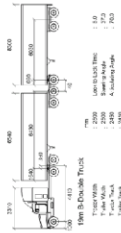
**PROPOSED COLES SERVICE STATION**  
 56 McCALLUM STREET,  
 SWAN HILL, VIC

1:110	Level: VB	Sheet: P1
<b>A1</b>	Project: VB	Sheet: P1
<b>1171</b>	SPM-DA21	<b>E</b>

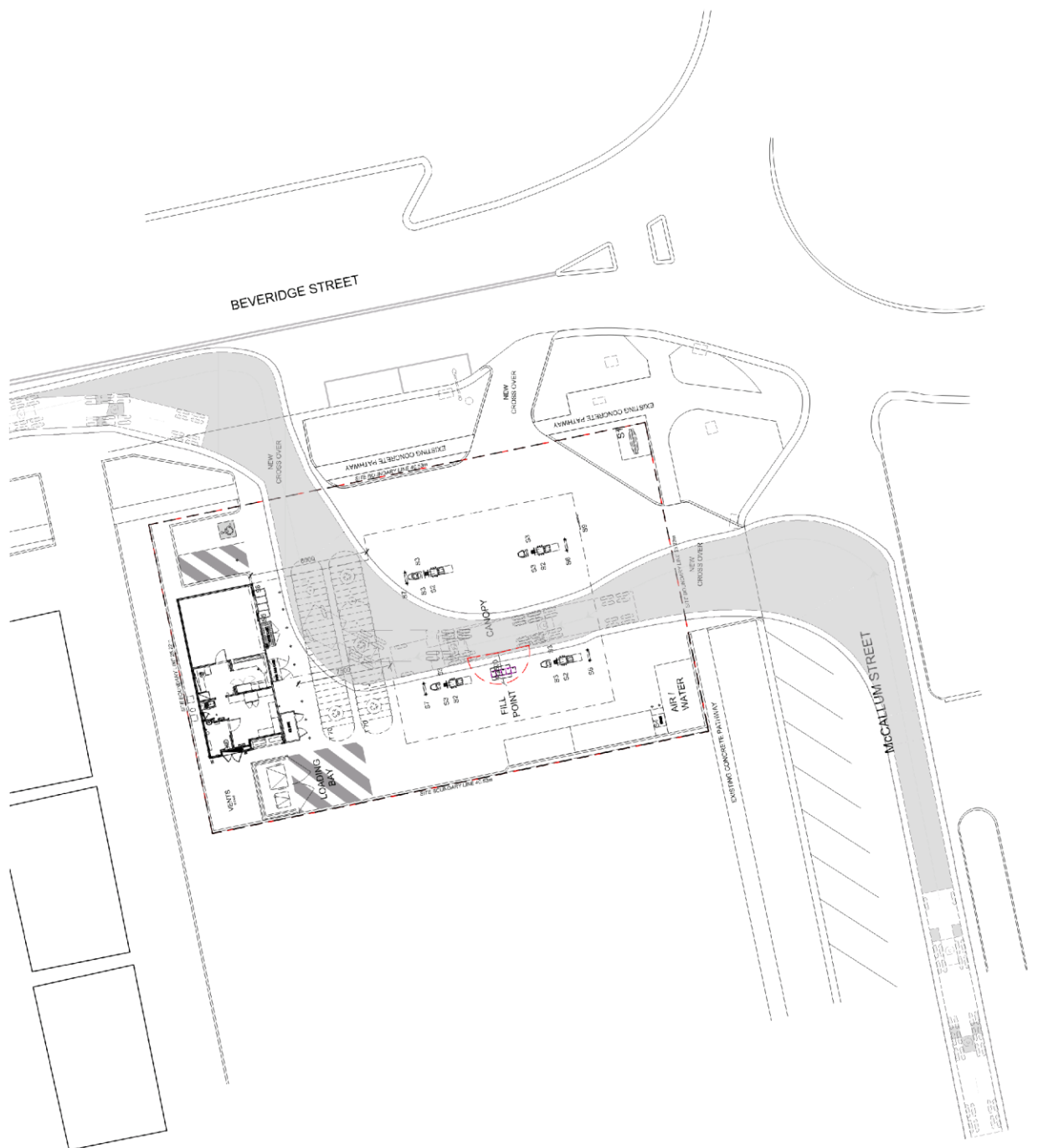


Item No.	Item Title	Category
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4	15/15/16-014	General
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6	15/15/16-016	General
7	15/15/16-017	General
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16	15/15/16-026	General
17	15/15/16-027	General
18	15/15/16-028	General
19	15/15/16-029	General
20	15/15/16-030	General

**PLANNING SUBMISSION**



BEVERIDGE STREET



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**PROPOSED COLES SERVICE STATION**  
 56 McCALLUM STREET,  
 SWAN HILL, VIC

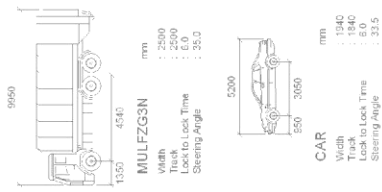
DRAWING TITLE:  
**PROPOSED 20.0m B DOUBLE TANKER PATH**

Project No.	1171	Location	SWAN HILL, VIC
Client	SPM-DA23	Contract No.	
Drawn by		Checked by	
Approved by		Scale	

DATE: 19 JAN 2016 10:23 AM  
 DRAWN BY: D. J. HARRIS  
 CHECKED BY: D. J. HARRIS  
 APPROVED BY: D. J. HARRIS

Activity / Activity	Duration
6.00 PM - 6.15 PM	15
6.15 PM - 6.30 PM	15
6.30 PM - 6.45 PM	15
6.45 PM - 7.00 PM	15
7.00 PM - 7.15 PM	15
7.15 PM - 7.30 PM	15
7.30 PM - 7.45 PM	15
7.45 PM - 8.00 PM	15
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10.45 PM - 11.00 PM	15
11.00 PM - 11.15 PM	15
11.15 PM - 11.30 PM	15
11.30 PM - 11.45 PM	15
11.45 PM - 12.00 AM	15

**PLANNING SUBMISSION**



PROPOSED COLES SERVICE STATION  
 56 McCALLUM STREET,  
 SWAN HILL, VIC

PROPOSED VEHICLE & GARBAGE  
 TRUCK PATHS

Figure No:	A1	Version:	VB
Project No:	1171	Location:	SPM-DA26
Client:		Author:	E

