

Application No.

TP 98/38

Page 1

## PLANNING

Planning Scheme:

Maribyrnong Planning Scheme

## PERMIT

Responsible Authority:

CITY OF MARIBYRNONG

### ADDRESS OF THE LAND:

158-164 Somerville Road (cnr Williamstown Road), Yarraville

**CITY OF MARIBYRNONG  
ADVERTISED PLAN**

### THE PERMIT ALLOWS

Use and development of the land for the purpose of a McDonalds take-away and associated drive through facility in accordance with the endorsed plans and subject to the following conditions.

### THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT.

1. Before the use and/or development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and four copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
  - location of noise attenuation fencing in accordance with condition No. 2
  - line marking treatment in accordance with condition No.3
  - vehicle cross-over treatment in accordance with condition No.4
  - the location of service equipment, air conditioning units, compressors and the like located in a position or screened so as to not detrimentally affect the amenity of the area by way of appearance or operation in accordance with condition No.5
  - proposed external lighting in accordance with condition No.6
  - areas to be landscaped in accordance with condition No.10
  - location of litter bins in appropriate locations.
  - increase the width of the parking bay for disabled to 3.8 metres.
  - pavement linemarking incorporating directional arrows for proper on-site traffic management.
2. A noise attenuation fence must be constructed along the northern and eastern property boundaries to the satisfaction of the Responsible Authority. The fence must be designed in accordance with the recommendations from a report prepared by a qualified acoustic engineer accredited by the "Association of Australian Acoustic Consultants".

Cont'd

Date Issued

23/6/98

Signature for the  
Responsible Authority

*Hughes*

STATUTORY PLANNING OFFICER

## IMPORTANT INFORMATION ABOUT THIS PERMIT

### WHAT HAS BEEN DECIDED?

The Responsible Authority has issued a permit.

### WHEN DOES A PERMIT BEGIN?

A permit operates:

- from the date specified in the permit, or
- if no date is specified, from:
  - (i) the date of the decision of the Administrative Appeals Tribunal, if the permit was issued at the direction of the Tribunal, or
  - (ii) the date on which it was issued, in any other case.

### WHEN DOES A PERMIT EXPIRE?

1. A permit for the development of land expires if:
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  - the development required the certification of a plan of subdivision or consolidation under the Subdivision Act 1988 and the plan is not certified within two years of the issue of the permit, unless the permit contains a different provision; or
  - the development or any stage is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit or in the case of a subdivision or consolidation within 5 years of the certification of the plan of subdivision or consolidation under the Subdivision Act 1988.
2. A permit for the use of land expires if:
  - the use does not start within the time specified in the permit, or if no time is specified, within two years after the issue of the permit, or
  - the use is discontinued for a period of two years.
3. A permit for the development and use of land expires if:
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  - the use does not start within the time specified in the permit, or, if no time is specified, within two years after the completion of the development; or
  - the use is discontinued for a period of two years.
4. If a permit for the use of land or the development and use of land or relating to any of the circumstances mentioned in Section 6A (2) of the Planning and Environment Act 1987, or to any combination of use, development or any of those circumstances requires the certification of a plan under the Subdivision Act 1988, unless the permit contains a different provision:
  - the use of development of any stage is to be taken to have started when the plan is certified; and
  - the permit expires if the plan is not certified within two years of the issue of the permit.
5. The expiry of a permit does not affect the validity of anything done under that permit before the expiry.

### WHAT ABOUT APPEALS?

- The person who applied for the permit may appeal against any condition in the permit unless it was granted at the direction of the Administrative Appeals Tribunal where, in which case, no right of appeal exists.
- An appeal must be lodged within 60 days after the giving of that notice.
- An appeal is lodged with the Administrative Appeals Tribunal.
- An appeal must be made on Notice of Appeal form which can be obtained from the Administrative Appeals Tribunal, and be accompanied by the prescribed fee.
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# CITY OF MARIBYRNONG

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## PLANNING

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Maribyrnong Planning Scheme

## PERMIT

Responsible Authority:

CITY OF MARIBYRNONG

### ADDRESS OF THE LAND:

158-164 Somerville Road (cnr Williamstown Road), Yarraville

### CONDITIONS CONTINUED:

3. Prior to commencement of the use, pavement line marking treatment must be installed in Williamstown Road to prevent right turn vehicle movements onto the site to the satisfaction of Maribyrnong City Council and Vic Roads.
4. The vehicle entrance cross-overs must be designed to the satisfaction of the Maribyrnong City Council Asset's and Infrastructure Branch. The vehicle cross-overs must be designed to prevent right turn movements from Williamstown Road into the site and allow for only left turn ingress and left and right turn egress.
5. Associated mechanical plant or equipment (air conditioning etc.) must be located or screened so as to not be visible from the Street, or project above the roof, and not affect the amenity by operation, and any screening must be to the satisfaction of the Responsible Authority.
6. Exterior lighting must be provided with suitable baffles and/or located so as to minimise the emission of light outside the site, to the satisfaction of the Responsible Authority.
7. No standing signs must be erected at the Williamstown Road and Somerville Road frontage, to the satisfaction of the Maribyrnong City Council Asset's and Infrastructure Branch. The erection of the signs must be at no cost to the Responsible Authority.
8. The property owner must liaise with the Maribyrnong City Council Asset's and Infrastructure Branch and Public Transport Corporation Acting Director Metropolitan Bus regarding the possible relocation of the bus stops and shelter. The relocation must be at no cost to the Responsible Authority or the Public Transport Corporation.
9. A schedule of all external building finishes and colours must be submitted for approval by the Responsible Authority prior to the commencement of any use or building and works on the land.

The schedule must show, the, colour and finish of all external walls, fascias, trims, window frames, glazing types, entry doors, and structures.

Any variation of the approved external treatment will be subject to the written consent of the Responsible Authority.

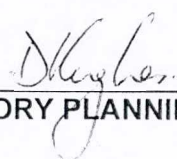
Cont'd

Date Issued

23/6/98

Signature for the  
Responsible Authority

Planning and Environment Regulations 1988 Form 4.4

  
STATUTORY PLANNING OFFICER

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  - the development or any stage is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit or in the case of a subdivision or consolidation within 5 years of the certification of the plan of subdivision or consolidation under the Subdivision Act 1988.
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  - the use of development of any stage is to be taken to have started when the plan is certified; and
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5. The expiry of a permit does not affect the validity of anything done under that permit before the expiry.

### WHAT ABOUT APPEALS?

- The person who applied for the permit may appeal against any condition in the permit unless it was granted at the direction of the Administrative Appeals Tribunal where, in which case, no right of appeal exists.
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## PLANNING

Planning Scheme:

Maribyrnong Planning Scheme

## PERMIT

Responsible Authority:

CITY OF MARIBYRNONG

### ADDRESS OF THE LAND:

158-164 Somerville Road (cnr Williamstown Road), Yarraville

### CONDITIONS CONTINUED:

10. Before any development commences a landscape plan prepared by a qualified Landscape Architect must be submitted to and approved by the Responsible Authority. The plan must show the following:
- a survey of all existing vegetation and natural features;
  - the area or areas set aside for landscaping;
  - a schedule of all proposed trees, shrubs and ground cover, which will include the location and size of maturity of all plants, the botanical names of such plants and the location of all areas to be covered by grass, lawn or other surface material as specified;
  - hose connection points and/or an irrigation system to enable convenient maintenance of all plants.
  - paving details, retaining walls, seating, fence design details including heights and other landscape works including areas of cut and fill.

An endorsed copy of the landscape plan will form part of the permit.

11. Prior to the commencement of the use hereby permitted, the landscaping works as described on the endorsed plan must be provided and completed to the satisfaction of the Responsible Authority, and such works must continue thereafter to be maintained to the satisfaction of the Responsible Authority.
12. Concrete kerbs or such other form of barriers as the Responsible Authority may approve of sufficient height to prevent the passage of vehicles, must be provided between landscape areas, and areas provided for the parking or passage of vehicles.
13. Before the use starts, the areas set aside for the parking of vehicles, together with the associated access ways/driveways as delineated on the endorsed plans must :
- be provided and completed to the satisfaction of the Responsible Authority.
  - thereafter be maintained to the satisfaction of the Responsible Authority;

Cont'd

Date Issued

23/6/98

Signature for the  
Responsible Authority

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## PLANNING

Planning Scheme:

Maribyrnong Planning Scheme

## PERMIT

Responsible Authority:

CITY OF MARIBYRNONG

### ADDRESS OF THE LAND:

158-164 Somerville Road (cnr Williamstown Road), Yarraville

### CONDITIONS CONTINUED:

- be made available for such use at all times and not used for any other purpose;
  - be properly formed to such levels that it can be used in accordance with the endorsed plan;
  - be drained and sealed with an all weather seal coat to the satisfaction of the Responsible Authority;
  - have the boundaries of all vehicle spaces clearly indicated on the ground in conformity with the endorsed plan.
14. Prior to the commencement of the use line marking treatment must be installed in Williamstown Road to prevent right turn movements onto the site to the satisfaction of Maribyrnong City Council and Vic Roads.
15. No polluted or sediment laden runoff is to be discharged directly or indirectly into Melbourne Water's drains or watercourses.
16. A separate application direct to Melbourne Water must be made for any new storm water connection to Melbourne Water's drains or watercourses.
17. Provision must be made for the drainage of the land to the satisfaction of the Responsible Authority.
18. The discharge of water from the land shall be controlled around its limits to prevent any unreasonable discharge onto any adjacent property or street other than by means of an underground pipe discharged to an approved outlet in a street or to an underground pipe drain.
19. The owner is required to meet the full cost of any drainage works necessary to provide an adequate lawful point(s) of discharge ( these works may include the extension, enlargement, alteration of undergrounding of drains to the site and the removal of existing outlets ) to the satisfaction of the Maribyrnong City Council and the Responsible Authority.

Cont'd

Date Issued

23/6/98

Signature for the  
Responsible Authority

*D Hughes*

STATUTORY PLANNING OFFICER

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# CITY OF MARIBYRNONG

Application No.

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## PLANNING

Planning Scheme:

Maribyrnong Planning Scheme

## PERMIT

Responsible Authority:

CITY OF MARIBYRNONG

### ADDRESS OF THE LAND:

158-164 Somerville Road (cnr Williamstown Road), Yarraville

### CONDITIONS CONTINUED:

20. The Owner must be responsible to the satisfaction of the Responsible Authority to meet the costs of all alterations to and reinstatement of, the City of Maribyrnong City Council and any other Public Authority assets deemed necessary and required by such Authorities for the development. The Owner must be responsible to obtain the prior specific written approval of the Maribyrnong City Council or other relevant Authority for such alterations and reinstatement's and must comply with conditions required by the said Authority in relation to the execution of such works
21. All vehicle crossings must be located, designed and constructed to the satisfaction of the Infrastructure Management Branch.
22. All disused crossovers are to be removed to the satisfaction of the City of Maribyrnong.
23. The loading and unloading of goods onto and from vehicles to and from the building on the site must at all times be carried on entirely within the site and be so conducted as to cause minimum interference with other vehicular traffic.  
  
Deliveries must be made outside peak traffic periods and not between the hours of 10.00pm to 9.30am the following morning and 3.30pm to 7.00pm Monday to Sunday (inclusive). Any variation of the delivery times will be subject to the written consent of the Responsible Authority.
24. All pipes, fixtures, equipment and service vents servicing but external to the building on the site must be concealed in service ducts or otherwise hidden from street view, to the satisfaction of the Responsible Authority.
25. An area designated on the site for the storage of a waste collection receptacle of a minimum of 3m<sup>2</sup> must be provided in a location which enables a commercial waste collection vehicle to remove/empty the receptacle and to enter and exit the site in a forward motion. The area set aside must be screened so that the waste collection receptacle is not visible from adjoining streets to the satisfaction of the Responsible Authority.
26. Suitable screening to prevent the emission of dust from the construction area to adjoining properties and roadways must be implemented to the satisfaction of the Responsible Authority.
27. Access for disabled persons must be in accordance with AS2890 and AS1428.

Cont'd

Date Issued

23/6/98

Signature for the  
Responsible Authority

*D. Hughes*

# IMPORTANT INFORMATION ABOUT THIS PERMIT

## WHAT HAS BEEN DECIDED?

The Responsible Authority has issued a permit.

## WHEN DOES A PERMIT BEGIN?

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## PLANNING

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Maribyrnong Planning Scheme

## PERMIT

Responsible Authority:

CITY OF MARIBYRNONG

### ADDRESS OF THE LAND:

158-164 Somerville Road (cnr Williamstown Road), Yarraville

### CONDITIONS CONTINUED:

28. Toilet facilities for disabled persons must be provided in accordance with the Building Code of Australia 1996.
29. Except with the prior written consent of the Responsible Authority the use hereby permitted must only operate during the following days and hours:
- Sunday to Thursday, 6.00am to 12 midnight.
  - Friday to Saturday 6.00am to 1.00am the following day.
30. Except with the prior written consent of the Responsible Authority the premises must be limited to not more than 100 patrons at any one time.
31. The amenity of the area must not be detrimentally affected by the use or development through the:
- Transport of persons, materials, goods, or commodities to or from the land.
  - Appearance of any building, works or materials.
  - The emission of noise, music, odour, artificial light or waste products.
  - Or otherwise.
32. The owner and the occupier of the premises, and the manager must at all times each make reasonable endeavours to ensure that persons resorting to the premises do no create a nuisance and annoyance to neighbours or otherwise disturb the amenity of the area.
33. The frontage of the premises must be kept in a clean and tidy, litter free condition, to the satisfaction of the Responsible Authority.

Prior to the commencement of the use an environment management plan must be prepared and submitted to the satisfaction of the Responsible Authority. The report must detail the following:

- waste minimisation strategies
- energy conservation and efficiency strategies

Cont'd

Date Issued

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Signature for the  
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## PERMIT

Responsible Authority:

CITY OF MARIBYRNONG

### ADDRESS OF THE LAND:

158-164 Somerville Road (cnr Williamstown Road), Yarraville

### CONDITIONS CONTINUED:

- methods employed to prevent and recover packaging litter generated from the premises including any litter which makes its way into the stormwater system
- a regular patrol of the nearby streets to recover McDonalds food packaging.

34. The operation of this use must at all times be in accordance with the State Environment Protection Policy (Control of Music Noise from Public Premises) No. N2. and no public address system is to be used on the site.
35. The location and details of the signs (including content), as shown on the endorsed plan, must not be altered or modified (whether or not in order to comply with any Statute, Statutory Rule or By-law or for any other reason) without the consent of the Responsible Authority.
36. No flashing, intermittent or changing colour lights are to be displayed.
37. Immediately prior to the occupancy of the premises hereby permitted, written notice must be given to the Responsible Authority that the use is to be commenced and that the conditions of this permit have been satisfied.
38. This permit will expire if one of the following circumstances applies:
- the use and development is not commenced within two years of the date of this permit;
  - the development is not completed within two years of the date of commencement.

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

39. That a Community Liaison Committee be convened by the operators of the facility and meet regularly on a monthly basis for at least 12 months to discuss amenity issues associated with the facility.

### NOTATION:


1. This permit is issued pursuant to the provisions of the relevant Planning Scheme and does not relieve the permit holder of the necessity to obtain a building permit pursuant to the Building Act 1993 prior to the commencement of any construction or works on any part of the site.

Cont'd

Date Issued

23/6/98

Signature for the  
Responsible Authority



## IMPORTANT INFORMATION ABOUT THIS PERMIT

### WHAT HAS BEEN DECIDED?

The Responsible Authority has issued a permit.

### WHEN DOES A PERMIT BEGIN?

A permit operates:

- from the date specified in the permit, or
- if no date is specified, from:
  - (i) the date of the decision of the Administrative Appeals Tribunal, if the permit was issued at the direction of the Tribunal, or
  - (ii) the date on which it was issued, in any other case.

### WHEN DOES A PERMIT EXPIRE?

1. A permit for the development of land expires if:
  - the development or any stage of it does not start within the time specified in the permit; or
  - the development required the certification of a plan of subdivision or consolidation under the Subdivision Act 1988 and the plan is not certified within two years of the issue of the permit, unless the permit contains a different provision; or
  - the development or any stage is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit or in the case of a subdivision or consolidation within 5 years of the certification of the plan of subdivision or consolidation under the Subdivision Act 1988.
2. A permit for the use of land expires if;
  - the use does not start within the time specified in the permit, or if no time is specified, within two years after the issue of the permit, or
  - the use is discontinued for a period of two years.
3. A permit for the development and use of land expires if;
  - the development or any stage of it does not start within the time specified in the permit; or
  - the development or any stage of it is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit; or
  - the use does not start within the time specified in the permit, or, if no time is specified, within two years after the completion of the development; or
  - the use is discontinued for a period of two years.
4. If a permit for the use of land or the development and use of land or relating to any of the circumstances mentioned in Section 6A (2) of the Planning and Environment Act 1987, or to any combination of use, development or any of those circumstances requires the certification of a plan under the Subdivision Act 1988, unless the permit contains a different provision;
  - the use of development of any stage is to be taken to have started when the plan is certified; and
  - the permit expires if the plan is not certified within two years of the issue of the permit.
5. The expiry of a permit does not affect the validity of anything done under that permit before the expiry.

### WHAT ABOUT APPEALS?

- The person who applied for the permit may appeal against any condition in the permit unless it was granted at the direction of the Administrative Appeals Tribunal where, in which case, no right of appeal exists.
- An appeal must be lodged within 60 days after the giving of that notice.
- An appeal is lodged with the Administrative Appeals Tribunal.
- An appeal must be made on Notice of Appeal form which can be obtained from the Administrative Appeals Tribunal, and be accompanied by the prescribed fee.
- An appeal must state the grounds upon which it is based.
- An appeal must also be served on the Responsible Authority.
- Details about appeals and the fees payable can be obtained from Administrative Appeals Tribunal.



# CITY OF MARIBYRNONG

Application No.

TP 98/38

Page 8

## PLANNING

Planning Scheme

Maribyrnong Planning Scheme

## GRANT A PERMIT

Responsible Authority:

CITY OF MARIBYRNONG

### ADDRESS OF THE LAND:

158-164 Somerville Road (cnr Williamstown Road), Yarraville

### CONDITIONS CONTINUED:

2. The owner must ensure that the amenity and safety of the patrons of the Metropolitan Bus service boarding and disembarking at the bus stop at the north-east corner of Williamstown and Somerville Roads is maintained to the satisfaction of the Public Transport Corporation Acting Director Metropolitan Bus.
3. A plan of the proposed development and detailed plans of food storage and preparation areas must be submitted to and approved by Council's Environmental Health Services Section Office prior to the commencement of the development.
4. The development must comply with all aspects of the Health Act 1958, Food Act 1984,

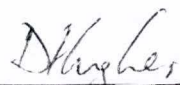
### APPLICANT:

McDonald's Properties (Australia)  
2-6 Smith Street  
Collingwood Vic 3066

Date Issued

23/6/98

Signature for the  
Responsible Authority



## IMPORTANT INFORMATION ABOUT THIS PERMIT

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