

CONDITIONS

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| Application | YR-2023/577 |
| Address of the land | 300-308 Maroondah Highway, Healesville |
| Proposal | Buildings and works for a mixed use development, removal of vegetation, reduction of car parking and alter access to Transport Zone 2. |

Amended Plans

1. Before the 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 form part of the permit. The plans must be drawn to scale with dimensions and a digital copy must be provided. The plans must be generally in accordance with the plans submitted with the application being Sheet A02, A03, A04, A05, A06, A07, A08, A09, A10, A11, A12, A13, A18 Revision R dated 25/3/24 prepared by the Jaeger Group but amended to show the following:
 - a. Provision of a new 1.8m high paling fence along the south boundary, east and west boundaries abutting all dwelling secluded private open spaces and south of the restaurant building.
 - b. Changes to the front and sides of the first floor of the commercial building adjacent to Maroondah Highway altered to include:
 - I. The pergola / veranda / roof extended fully over the restaurant's first floor balcony to the north boundary to give the impression of a zero setback at first floor to the north boundary.
 - II. The balcony of the restaurant on the north boundary provided with more substantive structural elements to give an impression of being a wall with a parapet provided above to give the impression of a zero setback at first floor to the north boundary.
 - III. The east and west elevation of the restaurants balcony to be visually permeable to allow passive surveillance of Maroondah Highway / improved solar access and amenity with the façades having have a single parapet line with no stepping down of the façade to the north / street.
 - c. The following information regarding trees:
 - i. Tree 12 retained and shown on plans
 - ii. Tree protection zones of trees 1, 2, 6, 8, 12, 13, 15, 16, 17, 18, 19 and 20 shown and dimensioned on plans.
 - iii. No excavation works within tree protection zones with the exception of building footprints.

- d. Minimum 1.7m high screening between balconies and minimum 1.7 high internal fencing between secluded private open space
- e. Increased landscaping provided adjacent to the pedestrian access with
 - I. Dwelling 3 flipped to locate its pedestrian entrance adjacent to the Dwelling 4 pedestrian entrance and provide shared pedestrian access with Dwelling 4
 - II. Dwelling 5 flipped to locate its pedestrian entrance adjacent to the Dwelling 6 pedestrian entrance and provide shared pedestrian access with Dwelling 6 s.
 - III. Dwelling 1 and 2 provided with shared pedestrian access.
- f. Dwelling parapets adjacent to flat / low pitched roofing raised to screen rooftop equipment and plant.
- g. The following services and utilities shown. These are to be designed and sited not to not be visible from a street (other than a lane).
 - I. Bin storage areas for the shops.
 - II. 6 cubic metres of externally accessible, secure storage space for each dwelling.
 - III. Water tank as required by the Bushfire Management Plan with appropriate CFA vehicle access.
 - IV. Plant and the location and heights of all equipment and plant with these located below parapet height or not roof mounted
- h. The southern part of the dwelling 1 roof altered to a hipped roof form to comply with Clause 55, standard B18.
- i. ESD measures shown and notated on the plans in accordance with page 2 of the Sustainable Management plan. These are to be designed and sited to not be visible from a street (other than a lane) and are to include but not be limited to:
 - i. 20KI and 10KL rainwater water tanks harvesting roof water of both buildings to be used for toilet flushing,
 - ii. double glazing,
 - iii. clotheslines,
 - iv. location of separate meters,
 - v. electric hot water systems,
 - vi. vehicle charging point
 - vii. 10 kW photovoltaic system on the roof of shops and 14kW photovoltaic system on the roof of dwellings.
 - viii. Lighter coloured non-reflective roofing
- j. Car space 3, as shown on drawing A03, removed allow fire appliances to have unobstructed access to the Static Water Supply at all times with the ground in this location marked as “No Standing”.

- k. Signage to identify dwelling uncovered car spaces for use by dwellings, visitor car space, shops and restaurant car spaces and accessible car spaces.
- l. An accessible car space identified on the plans
- m. Notation that the development is to be constructed in accordance with the Clarity Acoustic Report dated 25 October 2023 including acoustically treating the first floor walls and roof of the building and the balcony.
- n. Intercom to dwellings provided at the boom gate for visitor access.
- o. A revised bushfire management plan showing the development as amended with the retention of trees 12 and 13, with only future trees planted on site requiring a 5m canopy separation

Layout Not Altered

- 2. The development as shown on the endorsed plans must not be altered or modified (unless the Yarra Ranges Planning Scheme specifies a permit is not required) without the prior written consent of the responsible authority.
- 3. Once the development starts, the development must be carried out and completed to the satisfaction of the responsible authority
- 4. The exterior colours, materials and/or finishes to be applied to the exterior of the building or works endorsed to form part of the permit must not be altered or modified (unless the Yarra Ranges Planning Scheme specifies a permit is not required) without the prior written consent of the responsible authority.

Waste Management Plan

- 5. Before the development starts, a waste management plan, to the satisfaction of the Responsible Authority, demonstrating the operation of the garbage and recyclables storage area must be submitted to the Responsible Authority.

The plan/documentation must be generally in accordance with the Waste Management Plan prepared by Graeme Johnson Doc no 202311 V2 dated 26/7/23 but amended to show

- the car park layout as shown on the plans required by condition 1
- Demonstrate the means by which garbage and recyclables will be stored on the site
- what waste services will be provided (i.e. cardboard paper plastic and metals recycling or comingled waste, general waste and even organic waste),
- types of bins,
- types of collection vehicles,
- frequency of collection,
- times of collection,

- location of collection point for vehicles
- collection be undertaken by a private contractor.

Waste storage and collection must undertaken in accordance with the approved management plan and must be conducted in such a manner as not to affect the amenity of the surrounding area and which does not cause any interference with the circulation and parking of vehicles on abutting streets.

Construction Management Plan

6. Before the development starts, a Construction Management Plan (CMP) to the satisfaction of the responsible authority must be submitted to and approved by the responsible author approved, the plan will be endorsed and will then form part of the permit. The CMP must specify how the environmental and construction issues associated with the development will be managed and must address the following as applicable:
 - a. A traffic management plan for the site, including when or whether any access points would be required to be blocked, an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services, preferred routes for trucks delivering to the site, queuing/sequencing, excavation and swept-path diagrams.
 - b. The location for the parking of all construction vehicles and construction worker vehicles during construction.
 - c. Construction times, noise and vibration controls.
 - d. Fully detailed plan indicating where construction hoardings would be located.
 - e. A waste management plan including the containment of waste on site: disposal of waste, stormwater treatment and on-site facilities for vehicle washing.
 - f. Containment of dust, dirt and mud within the site and method and frequency of clean up procedures in the event of build-up of matter outside the site.
 - g. Site security.
 - h. Public safety measures.
 - i. Restoration of any Council assets removed and/or damaged during construction.
 - j. Protection works necessary to road and other infrastructure (limited to an area reasonable proximate to the site).
 - k. Remediation of any damage to road and other infrastructure (limited to an area reasonably proximate to the site).
 - l. An emergency contact that is available for 24 hours per day for residents and the responsible authority in the event of relevant queries or problems experience.
 - m. Traffic management measures to comply with the relevant Australia Standard.

- n. All contractors associated with the construction of the development must be made aware of the requirements of the Construction Management Plan.
- o. Details of crane activities, if any.
- p. Discharge of any polluted water.
- q. Erosion control measures.
- r. Sediment control measures.

The development must be carried out and implemented in accordance with the endorsed Construction Management Plan at all times to the satisfaction of the responsible authority. The responsible authority may amend the endorsed Construction Management Plan from time to time

Landscape Plan

7. Before the development starts, an amended Landscape Plan to the satisfaction of the responsible authority and prepared by a suitably qualified person must be submitted to and approved by the responsible authority. When approved, the Landscape Plan will be endorsed and will then form part of the permit. The plan must be drawn to scale, fully dimensioned and a digital copy must be provided. The plan must be generally in accordance with the plan L01V1.1 dated 19/7/23 prepared by DB Horticulture P/L but amended to show:
 - a. Changes as required by condition 1 including all tree protection zones.
 - b. Details of water efficient landscaping in accordance with the Sustainability Management Plan (SMP).
 - c. Planting to be in accordance with the Bushfire Management Plan defensible space when mature, including 5 metre tree canopy separation of plantings (not existing trees), 2 metres ground clearances, plant heights / distances from windows, no shrubs under trees, canopies clear of buildings.
 - d. Buildings and trees (including botanical names, trunk location, trunk diameter and canopy spread) on neighbouring properties where the Tree Protection Zones of such trees fall within the subject site as calculated in accordance with Australian Standard 4970-2009 or its successor.
 - e. Details of surface finishes of pathways and driveways with paving colours and materials of the pedestrian access and dwelling uncovered tandem car spaces different to those in the common car park and access aisles.
 - f. 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. All species selected must be to the satisfaction of the responsible authority.
 - g. A minimum of one small canopy tree (2 metres high at the time of planting) reaching a minimum mature height of 5 metres within the rear secluded private open space of dwelling 3
 - h. 1200 millimetre organic mulch diameter around any retained or proposed trees in lawn areas.

- i. The provision of notes regarding site preparation, including the removal of all weeds, proposed mulch, soil types and thickness, subsoil preparation and any specific maintenance requirements.
 - j. The location of any tree protection zones and protection measures including for street trees accurately drawn to scale, labelled and notations referring to any endorsed Tree Management and Protection Plan, or Arboricultural Report.
 - k. Before the development is occupied and/or before the use starts or by such later date with the prior written consent of the responsible authority, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the responsible authority.
 - l. Sloping areas on the east and west boundaries generally terraced with retaining walls and level landscaping beds with site levels and sections provided.

- 8. The landscaping shown on the endorsed plans must be maintained in accordance with the endorsed plans to the satisfaction of the responsible authority. Areas shown on the endorsed plan as landscaped must not be used for any other purpose and any dead, diseased or damaged plants are to be replaced after becoming aware of the dead, diseased or damaged plants. The responsible authority may amend the endorsed Landscape Plan from time to time.

- 9. Before the development starts, including demolition and/or the removal of vegetation, a Tree Protection Plan (drawing) and Tree Management Plan (report) to the satisfaction of the responsible authority and prepared by a suitably qualified and experienced arborist must be submitted to and approved by the responsible authority. When approved, the Tree Management Plan and Protection Plan will be endorsed and will then form part of the permit. The Tree Management Plan and Tree Protection Plan must be specific to the trees located on the site/street trees or neighbouring property boundary to the west and south of the subject site, be prepared in accordance with Australian Standard 4970-2009 or its successor, and provide details of tree protection measures that will be utilised to ensure all trees to be protected remain viable post-construction. The Tree Protection Plan and Management Plan must consist of:
 - a. The Tree Protection Plans (drawing) must be drawn to scale, appropriately notated and reference the Tree Management Plan (report) and provide details of the TPZ falls partially within the subject site.
 - i. The Tree Protection Zone (TPZ) and Structural Root Zone (SRZ), calculated in accordance with Australian Standard 4970-2009 or its successor, for all trees to be protected on site or neighbouring properties where the TPZ falls partially within the subject site.
 - ii. Tree protection fencing, or ground protection where required, provided in accordance with Australian Standard 4970-2009 or its successor.

- b. Any other specific measures such as site access points or material storage areas as required in the Tree Management Plan (report).
 - i. The Tree Management Plan (report) must be prepared by a suitably qualified arborist, reference the Tree Protection Plan (drawing) and provide details of:
 - ii. All required tree protection and management actions during each stage of the development (Demolition, Construction and Landscaping).
 - iii. How excavation impacts, including soil level changes, within the TPZ of trees to be retained will be managed.
 - iv. Proposed tree protection measures including fencing or ground, trunk or branch protection as required during each stage of the development.
 - v. Any pruning to be undertaken being in accordance with Australian Standard 4373-2007 or its successor.
 - vi. How the canopy of trees nominated on the Tree Protection Plan will be protected or managed during each stage of the development.
 - vii. Appropriate signage on any tree protection fencing.
 - viii. Any non-destructive root investigation previously undertaken to determine the location and distribution of roots of trees nominated on the Tree Protection Plans.
 - ix. Proposed footings and construction methods for any buildings or structures (including but not limited to, driveways, paths retaining walls or other hard infrastructure) within the TPZs nominated on the Tree Protection Plans.
 - x. Details of suitable driveway/path materials and construction methods (i.e., permeable paving above grade) and the timing of works within the TPZs.
 - xi. Stages of development at which inspections are required to ensure the tree protection measures are adhered to must be specified.
 - xii. Appropriate methods of certification by a suitably qualified arborist of the required tree protection measures during the development including details of site visits, actions and photographic evidence.
 - xiii. The process that will be followed if any damage occurs to a protected tree, including reporting of damage for any Council owned tree.
 - xiv. Any other measures required to demonstrate the successful ongoing retention and viability during and post-construction of any trees nominated on the Tree Protection Plan.
- 10.** Before the development starts, a revised Sustainability Management Plan (SMP) generally in accordance the document identified as the Ascot Consulting Engineers SMP dated 27/7/23 detailing sustainable design strategies to be incorporated into the development to the satisfaction of the Responsible Authority must be submitted to, and approved in writing by the Responsible Authority. The document is to be amended as follows:

- a. Provision for FOGO in BESS and SDA
- b. Commit to full electric building (no gas connection). This is in line with Vic Gov regulations commencing Jan 1, 2024.

It is recommended that the plan include the following:

- HWS should ideally be electric heat pump to reduce emissions and on-going costs for future residents.
- Induction stovetops are desired.
- Provide dedicated EV charging to each garage space.

The development must be constructed in accordance with the requirements/recommendations of the SMP to the satisfaction of the Responsible Authority.

11. Prior to the occupation of the development, a report from the author of the Sustainability Management Plan, approved pursuant to this permit, or similarly qualified person or company, must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm that all measures specified in the *SMP* have been implemented in accordance with the approved Plan.
12. Before the development starts, the titles to the land on Lots 1, 2, 3 and 4 on TP 321066Q must be consolidated so all dwellings, buildings, car parking and vehicle access ways allowed by this permit are contained within a single lot on title to the satisfaction of the Responsible Authority.
13. Before the development starts, a Geotechnical Assessment or Landslide Risk Assessment prepared in accordance with the Incorporated Document 'Requirements for a Geotechnical Assessment, Landslide Risk Assessment or Landslide Hazard Assessment prepared in support of a planning permit application under the Erosion Management Overlay (Yarra Ranges Shire Council, March 2023).' must be submitted to the responsible authority.

Amenity Conditions

14. Any air-conditioning unit must be positioned to limit noise disturbance to occupiers of adjoining properties. Any roof top unit must be provided with a sight screen, to the satisfaction of the Responsible Authority
15. All external lighting provided on the site must be baffled to limit light spill beyond the boundaries of the site to minimise impacts to adjoining properties.
16. Before the development is occupied, security lighting must be installed at all entrances to the development and within the car parking area and pedestrian access way on the premises to Australian Standards and thereafter maintained, all to the satisfaction of the responsible authority.

17. Before the development is occupied, external lighting must be located, designed, directed, shielded and baffled and thereafter maintained, all to the satisfaction of the responsible authority.
18. Any alarm systems are to be the silent type to the satisfaction of the responsible authority
19. Before the development is occupied, or by such later date as approved in writing by the responsible authority, all new on-boundary walls must be constructed, cleaned and finished to the satisfaction of the responsible authority
20. Before the development is occupied, or by such later date as approved in writing by the responsible authority, all pipes, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the responsible authority
21. Except with the written consent of the responsible authority the development must not be used as a live music entertainment venue to the satisfaction of the responsible authority.

Parking

22. Except with the written consent of the responsible authority car parking must be allocated to the satisfaction of the responsible authority as follows:
 - Dwellings residents 2 car spaces each dwelling (being garage and tandem car space)
 - Visitor 1 car space (shared)
 - Shops and Restaurant 10 car spaces (shared)
 - Accessible 1 car space (shared)

Patron Numbers

23. Patron number for the restaurant limited:
 - a. to 60 patrons Monday to Sunday from 8am to 5pm.
 - b. to 100 patrons Monday to Sunday 5pm to 1am the following day

173 Agreement

24. Before the development and vegetation removal starts, except for the construction of fencing as detailed below, the owner must enter into an agreement with the responsible authority under section 173 of the Planning and Environment Act 1987. The agreement must provide that except with the prior written consent of Council:
 - Trees 12 and 13 must not be removed, destroyed or lopped

- Landscaping along fences to be maintained in accordance with the endorsed plans.
- Private waste collection to be provided for the development
- All uncovered dwelling car spaces to remain uncovered in accordance with the endorsed plans
- A financial contribution of \$90,000 (50% of \$180,000) cost adjusted for inflation must be paid by the owner to Council before development and vegetation removal starts for the construction of sealed car parking in Green Street Healesville by Council or other similar parking area within Healesville
- The sealing works (including drainage and landscaping) of Green Street Healesville must be completed by Council within two years of the receipt of contribution unless with the prior written consent of the Responsible Authority

This agreement must be registered on the title to the land in accordance with section 181 of the Planning and Environment Act 1987. The owner must pay the responsible authority's costs to prepare, review, execute and register the section 173 agreement.

Drainage

25. Prior to the occupation of the permitted development piped drainage must be constructed to drain all impervious areas incorporating Water Sensitive Urban Design features, to the satisfaction of the Responsible Authority.
26. Prior to the commencement of any works as required by this permit, Development Stormwater Drainage Engineering Plans and Computations must be submitted to, and approved by, the Responsible Authority. Development Stormwater Drainage Engineering Plans and Computations must be in line with all the requirements of the approved point of discharge certificate.
<https://www.yarraranges.vic.gov.au/Development/Roads-drains/Applications-and-permits/Submit-stormwater-drainage-and-computations>
27. Prior to the occupation of the permitted development the construction of all civil works within the site, including detention system must be fully completed and subsequently inspected and approved by a suitably experienced Civil Engineer at the arrangement and expense of the owner/developer. This person must supply written certification that the works have been constructed in accordance with this permit and to relevant standards to the satisfaction of the Responsible Authority.
28. The owner/developer must demonstrate to the satisfaction of the Responsible Authority that stormwater runoff exiting the site has been designed and constructed to meet the current best practice performance objectives for stormwater quality, as contained in the Urban Stormwater- Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999) as follows:
 - 80% retention of the typical annual load of suspended solids;
 - 70% reduction of the typical annual load of gross pollutants;

- 45% retention of the typical annual load of total phosphorous; and
- 45% retention of the typical annual load of total nitrogen

Bushfire Requirements

- 29 Before the development starts, an amended Bushfire Management Plan (BMP) must be submitted to and endorsed by the Responsible Authority. Once endorsed the plan must not be altered unless agreed to in writing by CFA and the Responsible Authority. The plan must be generally in accordance with the BMP prepared by Millar Merrigan, 29857_BMP1, Dated July 2023 but modified to replace the conditions for Defendable Space with:

Defendable space for a distance of 50 metres around the proposed building (or to the property boundary, whichever is the lesser distance) must be provided where vegetation (and other flammable materials) will be modified and managed in accordance with the following requirements:

- Grass must be short cropped and maintained during the declared fire danger period.
 - All leaves and vegetation debris must be removed at regular intervals during the declared fire danger period.
 - Within 10 metres of a building, flammable objects must not be located close to the vulnerable parts of the building.
 - Plants greater than 10 centimetres in height must not be placed within 3m of a window or glass feature of the building.
 - Shrubs must not be located under the canopy of trees.
 - Individual and clumps of shrubs must not exceed 5 sq. metres in area and must be separated by at least 5 metres.
 - Trees must not overhang or touch any elements of the building.
 - The canopy of trees must be separated by at least 5 metres – with the exception of trees 12 and 13 as shown on this plan.
 - There must be a clearance of at least 2 metres between the lowest tree branches and ground level.
30. The bushfire protection measures forming part of this permit or 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 a continuing basis. This condition continues to have force and effect after the development authorised by this permit has been completed.

Department of Transport

31. All vehicles must enter and exit the site in forward direction at all the times.

Expiry of Permit

32. This permit will expire if one of the following circumstances applies:
- (a) The development is not started within **two years** of the date of this permit, or

(b) The development is not completed within **four years** of 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 of expiry of permit of the commencement date.

An extension of time to complete the development or a stage of the development may be requested if:

- The request for an extension of time is made within 12 months after the permit expires; and
- The development or stage started lawfully before the permit expired.

NOTES:

- (i) The granting of this permit does not obviate the necessity for compliance with the requirements of any other authority, under this or any other Act, Regulation or Local Law.
- (ii) The owner and/or developer must ensure all relevant permits have been obtained before the use and or development starts.
- (iii) Building works approved under this planning permit must not be commenced until a building permit has also been obtained under the *Building Act 1993* and the *Building Regulations 2018*.
- (iv) The management of Stormwater is to be in accordance with the Approved Point of Stormwater Discharge. Please apply for Approved Point of Stormwater Discharge through Council's webpage.
<https://www.yarraranges.vic.gov.au/Property/Roads-drains-footpaths/Stormwaterdrainage>
- (v) Prior to the commencement of any works affecting or involving Shire roads or drains, Asset Protection and/or Road Reserve/Easement Works permit(s) are required. An application for a permit can be obtained at the Shire of Yarra Ranges Community Links.
- (vi) Before any earthworks are undertaken, contact Dial Before You Dig.
- (vii) This planning permit does not provide authorisation to enter or start works over the property of Council; such authorisations must be independently sought from Council.
- (viii) Removing and replacing boundary fencing voids the Clause 52.12 Bushfire Exemptions of the Yarra Ranges Planning Scheme for fencing.