

CONDITIONS

Application YR-2022/923

Address of the land 304-310, 312-318 and 322 Main Street, Lilydale

Proposal Buildings and works associated with the construction of a childcare centre, shops, offices and medical centre, reduction in car parking requirements, alteration of access to a road in a Transport Zone 2 and creation of easement.

Planning Scheme Clause	Matter for which the permit has been granted
Clause 34.01-4	Construct a building construct or carry out works.
Clause 43.02-2	Construct a building construct or carry out works.
Clause 52.02	Under Section 23 of the Subdivision Act 1988 to create an easement.
Clause 52.06 -3	Reduce the number of car parking spaces required under Clause 52.06-5.
Clause 52.29-2	Alter access to a road in a Transport Zone 2.

Amended Plans (Development)

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 (*22 Sheets, Prepared by Pitch Architecture, Dated 11 February 2025, Revision D*), but amended to show the following:
 - a) Notation for ground level windows on northern facade (to Main Street Frontage) to have a minimum 80% transparency;
 - b) Notation for windows on northern facade (to Main Street frontage) to have no signage exceeding 20% of the window footprint
 - c) The existing drainage easement on Lot 1, Title Plan 818923B to be widened to 3.0 metre width;
 - d) Location of proposed street art wall on the floor plan and elevation plans in accordance with Plans TP5-107;
 - e) Construction Management Plan in accordance with Condition 5;
 - f) Landscape Plan in accordance with Condition 6;
 - g) Functional layout plan in accordance with Condition 8;

Layout Not Altered (Development)

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.

General Amenity

3. The development must be managed so that the amenity of the area is not detrimentally affected including through the:
 - a) Transportation of materials, goods or commodities to or from the land.
 - b) Appearance of any building, works or materials.
 - c) Emission of noise, artificial light, smell, fumes, smoke, vapour, steam, soot, ash, dust, water, waste products, grit or oil.
 - d) Presence of vermin.All to the satisfaction of the Responsible Authority.

Buildings and Works Maintenance

4. All buildings and works must be maintained in good order and appearance to the satisfaction of the responsible authority.

Construction Management Plan

5. 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 authority. When 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 detailed schedule of works including a full project timing.
 - b) 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.
 - c) At all times maintain 24/7 vehicle access to adjoining Lilydale CFA Fire Station clear of any obstructions to both frontages (Main Street and Hardy Street)
 - a. Access arrangements may be modified subject to the written consent from Lilydale CFA Fire Station/ CFA District 13.
 - b. The location for the parking of all construction vehicles and construction worker vehicles during construction.
 - c. Construction times, noise and vibration controls.
 - d. Delivery of materials including times for loading/unloading, unloading points, expected frequency and details of where materials will be stored and how concrete pours would be managed.
 - e. Proposed traffic management signage indicating any inconvenience generated by construction.
 - f. Fully detailed plan indicating where construction hoardings would be located.
 - g. A waste management plan including the containment of waste on site: disposal of waste, stormwater treatment and on-site facilities for vehicle washing.
 - h. 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.
 - i. Site security.
 - j. Public safety measures.
 - k. Restoration of any Council assets removed and/or damaged during construction.
 - l. Protection works necessary to road and other infrastructure (limited to an area reasonable proximate to the site).
 - m. Remediation of any damage to road and other infrastructure (limited to an area reasonably proximate to the site).
 - n. 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.

- o. Traffic management measures to comply with the relevant Australia Standard.
- p. All contractors associated with the construction of the development must be made aware of the requirements of the Construction Management Plan.
- q. Details of crane activities, if any.
- r. Discharge of any polluted water.
- s. Erosion control measures.
- t. 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

6. Before the development starts, an amended landscape plan must be submitted to the satisfaction of the responsible authority. The plans must be generally in accordance with the plans submitted with the application (7 Sheets, Prepared by Pitch Architecture, dated 25 July 2024, Revision A), but amended to show the following:
 - (a) Vertical plantings, climbers and/or creeper plantings along the ground level southern façade (Hardy Street frontage);
 - (b) Building layout consistent with development plans.
7. Before the development is occupied or by such later date with the prior written consent of the responsible authority, the landscaping works shown on the endorsed Landscape Plans must be carried out and completed to the satisfaction of the responsible authority. 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.

Functional Layout Plan

8. Before the development starts, a Functional Layout Plan must be submitted to and approved to the satisfaction of the responsible authority. When approved, the plan will be endorsed and form part of the permit. The Functional Layout Plan must be generally in

accordance with the plans submitted (1 Sheet, Hardy Street Central Median with Turning Lane, Dated 30 July 2024), but modified to show:

- a) Lane widths including a cross section of the existing and proposed lane configuration;
 - b) Notation and/or reference to all proposed line marking along Hardy Street;
 - c) A 35m Channelised Right Turn Lane, CHR(S), turn treatment on the east approach into the subject site from Hardy Street to the satisfaction of the relevant authority;
 - d) The required modifications to the signalised intersection (Anderson Street/ Hardy Street) and SWEPT paths with a 19m Semi-Trailer;
 - e) Crossover construction for Hardy Street including;
 - i. Measures to require left turn out only from the subject site;
 - ii. material use to adequately delineate the footpath from the vehicle crossover
 - iii. service relocation details (as applicable)
 - f) Main Street crossover removal and the reinstatement of the footpath and kerb and channel. It shall also include the provision for additional parallel on-street parking bays, including required line marking and signage in accordance with the surrounding spaces.
9. Before the development is occupied, all works shown on the endorsed Functional Layout Plan must be carried out and completed to the satisfaction of the responsible authority.

Signage

10. Without the prior written consent of the responsible authority, no signage other than approved signage as shown on the endorsed plans may be erected on the site (unless the Yarra Ranges Planning Scheme specifies a permit is not required) to the satisfaction of the responsible authority.

Street Trees

11. The existing street trees must not be removed or damaged to the satisfaction on the Responsible Authority.
12. Before the commencement of any buildings and/or works approved by this permit, temporary fencing must be erected around any street trees, to define a Tree Protection Zone (TPZ) to the satisfaction of the Responsible Authority and must:
- a) Exclude access and construction activity within the TPZs of any street trees along Main Street and/or Hardy Street frontage. If trees have not been assessed, the

TPZ is a circle with a radius equal to 12x the trunk diameter measured at 1.4 m above ground level, and

- b) Have a minimum height of 1.8 metres and comply with Australian Standard AS 4687 for temporary fencing and hoardings, and
- c) Fencing within roadside reserves and/or nature strip areas must not prevent the use of a road or footpath, and
- d) Remain in place until all buildings and/or works are completed, unless with the prior written consent of the Responsible Authority.
- e) Temporary fencing can be modified to accommodate encroachment into the TPZ of tree(s) as per the endorsed plans. Fencing must be modified in line with the footprint of the approved works only.

Street Art Wall

- 13. Before the development is occupied street art wall design and/or plans must be submitted to the satisfaction of the responsible authority detailing the design, materials and colour finishes. Once approved the design must be implemented within one (1) year unless otherwise agreed in writing by the responsible authority.

Waste Management Plan

- 14. All waste generated from the proposed development must be managed in accordance with the endorsed waste management plan to the satisfaction of the responsible authority.

Traffic Engineering

- 15. Before the development is occupied, the existing vehicle crossing in Main Street must be removed and Council assets reinstated to the satisfaction of the Responsible Authority.
- 16. Before the development is occupied, the existing vehicle crossing must be removed and a new concrete vehicle crossing must be constructed in Hardy Street to the satisfaction of the Responsible Authority.
- 17. Before the development is occupied, the car parking spaces, footpaths and vehicular access ways shown on the endorsed plan must be and drained incorporating Water Sensitive Urban Design elements to the satisfaction of the responsible authority
- 18. The loading and unloading of vehicles and the delivery of goods must be carried out at all times within the site boundaries.
- 19. The car parking spaces, vehicular access ways and drainage approved by this permit are to be maintained and must not be obstructed or made inaccessible to the satisfaction of the responsible authority.

Stormwater Engineering

- 20.** Before the development starts, 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. The plans and computations submitted must be generally in accordance with the following documents:
- a) Stormwater Management plan prepared by Lanigan Civil dated 17/2/2025 ref # LC3080-SMP P6.
 - b) Bubble Over pits Calcs prepared by Lanigan Civil - LC3080 -20250221 dated 21/2/2025.
 - c) Cover letter prepared by Lanigan Civil LC3080 -20250221 dated 21/2/2025.
 - d) ESD report prepared by LID Consulting Rev A dated 13/3/2024.
- <https://www.yarraranges.vic.gov.au/Development/Roads-drains/Applications-and-permits/Submit-stormwater-drainage-and-computations>
- 21.** Before the development is occupied, piped drainage must be constructed to drain all impervious areas incorporating Water Sensitive Urban Design features in accordance with the approved stormwater engineering plans and computations, to the satisfaction of the Responsible Authority.
- 22.** Before the development is occupied, development a detention system, must be constructed/installed to drain all impervious areas in accordance with the approved stormwater engineering plans and computations, to the satisfaction of the Responsible Authority.
- 23.** Before the development is occupied, 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.
- 24.** Before the development is occupied, the existing piped Council outfall drainage must be upgraded to convey the 1% AEP Storm event and constructed to the satisfaction of the Responsible Authority in accordance with the approved stormwater engineering plans and computations.
- 25.** Prior to the approval of engineering construction plans an inspection/surveillance fee to the value of \$500 or 2.5% of the estimated cost of all Council works required by this permit, whichever is greater must be paid to the Responsible Authority.
- 26.** The Council works as required by this permit must be maintained in good condition and repair by the developer for a period of three months from the date of practical completion to the satisfaction of the Responsible Authority.
- 27.** Prior to an Off Maintenance inspection and subsequent return of the maintenance bond, "As Constructed" plans of all Council works together with a CCTV footage and report in accordance with the Water Services Association of Australia (WSA) 05-2020- 4.1 Code of Practice, of the full length of all Council piped drainage, must be submitted to, and approved by, the Responsible Authority.

Alteration of Easement

28. Before the development is occupied, the existing 1.83 metre wide drainage easement on Lot 1 on Title Plan 818923B must be widened to 3.0 metres and registered on Title to the satisfaction of the responsible authority.

Creation of Easement

29. Before the development is occupied a 2.5 metre wide sewerage easement (or alternative width as agreed in writing by Yarra Valley Water under Condition 33) along the eastern boundary is to be registered on Title to the satisfaction of the responsible authority.

Consolidation of Titles

30. Before the development is occupied, the titles to the land on Lot 1 on Plan of Subdivision 513557N, Lot 2 on Plan of Subdivision 513557N, Lot 1 on Title Plan 818923B and Lot 1 on Title Plan 023069V must be consolidated and registered at the Land Title's Office to the satisfaction of the responsible authority.

Section 173 Agreement

31. Before the development is occupied, an agreement under Section 173 of the *Planning and Environment Act 1987* must be entered into between the owner of the site and the Responsible Authority requiring:
- (a) For a period of 50 years from the date of final inspection and sign from the 1% AEP pipe within the drainage easement, the landowner must repair or replace the section of the pipe as required or directed by the Responsible Authority in the event the pipe is damaged or fails. All repair works, costs and expenses must be borne by the land owner to the satisfaction of the Responsible Authority.
 - (b) The landowner to allow Council to have 24/7 Access in and around the building/land to have access to the Council drain under the building *for inspection and/or maintenance purposes*.

This Agreement is to be prepared at the owner's expense and will be recorded on the folio of the register relating to the site. The owners agree to pay on demand all costs and expenses of, and incidental to, the execution and recording of this Agreement.

Yarra Valley Water

32. The owner of the subject land must enter into an agreement with Yarra Valley Water for the provision of water services.
33. The owner of the land must enter into an agreement with Yarra Valley Water for the provision of sewerage services.

Permit Expiry

34. This permit will expire if one of the following circumstances applies:
- (a) The development is not started within three (3) years of the date of this permit, or

- (b) The development is not completed within five (5) 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:

Other Approvals

- (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.

Building Approval

- (ii) 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*.

(iii) Road Reserve Works Permit

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.

(iv) Department of Transport Approvals

The proposed development may require separate approval under the Road Management Act 2004 for works on Anderson Street. Please contact the Department of Transport prior to commencing any works.