

# Delegate Report –Conditions and Notes

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Application	YR-2022/59
Address of the Land	272 Maroondah Highway (Lot 1 PS445694 Sec L) Healesville and Lot 1 TP56660
Proposal	Development of two (2) retail premises, Use and Development three (3) dwellings and reduction in carparking requirements

## THE FOLLOWING CONDITIONS ARE PROPOSED FOR THIS APPLICATION:

1. Prior to the endorsement of the development plans, the permit holder must provide evidence from a qualified building surveyor that the buildings (including awnings) are in conformity with relevant Building Regulations to the satisfaction of the Responsible Authority. This includes, but is not limited to, the fire rating of any structure or windows or awnings on or near proposed boundaries of the lots.
2. Prior to the commencement of the use and development (including any permitted removal of any trees or other vegetation), amended plans 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 be generally in accordance with decision plans prepared by Soft Loud house Architects dated April 2022, but modified to show:
  - a. Delineate and make any modifications necessary to the proposed Laneway awning to ensure no encroachment to Easement 1 [E-1] illustrated on Lot 1 TP 566609J;
  - b. Replace the words 'Bar' and 'Shop' with 'Retail Premise';
  - c. Clean lined simplification of external windows, doors and arches moulding casts.
  - d. Any internal modifications to the bin storage area consistent with the approved Waste Management Plan;
  - e. Existing Common Property carparking area fully dimensioned on Site Plan;
  - f. Clearly delineate and notate, on all relevant plans, plaque/s or signage or similar communicating the secured three (3) designated dwelling carparking spaces located within the rear common property as shown on Ground Floor Plan;
  - g. Clearly delineate and notate, installation of durable surface visible line marker/s consistent with Condition 1e) carpark dimensions for each secured dwelling carparking space;
  - h. A notation, on all relevant plans, stating any chosen material acoustic treatment measures to reduce internal building noise transfer between Commercial use and Dwellings use in accordance with Standard D16, Clause 58.04-3 of the Yarra Ranges Planning Scheme;
  - i. A notation, on all relevant plans, stating the "Lot 1 TP 566609J to resealed/concreted to match the proposed floor levels";
  - j. A notation, on all relevant plans, stating "Retail Premise 1 and 2 entry doors be of a type to close automatically";
  - k. A notation, on all relevant plans, all dwelling showers to be built hobbleless (step-free) in accordance with Table D7 Standard D18, Clause 58.05-1 of the Yarra Ranges Planning Scheme;
  - l. A notation, on all relevant plans, stating each dwelling internal storage area for each dwelling to be a minimum of 9 cubic metres in accordance with Table D10 Standard D21, Clause 58.05-4 of the Yarra Ranges Planning Scheme; and
  - m. A green roof planting schedule detailing plant species, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.

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n. Any modifications to the awning to achieve Condition 25.

All of the above must be to the satisfaction of the Responsible Authority.

3. The approved use and development, including building layout shown on the endorsed plans shall not be altered or modified without the written consent of the Responsible Authority.
4. The materials, colours, decoration and/or finishes to be applied to the exterior of the building or works as described on the drawings or schedules endorsed to this permit must not be altered without the consent of the Responsible Authority.
5. Prior to the commencement of any works, the permit holder must obtain all necessary consent and enter into a licencing agreement with Council to facilitate works and access within Council owned land (Lot 1 TP566609J).
6. The sustainable provisions and measures outlined in the endorsed Environment Sustainable Assessment Report must be implemented and complied with to the satisfaction of the Responsible Authority.
7. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.
8. All external lighting provided on the site must be baffled so that no direct light is emitted beyond the boundaries of the site and no nuisance is caused to adjoining properties to the satisfaction of the Responsible Authority
9. The loading and unloading of vehicles (including private waste collection) and the delivery of goods to and from the land must:
  - a. only be carried out on or adjacent to the boundaries of the land;
  - b. not be conducted before 7.00 a.m. or after 10.00p.m. on any day and;
  - c. not disrupt the circulation and parking of vehicles, pedestrian circulation or access to the satisfaction of the Responsible Authority.
10. Air-conditioning and other plant and equipment installed on the subject building(s) shall be screen concealed, and positioned and baffled so that noise disturbance and is minimised, to the satisfaction of the Responsible Authority.
11. The use and 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

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12. Noise levels emanating from the land must not exceed those set out in Environmental Protection Authority's publication 1826.4 Noise limit assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues or subsequent applicable policy to the satisfaction of the responsible authority and in accordance with *Environmental Protection Authority Act 2017*.
13. No external sound amplification equipment or speakers to be installed externally to the building and adjacent Laneway Lot 1 TP566609J.
14. Before the occupation of the permitted development, any security alarms or similar devices installed on the premises must be of a silent type in accordance with any current standard published by Australian Standards and be connected to a monitored security service. This arrangement must be thereafter maintained to the satisfaction of the Responsible Authority.
15. Prior to any works commencing on the land a "Construction Management Plan" (CMP) must be prepared to the satisfaction and approval of the Responsible Authority, detailing how the owner will manage the environmental and construction issues associated with the development  
The CMP must address;
  - a. any demolition
  - b. bulk excavation
  - c. management of the construction site, including location of materials.
  - d. intended access for construction vehicles.
  - e. hours of construction (NOTE: these works must be consistent with EPA legislation and guidelines).
  - f. noise
  - g. dust suppression
  - h. public safety
  - i. traffic management
  - j. construction vehicle road routes
  - k. soiling and cleaning of roadways
  - l. discharge of any polluted water
  - m. security fencing
  - n. road reserve tree protection fencing
  - o. disposal of site waste and any potentially contaminated materials, location of site offices
  - p. redirection of any above or underground services, and site lighting during any night works.
  - q. phone numbers of on-site personnel or other supervisory staff to be contactable in the event of issues arising on site.

Plan to accord with the EPA Publication No. 480 Best Practice "*Environmental Guidelines for Major Construction Sites*".

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16. 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.

### ARBORIST CONDTIONS

17. The existing street tree(s) must not be removed or damaged to the satisfaction on the Responsible Authority.
18. Prior to the commencement of any buildings and/or works approved by this permit, temporary fencing must be erected around street tree directly in front of the subject site on Maroondah Hwy define a Tree Protection Zone (TPZ) to the satisfaction of the Responsible Authority and must:
  - a. Exclude access and construction activity within the TPZs. 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. Not extend beyond the site boundaries except into roadside reserve and/or nature strip areas. 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. 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
19. Prior to any buildings and/or works the permit holder must contact Council's arborist to arrange for any approved roadside tree pruning at the permit holder's cost.
20. All underground service pipes/conduits including storm water and sewerage must be diverted around the Tree Protection Zone (TPZ) of any retained tree, or bored underneath with a minimum cover of 600mm to top of pipe/conduit from natural ground surface to the satisfaction of the Responsible Authority. All pits, holes, joints and tees associated with the installation of services must be located outside the TPZ, or the project arborist must demonstrate works in the TPZ will not impact viable tree retention to the satisfaction of the Responsible Authority.

### ENGINEERING CONDITIONS

21. Prior to the occupation of the permitted building, the section of Lot 1 TP566609J adjacent to the building of its full width must be re-sealed or reconstructed using concrete to the satisfaction of the Responsibility Authority. All cost of works is to be bear by the permit holder only.

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22. Prior to the occupation of the permitted development the construction of all civil works within the site, including water tanks, and internal/external signs must be fully completed and subsequently inspected and approved by a suitably experienced Civil Engineering or qualified person 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.
23. 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.
24. Prior to the occupation of the permitted development, piped drainage must be constructed to drain all impervious areas incorporating Water Sensitive Urban Design elements to the satisfaction of the Responsible Authority.
25. The installed awning over Lot 1 TP566609J must be constructed with appropriate drainage to direct and discharge water via the approved buildings' on Lot 1 PS445694 nominated legal point of discharge on to the satisfaction of the Responsible Authority.
26. Prior to the occupation of the permitted development, a detention system, on Lot 1 PS445694 must be constructed/installed to drain all impervious areas, to the satisfaction of the Responsible Authority.
27. 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/Submitstormwater-drainage-and-computations>
28. 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.

## 29. **PERMIT EXPIRY**

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.
- d. The use is discontinued for a period more than two (2) years.

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires, or within 6 months afterwards if the development has not commenced, or 12 months after if the development has commenced but is not yet completed.

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## **NOTES:**

Prior to the commencement of any works affecting or involving Council roads or drains, Asset Protection and/or Road Reserve/Easement Works permit(s) are required. An application for a permit can be made at the Yarra Ranges Council Community Links (phone 1300 368 333). The application must include a copy of the relevant permit(s), endorsed site plan(s) and approved civil engineering plan(s) if required by this permit.

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/Stormwater-drainage>

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