

Delegate Report –Conditions and Notes

Application	YR-2022/452
Address of the Land	20 David Hill Road (Lot 2 LP7432), Monbulk
Proposal	Use and development of a childcare centre, removal of vegetation, display of business identification signage, and reduction in car parking
Responsible Officer	Alexia Paterson

THE FOLLOWING CONDITIONS ARE PROPOSED FOR THIS APPLICATION:

1. Prior to the commencement of the use and development (including the 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 the plans (*Prepared by On Architecture Pty Ltd dated 09/2022*), but modified to show:
 - a. Delineate on all relevant plans the rear southern easement consistent with information on the Certificate of Title;
 - b. Any modifications to achieve no buildings and works, including retaining walls, to exceed 10 percent into Tree Protection Zone of Tree #24 and #25 and be inside Structural Root Zone of Tree #23, #24 and #25 as listed in the Arboricultural Report;
 - c. Delineate the Shared Path road reserve sign along the subject site's Victoria Avenue frontage and notate the sign to be relocated to satisfaction of Responsible Authority;
 - d. Allocate, sign and notate a minimum of four (4) single bay carparking spaces for purposes of high turnover drop/pick off activities;
 - e. Notate the carparking area to be constructed as a sealed surface;
 - f. Dimension the crossover to be 6.4 metres wide;
 - g. Water tanks facing Victoria Avenue to be appropriately screened to visually conceal;
 - h. Deletion of Sign 1;
 - i. Reduction in the height of Sign 2 to 2.0metres;
 - j. Delineate, on all relevant plans, acoustic barriers consistent with the approved Acoustic Report;
 - k. Delineate on all relevant plans the materials to be used, textures and colours in the construction of the acoustic barriers;
 - l. A notation of all construction measure recommendations outlined the submitted arborist report to minimise impact to neighbouring trees, and
 - m. An amended Landscape Plan in accordance with Condition 3.All of the above must be to the satisfaction of the Responsible Authority.

2. The use and development shown on the endorsed plans shall not be altered or modified without the written consent of the Responsible Authority.

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3. Before the development commences, an amended Landscape Plan to the satisfaction of the responsible authority and prepared by a person suitably qualified or experienced in landscape design must be submitted to and approved by the responsible authority. When approved, the plan will be endorsed and 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 submitted plan but amended to show:
 - a. Any modifications in the accordance with Condition 1;
 - b. Any modifications to be consistent with Site/Ground Floor Plan/s;
 - c. An updated plant schedule to show all planting sizes when planted to be of semi–mature in size, and include a dense spread of appropriate Evergreen planting along rear southern boundary capable of reasonably concealing the approved adjacent acoustic wall;
 - d. At least 1 medium sized canopy tree planted within front (side) David Hill Road setback, capable of reaching mature heights of 4-6 metres, with a semi–mature planting size when planted;
 - e. Any modifications to planting schedule to suitably respond to Clause 53.02-5 Table 6 of the Yarra Ranges Planning Scheme.
4. The landscape works as shown on the endorsed plan must be carried out prior to occupation of the permitted development, or if not occupied, within three months of completion of the permitted development. With written consent of the Responsible Authority landscaping may be deferred to the first planting season (May to September) following the completion of the permitted buildings and/or works. New planting must be maintained or replaced as necessary to the satisfaction of the Responsible Authority.
6. The Childcare Centre use, subject to this approval, is only permitted between the following hours:
 - a) Monday to Friday – 6.30am to 6.30pm
7. A maximum of 80 children are permitted in the childcare centre at any one time.
8. Noise levels emanating from the premises must not exceed those required to be met under Environment Protection Regulations under the *Environment Protection Act 2017*.
9. Noise emissions from the land shall comply with EPA Publication 1826.4 – Noise Limit and assessment protocol for the Control of Noise from Commercial, Industrial and Trade premises and Entertainment Venues at all times.
10. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible authority.

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11. Before the buildings approved by this permit are occupied, all acoustic fencing including cantilever fin must be erected as per the endorsed plans. The cost of such fencing must be met by the owner and carried out to the satisfaction of the Responsible Authority. All acoustic treatments must be maintained to achieve the acoustic attenuation specified in the endorsed Acoustic Report to the satisfaction of the Responsible Authority.
12. Deliveries to and from the site (including waste collection) must only take place between 7am and 7pm - Monday to Friday.
13. The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:
 - a. transport of materials, goods or commodities to or from the land
 - b. appearance of any building, works or materials
 - c. emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.
 - d. presence of vermin
 - e. others as appropriateAll to the satisfaction of the Responsible Authority.
14. 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.
15. Any air-conditioning unit must be positioned so that no noise disturbance is caused to occupiers of adjoining properties and appropriately screened from public view, including adjoining properties to the satisfaction of the Responsible Authority.
16. All security alarms or similar devices installed on the land must be of a silent type to the satisfaction of the Responsible Authority.

ARBORIST CONDITIONS

17. Prior to the commencement of any buildings and/or works approved by this permit, temporary fencing must be erected around any tree shown for retention on the endorsed plans 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 assessed in the Arborist Report by John Patrick, 10/2022. 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

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- 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.

- 18. The existing street tree(s) must not be removed or damaged to the satisfaction on the Responsible Authority.
- 19. 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.
- 20. This permit authorises the removal of trees numbered #1–17 and 26 as shown on the arborist report (John Patrick, 10/2022) All other trees must be retained to the satisfaction of the Responsible Authority.

TRAFFIC CONDITONS

- 21. Prior to the occupation of the permitted development the car parking spaces and vehicular access ways shown on the endorsed plan must be fully constructed, sealed, delineated and/or signed and drained incorporating Water Sensitive Urban Design elements to the satisfaction of the Responsible Authority.
- 22. Prior to the commencement of the use the two existing concrete vehicle crossings in Victoria Avenue must be removed and all Council assets, including the nature-strip, reinstated to the satisfaction of the Responsible Authority.
- 23. Prior to the occupation of the permitted development the existing crushed rock vehicle crossing in David Hill Road must be removed and all Council assets, including the nature-strip, reinstated to the satisfaction of the Responsible Authority.
- 24. Prior to the commencement of the use a nominal 6.4 metre trafficable width concrete vehicle crossing must be constructed in Victoria Avenue in accordance with Standard Drawing SD/C1, to serve the development and all

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Council assets, including the nature-strip, reinstated to the satisfaction of the Responsible Authority.

25. Prior to the commencement of the use the construction of all civil works within the site, and internal/external signs must be fully completed and subsequently inspected and approved by a suitably experienced Civil Engineer 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.
26. 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.

DRAINAGE CONDITIONS

27. 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.
28. 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.yarranges.vic.gov.au/Development/Roads-drains/Applications-and-permits/Submit-stormwater-drainage-and-computations>
29. Prior to the occupation of the permitted development a detention system, must be constructed/installed to drain all impervious areas, to the satisfaction of the Responsible Authority.
30. 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.

CFA CONDITONS

31. Before the development starts, the Bushfire Management Plan prepared by Terramatrix, Version 1, Dated 16/05/2022 must be endorsed by the

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Responsible Authority. Once endorsed the plan must not be altered unless agreed to in writing by CFA and the Responsible Authority.

32. Before the development is occupied or the use commences, a Bushfire Emergency Plan (BEP) must be prepared and endorsed by the Responsible Authority. The BEP must clearly describe the emergency management arrangements that will be implemented to reduce the risk of bushfire and should address the following matters:
 - a. Describe property and business details
 - b. Identify the purpose of the BEP stating that the plan outlines procedures for:
 - i. **Closure of premises** on any day with a Fire Danger Rating of Code Red or extreme fire danger in the Central Fire District.
 - ii. **Evacuation** (evacuation from the site to a designated safer off-site location).
 - iii. **Shelter-in-place** (remaining on-site in a designated building).
 - c. Review of the BEP
 - Outline that the plan must be reviewed and updated annually prior to the commencement of the declared Fire Danger Period.
 - Include a *Version Control Table*.
 - d. Roles & Responsibilities
 - Detail the staff responsibilities for implementing the emergency procedures in the event of a bushfire and the triggers for acting. For example, when the facility will be closed and the circumstances under which guests and patrons will shelter in place or evacuate.
 - e. Emergency contact details
 - f. Bushfire monitoring procedures
 - Details the use of radio, internet and social networks that will assist in monitoring potential threats during the bushfire danger period.
 - Describe and show (include a map) the area to be monitored for potential bushfire activity.
33. 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.

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

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development and use has not commenced, or 12 months after if the development has commenced but is not yet completed.

Planning Officer **Alexia Paterson**

*** **Planner:** *DO **NOT** PRINT THIS DOCUMENT*

*** **Co-signer:** *WHEN ALL CHANGES HAVE BEEN ACCEPTED AND TRACK
CHANGES TURNED OFF **FINAL PRINT TO EMAIL***
