

Conditions and Notes

Application: YR-2022/782

Address of the Land: 1A Gear Avenue (Part Lot 14 LP7915), Mount Evelyn

Proposal: Use and development of a child care centre and associated vegetation removal (including road reserve tree)

THE FOLLOWING CONDITIONS ARE PROPOSED FOR THIS APPLICATION:

1. Prior to the commencement of the use and/or 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 decision plans (*Prepared by Dovetail Developments, dated Aug 22, Issue B*), but modified to show:
 - a. The location and details of
 - i. a concrete left turn only splitter island at the access (crossover);
 - ii. a left turn only sign post mounted onto the splitter island; and
 - iii. The directional line marking requiring all vehicles exiting the site to turn left only.
 - b. Amended landscaping plan to suit any plan changes in accordance with Condition 3.
 - c. Amended waste management plan to suit any changes particularly signage and turning restriction as a result of including the splitter island required by Condition 1a of this permit;
 - d. Replacement of 'Surf Mist' colour for verandah roof with a suitably muted and non-highly reflective tone having a Light Reflectance Value (LRV) of less than 40;
 - e. Details of intended shade provisions for outdoor play areas;
 - f. Allocate, sign and notate a minimum of four (4) single bay carparking spaces for purposes of high turnover drop/pick off activities;
 - g. The location and details of a minimum of two bicycle hoops in a location convenient to the entrance
 - h. Notate the carparking area to be constructed as a sealed surface;
 - i. Delineate, on all relevant plans, acoustic barriers consistent with the approved Acoustic Report;
 - j. Delineate on all relevant plans the materials to be used, textures and colours in the construction of the acoustic barriers;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.
3. Before the development commences, an amended Landscape Plan generally in accordance with the Landscape Plan submitted 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

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plan must be generally in accordance with the submitted plan but amended to show:

a. Any modifications in the accordance with Condition 1.

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.
5. This permit authorises the removal of any vegetation shown as being removed on the endorsed plan. This includes the removal of Council's street tree (Tree #7). Tree removal must be in accordance with the submitted arboricultural report and assessment (*Prepared by Treelogic, dated 8 August 2022*), which is endorsed under this permit.
6. No advertising sign other than those allowed in accordance with the Planning Scheme can be erected on the site without a planning permit from the Responsible Authority.
7. A minimum of 21 car parking spaces must be provided on site as part of this approval in accordance with the endorsed plans and car parking requirements of a 96 place childcare centre.
8. The Childcare Centre use must only operate between the following hours:
 - a. Monday to Friday – 7.00 am to 7.00 pm
9. A maximum of 96 children are permitted in the childcare centre at any one time.
10. Noise levels emanating from the premises must not exceed those required to be met under Environment Protection Regulations under the *Environment Protection Act 2017*.
11. 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.
12. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible authority.
13. Before the buildings approved by this permit are occupied, all acoustic fencing 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

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endorsed Acoustic Report to the satisfaction of the Responsible Authority.

14. Any requirement by the Responsible Authority to verify that the development has been completed and the use is operating in accordance with conditions 10 to 13 of this permit and associated costs are the sole responsibility of the permit holder and or operator of the use.
15. Waste collection must be collected by private waste contractor outside of childcare centre operating hours. Waste collection is to be in accordance with the endorsed waste management plan including truck movements entering and exiting the site.
16. Deliveries to and from the site (excluding waste collection) must only take place between 7am and 7pm - Monday to Friday.
17. 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 appropriate

All to the satisfaction of the Responsible Authority.

18. 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.
19. 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.
20. All security alarms or similar devices installed on the land must be of a silent type to the satisfaction of the Responsible Authority.

Traffic Conditions

21. Prior to the occupation of the permitted development the parking areas and vehicular access ways shown on the endorsed plan must be fully constructed, sealed, drained and delineated to the satisfaction of the Responsible Authority.
22. Prior to the commencement of the permitted use, the construction of all internal civil works, including car parking, vehicular access ways and drainage is to be inspected and approved by a suitably experienced civil engineer or person. This person must supply written certification that the works have been constructed in accordance with the approved plans, to the satisfaction of the Responsible Authority.

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23. Before the permitted use commences, the permit holder must arrange for the installation of "No Stopping" signage both sides of Gear Avenue between York Road and 3 Gear Avenue, Mount Evelyn by Council, to the satisfaction of Responsible Authority
24. Prior to the commencement of buildings and works, a payment of \$20,000 (adjusted annually for inflation) must be paid to the Responsible Authority for the construction of footpath from the crossover to the site to along the western side of Gear Ave to York Road.
25. The loading and unloading of vehicles and the delivery of goods must be carried out at all times within the site boundaries to the satisfaction of the Responsible Authority.
26. Before the use commences, a traffic and parking management plan 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. Traffic and parking operations on and adjacent to the site must conform to this endorsed plan. The plan must be generally in accordance with the plan (specify any earlier submitted plan) but must include:
- a. the location of all areas on site to be used for staff and patron parking
 - b. specification of staff numbers adequate to enable efficient operation of car parking areas on site
 - c. the means by which the direction of traffic and pedestrian flows to and from car parking areas will be controlled both on and off-site
 - d. measures to discourage patron car parking on Gear Avenue
 - e. measures to preclude staff parking in designated patron car parking areas
 - f. staffing and other measures to ensure the orderly departure and arrival of patrons especially any large groups departing at closing time.
27. Prior to the occupation of the permitted development the existing vehicle crossing must be removed and a new nominal 6.4 metre trafficable width concrete vehicle crossing must be constructed in Gear Avenue to the satisfaction of the Responsible Authority.
28. All vehicles must enter and exit the site in a forward direction to the satisfaction of the Responsible Authority. Exiting vehicles must do so by turning left only out of the site towards York Road
29. The parking areas, 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.
30. 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.

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Drainage Conditions

31. 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.
32. Prior to the occupation of the permitted development piped Council outfall drainage must be constructed to the satisfaction of the Responsible Authority.
33. 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.
34. Prior to the approval of engineering construction plans, a maintenance bond to the value of \$5000 or 5% of all Council works, whichever is greater, as required by this permit, must be paid to the Responsible Authority.
35. 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.
36. 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.
37. 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>
38. 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) 05-2008 2.2 Code of Practice, of the full length of all Council piped drainage, must be submitted to, and approved by, the Responsible Authority.

Arborist Conditions

39. 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 Tree Logic, 8/8/2022. If trees have not been assessed,

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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.

40. Prior to any buildings and/or works the permit holder must contact Council's arborist to arrange for any approved roadside tree removal at the permit holder's cost.

41. 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.

42. Prior to the removal of roadside tree(s) a cost recovery fee of \$400 per tree must be paid to Council for the planting of new tree(s). New tree(s) will be planted at a time and location determined by the Responsible Authority.

Country Fire Authority

43. Before the development starts, an amended Bushfire Management Plan 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 prepared by Terramatrix, Version 1.0, Dated 17/08/2022 but modified to replace the plan with the new building layout conditions for Access with:

a) Access

Access to the static water supply for fire fighting purposes must be provided which meets the following requirements:

- Access must have a load limit of at least 15 tonnes.
- Curves must have a minimum inner radius of 10m.
- The average grade must be no more than 1 in 7 (14.4 per cent) (8.1 degrees) with a maximum of no more than 1 in 5 (20 per cent) (11.3 degrees) for no more than 50m.
- Have a minimum trafficable width of 3.5m of all- weather construction.
- Be clear of encroachments for at least 0.5m on each side and 4m above the accessway.

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- Dips must have no more than a 1 in 8 (12.5 per cent) (7.1 degrees) entry and exit angle.

Modified Layout Plan

- Replace the plan with the amended building footprint.

44. **Bushfire Emergency Plan**

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:

- Closure of premises on any day with a Fire Behaviour Index Rating of Catastrophic fire danger in the Central Fire District.*
- Evacuation (evacuation from the site to a designated safer off-site location).*
- 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.

45. The bushfire protection measures forming part of this permit or shown on the endorsed plans, including those relating to construction standards, defensible 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.

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Permit Expiry

46. 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 four (4) 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 6 months afterwards if the development and use has not commenced, or 12 months after if the development has commenced but is not yet completed.

NOTES:

- The granting of this permit does not obviate the necessity for compliance with the requirements of any other authority under any act, regulation or local law.
- Building works approved under this planning permit shall not be commenced until a building permit has also been obtained under the *Building Act 1993* and the *Building Regulations 2018*.
- 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/Development/Roads-drains-footpath/Applications-and-permits/Apply-for-point-of-discharge>