

PLANNING PERMIT

GRANTED UNDER SECTION 96I OF THE
PLANNING AND ENVIRONMENT ACT 1987

Permit No.: YR-2019/131

Planning scheme: Yarra Ranges Planning Scheme

Responsible authority: Yarra Ranges Council

ADDRESS OF THE LAND: 361-365 Mt Dandenong Tourist Road (Lot 1 TP598211K, Lot 1 TP438760V & lot 2LP99548) Sassafras

THE PERMIT ALLOWS: Buildings and works relating to the use of the land for a food and drink premises, two (2) plant nurseries, a retail premises and an office.

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

1. Retroactive development plans in accordance with this permit, including the removal of any trees or other vegetation, 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 submitted with the application or subsequent plans but modified to show:
 - a. Provision of appropriate screen landscaping along the north-western boundary where the carpark abuts the adjoining residential property.
 - b. Provision of landscaping on either side of the car park entrance on Prince Street.
 - c. The replacement of the existing fence along the north-western boundary with a new timber fence 2 metres high for the extent of the common boundary with 2 Prince Street.
 - d. Define a maximum of 40 square metres for the indoor food and drink serving area and 36 square metres for the alfresco dining area.
 - e. A notation indicating the proposed car parking area is to be formed and constructed with crushed rock or other suitable permeable surface.
 - f. A notation indicating the proposed car parking spaces are to be delineated and details of how delineation will be provided.
 - g. The provision of one (1) accessible car space to AS/NZS 2890.6:2009.
 - h. All car parking bays re-numbered and dimensioned with dimensions of the car spaces and access driveway in accordance with Clause 52.06 of the planning scheme (as amended).
 - i. A notation indicating the existing crushed rock vehicle crossing in Prince Street is to be removed and replaced with a 6.0 metres wide gravel vehicle crossing.
 - j. The end of the proposed access way provided with a 1.0 metre extension in accordance with AS/NZS 2890.1:2004.
 - k. All existing easements labelled on relevant plans.
 - l. A 250m² wastewater envelope to be designated on the endorsed plan, including all applicable

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setback distances as described in EPA Publication 891.4 Code of Practice – Onsite Wastewater Management Table 5.

- m. Amended plans to show that shipping containers are to be retrofitted with cladding or other treatment to the satisfaction of the Responsible Authority.
 - n. Provision of screening along the south-western boundary from the edge of the eastern garden bed to the front elevation of the shipping container marked 'nursery retail.'
 - o. A schedule of construction materials, external finishes and colours to the satisfaction of the Responsible Authority.
 - ~~o.p.~~ p. Prepare and implement a Wastewater Management Plan in accordance with the conditions of this permit.
2. The layout of the site and the size of any proposed buildings and works shown on the endorsed plans shall not be altered or modified without the written consent of the Responsible Authority.
 3. The 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.
 4. 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.
 5. No external sound amplification equipment, loud speaker, siren or other audible signalling device will be installed on the land.
 6. 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, delineated and/or signed and drained incorporating Water Sensitive Urban Design elements to the satisfaction of the Responsible Authority.
 7. Within 12 months of the permitted development the existing crushed rock vehicle crossing in Prince Street must be removed and replaced with a new nominal 6.0 metre trafficable width gravel vehicle crossing and all Council assets, including the nature-strip, reinstated to the satisfaction of the Responsible Authority.
 8. Prior to the commencement of any buildings and works as required by this permit, a Drainage Strategy must be submitted to, and approved by, the Responsible Authority. The Drainage Strategy must show all drainage runoff being controlled and treated by Gross Pollutant Trap(s), and/or other Water Sensitive Urban Design elements.
 9. Prior to the occupation of the permitted development the construction of all civil works within the site, including drainage/detention 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.

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10. The loading and unloading of vehicles and the delivery and pick up of goods must be carried out at all times within the site boundaries.
11. All vehicles must enter and exit the site in a forward direction.
12. A Wastewater Management Plan must be submitted to and endorsed by the Responsible Authority for the existing buildings. The Wastewater Management Plan must specify the following information unless otherwise agreed in writing by the Responsible Authority:
 - How the design and installation of the tank will protect against hydrostatic uplift during or after pump-out occurs;
 - Evidence of a contract between the operator of the onsite wastewater treatment system with a suitable sewage/sludge pump-out operator, contact details of the sewage pump-out operator and confirmation that the sewage pump-out operator is available on-call 24 hours a day;
 - Confirmation that any wastewater discharged to the environment during pump-out is cleaned up immediately and reported to the Yarra Ranges Council Health Department within 24 hours.
 - A requirement that all wastewater from the pump-out tank is pumped into a sewage-sludge truck for transportation to an approved sewer main access hatch or centralised sewerage treatment plant for correct disposal;
 - Details of how daily effluent flow rates and hydraulic flow rates will be monitored;
 - A requirement to install an audio visual or telemetric alarm system that alerts the occupier of the onsite wastewater treatment system when the tank is three-quarters full and requires pumping out and provide the specifications of this system; and
 - A requirement to provide the plan to future landowners and operators of the onsite wastewater treatment system.

Once endorsed the Wastewater Management Plan must be implemented to the satisfaction of the Responsible Authority.

Approval to alter the Wastewater Management Plan must be obtained from the Yarra Ranges Council Health Department.
13. All sewage and sullage waste water from the proposed development must be discharged into a new EPA approved on-site wastewater treatment system which retains all wastes within the boundaries of the land and is located within any wastewater envelope indicated on the endorsed plan. Approval to install or alter an onsite wastewater treatment system must be obtained from the Yarra Ranges Council Health Department.
14. 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 the landowners and operators of the onsite wastewater treatment system to provide the Wastewater Management Plan to future landowners and operators of the onsite wastewater treatment system. The landowner must pay the reasonable costs of the preparation, execution and registration of the Section 173 Agreement.
15. 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.
16. **Bushfire Management Plan**
A bushfire management plan must be submitted to and endorsed by the Responsible Authority. The plan must show the following bushfire mitigation measures, unless otherwise agreed in writing by the CFA and the Responsible Authority:
Defendable space
 - a. Show an area of defendable space to the property boundary where vegetation (and other flammable materials) will be modified and managed in accordance with the following requirements:

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- 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.
- In relation to any new plantings into the ground:
 - Plants greater than 10 centimetres in height must not be placed within 3_m 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 square 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.
- There must be a clearance of at least 2 metres between the lowest tree branches and ground level.

Construction standards

- b. [Existing buildings are to be retrofitted to a minimum Bushfire Attack Level of BAL-29.](#)
- c. [New buildings are to be designed and constructed to a minimum Bushfire Attack Level of BAL-29.](#)

Water supply

- d. Show 10,000 litres of effective water supply for firefighting purposes which meets the following requirements:
 - Is stored in an above ground water tank constructed of concrete or metal.
 - All fixed above-ground water pipes and fittings required for firefighting purposes must be made of corrosive resistant metal.
 - The water supply must also:
 - Incorporate a ball or gate valve (British Standard Pipe (BSP) 65 millimetres) and coupling (64 millimetres CFA 3 thread per inch male fitting).
 - The outlet/s of the water tank must be within 4 metres of the accessway and be unobstructed.
 - Be readily identifiable from the building or appropriate identification signage to the satisfaction of CFA must be provided.
 - Any pipework and fittings must be a minimum of 65 mm (excluding the CFA coupling).

Access

- e. Show the access for firefighting purposes which meets the following requirements:
 - Curves must have a minimum inner radius of 10 metres.
 - 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 50metres.
 - Have a minimum trafficable width of 3.5 metres of all-weather construction.
 - Be clear of encroachments for at least 0.5 metres on each side and 4 metres above the accessway.
 - Dips must have no more than a 1 in 8 (12.5 per cent) (7.1 degrees) entry and exit angle.

17. Bushfire Management Plan – Maintenance

The bushfire mitigation measures forming part of this permit or shown on the endorsed plans, including those related to construction standards, defendable space, water supply and access, must be maintained to the satisfaction of the responsible authority on a continuing basis.

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This permit will expire if one of the following circumstances applies:

- a. The development is not started within two years of the issued date of this permit.
- b. The development is not completed within four years of the issued date of this permit.

In accordance with Section 69 of the *Planning and Environment Act* 1987, an application may be submitted to the Responsible Authority for an extension of the periods referred to in this condition.

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IMPORTANT INFORMATION ABOUT THIS PERMIT

WHAT HAS BEEN DECIDED?

The Responsible Authority has issued a permit. The permit was granted by the Minister under section 96I of the **Planning and Environment Act 1987** on approval of Amendment No. C186 to Yarra Ranges Planning Scheme.

WHEN DOES THE PERMIT BEGIN?

The permit operates from a day specified in the permit being a day on or after the day on which the amendment to which the permit applies comes into operation.

WHEN DOES A PERMIT EXPIRE?

1. A permit for the development of land expires if—
 - the development or any stage of it does not start within the time specified in the permit; or
 - the development requires the certification of a plan of subdivision or consolidation under the **Subdivision Act 1988** and the plan is not certified within two years of the issue of a permit, unless the permit contains a different provision; or
 - the development or any stage is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit or in the case of a subdivision or consolidation within 5 years of the certification of the plan of subdivision or consolidation under the **Subdivision Act 1988**.
2. A permit for the use of land expires if—
 - the use does not start within the time specified in the permit, or if no time is specified, within two years after the issue of the permit; or
 - the use is discontinued for a period of two years.
3. A permit for the development and use of land expires if—
 - the development or any stage of it does not start within the time specified in the permit; or
 - the development or any stage of it is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit; or
 - the use does not start within the time specified in the permit, or, if no time is specified, within two years after the completion of the development; or
 - the use is discontinued for a period of two years.
4. If a permit for the use of land or the development and use of land or relating to any of the circumstances mentioned in section 6A(2) of the **Planning and Environment Act 1987**, or to any combination of use, development or any of those circumstances requires the certification of a plan under the **Subdivision Act 1988**, unless the permit contains a different provision—
 - the use or development of any stage is to be taken to have started when the plan is certified; and
 - the permit expires if the plan is not certified within two years of the issue of the permit.
5. The expiry of a permit does not affect the validity of anything done under that permit before the expiry.

WHAT ABOUT REVIEWS?

- In accordance with section 96M of the **Planning and Environment Act 1987**, the applicant may not apply to the Victorian Civil and Administrative Tribunal for a review of any condition in this permit.