

Endorsed conditions for the resolution of Item 9.2 – Planning Delegated Committee Meeting 12 July 2023

Amended Plans

1. Before the commencement of the use for a function centre, amended plans drawn to scale to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The amended plans must be drawn to scale with dimensions and an electronic copy must be provided. When approved, the plans will be endorsed and will then form part of this permit. The plans must be generally in accordance with the plans submitted and assessed with the application, but modified to show:
 - a) Dust Management Plan detailing the management of dust in relation to deliveries, traffic and mud on roads. The plan must include details of a contact person/site manager for events.
 - b) Bushfire Emergency Management Plan required by condition 30 of this amended permit;

Endorsed Plans

2. The use and development as shown on the endorsed plans must not be altered unless with the prior written consent of the Responsible Authority.

Hours of Operation

3. Unless with the prior written consent from the Responsible Authority, the Function Centre use hereby permitted may only operate between the following hours:

Medium sized functions comprising a maximum of 50 people

- a) Wednesdays, Thursdays, Fridays and Saturdays: 9am to 9:30pm
- b) Sundays: 9am to 5:30pm

Large sized functions comprising a maximum of 100 people

- a) Fridays: 9am to 11pm
- b) Saturdays: 11am to 11pm

The hours of operation listed above must not be varied without the written consent of the Responsible Authority.

4. Unless with the prior written consent from the Responsible Authority, the Wellness Centre/Medical Practice use hereby permitted may only operate between the following hours:

Monday to Saturday: 8.00am to 1.00pm

Tuesday to Thursday: 2.00pm to 7.00pm

Patronage Restrictions (Medical Centre)

- 5. The Medical Centre (Wellness retreat) use hereby permitted shall be restricted to that conducted by five (5) practitioners at any one time, unless with the prior written consent from the Responsible Authority.**
- 6. The Medical Centre (Wellness retreat) use hereby permitted shall be restricted whereby each yoga/pilates session will have only three (3) clients at any one time and only one such class can occur at a time, unless with the prior written consent from the Responsible Authority.**

Patronage Restrictions (Function Centre)

- 7. The Place of Assembly (Function Centre) use hereby permitted shall be operated with the following restrictions in relation to number of events and patron numbers, unless with the prior written consent from the Responsible Authority:**
 - a) Carrying out of a maximum of ten (10) events a year, comprising a maximum of fifty (50) people;**
 - b) Carrying out of a maximum of two (2) events a year, comprising a maximum of one hundred (100) people;**

Amenity Conditions

- 8. Unless with the prior written consent of the Responsible Authority, before the use commences, the screen fencing shown on the endorsed plans must be carried out, completed and thereafter maintained to the satisfaction of the Responsible Authority.**
- 9. Music played and activities performed must be within the buildings dedicated to the uses as shown the endorsed plans and to the satisfaction of the Responsible Authority.**
- 10. All external lighting must be designed, baffled and located so as to prevent adverse effect on adjoining land, to the satisfaction of the Responsible Authority.**
- 11. At all times noise emanating from the land must comply with the requirements of the Environment Protection Regulations 2021 (as amended from time to time) as measured in accordance with the Noise Protocol to the satisfaction of the responsible authority.**
- 12. Noise generated from within the premises must not be audible within the habitable rooms with windows closed of any nearby dwellings to the satisfaction of the responsible authority.**
- 13. All security alarms or similar devices installed on the land must be of a silent type in accordance with any current standard published by Standards Australia International Limited and be connected to a security service to the satisfaction of the responsible authority.**

- 14. No external sound amplification equipment, loudspeakers or public address system are to be used for the purpose of announcement, broadcast, playing of music or similar purpose.**
- 15. The approved uses must not detrimentally affect the amenity of the neighbourhood, including 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**

Car Parking Conditions

- 16. All parking of vehicles under the control of patrons or staff employed in the operation of the function centre use hereby approved must be undertaken within the designated parking areas and must not overflow to nearby roads or other land, to the satisfaction of the Responsible Authority.**
- 17. Unless with the prior written consent of the Responsible Authority, the overflow car parking area identified on the endorsed plans must only be operated for the duration of two (2) events per year with a maximum of 100 patrons and must employ adequate dust management measures, to the satisfaction of the Responsible Authority.**
- 18. Prior to the commencement of the uses hereby approved the following must be completed:**
 - a) All vehicle access crossings except the middle access way must be upgraded in accordance with the Macedon Ranges Shire Council's standards. Crossings must be sealed when connecting to a sealed road.**
- 19. Before the uses commence and/or the occupation of the development, the area(s) set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:**
 - a) Constructed;**
 - b) Properly formed to such levels that they can be used in accordance with the plans;**
 - c) Surfaced with all weather pavement;**
 - d) Drained and maintained;**
 - e) Demarcated to indicate each car space;**
 - f) Clearly marked to show the direction of traffic along access lanes and driveways;**

to the satisfaction of the Responsible Authority. Car spaces, access lanes and driveways must be kept available for these purposes at all times, to the satisfaction of the Responsible Authority.

20. All car parking spaces must be designed to allow all vehicles to drive in a forwards direction when entering and exiting the property, a one way traffic system is required to be in place to the satisfaction of the Responsible Authority.
21. Public access to the site shall only be through the eastern entrance of the site and a one way system is to be put in place ensuring patrons will exit the site using the central accessway only. Appropriate signage is to be installed indicating the "Entry", "Exit" and "One Way". Details and locations of the signage are to be provided to Council's Engineering Department for approval.
22. Prior to the commencement of the uses, the signage required as part of Condition 21 of this permit shall be installed to the satisfaction of the Responsible Authority.
23. The applicant/owner must restrict sediment discharges from any construction sites within the property, to the satisfaction of the Responsible Authority.
24. Prior to any works being undertaken an "Asset Protection Permit" must be obtained from Council for the Council road reserve and drainage assets

MRSC Environmental Health Unit Conditions

25. Before the commencement of the use for function centre, existing treatment plant must be replaced with an EPA approved secondary treatment system with a minimum capacity of 3000L/day. All treated wastewater must be disposed of within the curtilage of the property.

All wastewater must be managed in accordance with part 5.7 of the Environment Protection Regulations 2021 to minimise the risk of harm to the environment and human health.

26. The design of the wastewater application area must be minimum of 1000m² and to be located in the area recommended by the Land Capability Assessment produced by Archaeo Environments Pty Ltd dated 26 March 2023.

Bushfire Management Conditions

27. Prior to the change of use and at all times:
 - a) Within 10 metres of the building, flammable objects such as plants, mulches and fences must not be located close to vulnerable parts of the building such as windows, doors, decks and eaves.
 - b) Trees must not overhang the roofline of the building, touch walls or other elements of the dwelling

- c) Grass within 30 metres of the dwelling must be no more than 5 centimetres in height and all leaves and vegetation debris are to be removed at regular intervals.

28. Prior to the change of use of the building, a static water supply must be provided on the land and must meet all of the following requirements:

- a) The water supply must have a minimum capacity of 40,000 litres that is maintained solely for fire fighting purposes.
- b) The water supply must be stored in an above ground water tank constructed of concrete, steel or corrugated iron.
- c) The water supply must be located within 60 metres of the outer edge of the building (including any obstructions).
- d) All pipework between the water supply and the outlet/s must be a minimum of 64 mm nominal bore.
- e) All fixed above-ground water pipelines and fittings must be of non-corrodible and non-combustible materials.
- f) The water supply must:
 - i. Be located so that fire brigade vehicles are able to get to within 4 metres of the
 - ii. water supply outlet.
 - iii. Incorporate an additional 64 mm (minimum) gate or ball valve and 64 mm (fixed size), 3 threads per inch, male fitting to suit a CFA coupling.
 - iv. Incorporate an additional ball or gate valve to provide access to the water by the resident of the dwelling.
 - v. The water supply outlet must not be obstructed by vegetation, buildings, fences or other structures.
 - vi. The water supply must be readily identifiable from the building or appropriate signage to the satisfaction of CFA must be provided

This condition does not apply where a static water supply of similar or greater capacity is required to be installed in accordance with the Building Regulations 2006.

29. Prior to the change of use of the building access to the static water supply outlet and the building must be provided and must be designed to allow emergency vehicle access. The design of the access (including gates, bridges and culverts) must comply with the following minimum requirements:

- a) Curves in driveway must have a minimum inner radius of 10 metres.

- b) Have a minimum trafficable width of 3.5 metres and be substantially clear of encroachments for at least 0.5 metres on each side.
- c) Be clear of encroachments at least 4 metres vertically.
- d) Access to the water supply conditions above do not apply where a static water supply of similar or greater capacity is required to be installed in accordance with the Building Regulations 2006.

30. Before the use and development commences, a Bushfire Emergency Management Plan (BEMP) to the satisfaction of the Responsible Authority must be submitted to and endorsed by the Responsible Authority. The BEMP must clearly describe the proposed emergency management arrangements and must address the following matters:

a) Premises Details

- Describe property and business details.
- Identify the purpose of the BEMP stating that the plan outlines procedures for:
 - i. Closure of premises on any day with a Fire Danger Rating of Code Red or Extreme.*
 - ii. Evacuation (evacuation from the site to a designated safer off-site location).*
 - iii. Shelter-in-place (remaining on-site in a designated building).*

b) Review of the BEMP

- 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*.

c) Roles & Responsibilities

- Detail the staff responsibilities for implementing the emergency procedures in the event of a bushfire.

d) Emergency contact details

- Outline organisation/position/contact details for emergency services personnel.

e) 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. (E.g. for 10 kilometres).

(f) Action Statements – trigger points for action

- i. ***Prior to the Fire Danger Period***
 - Describe on-site training sessions and fire equipment checks.
 - Identify maintenance of bushfire protection measures such as vegetation management (including implementation of protection measures required by any endorsed Bushfire Management Plan).
- ii. ***Closure of premises during forecast Fire Danger Rating of Code Red and Extreme days***
 - Outline guest notification procedures and details of premises closure (including timing of closure).
- iii. ***Evacuation***
 - Identify triggers for evacuation from site. For example, when evacuation is recommended by emergency services.
 - Details of the location/s of the offsite emergency assembly location.
 - Transport arrangements for staff and guests including details such as:
 - o Number of vehicles required
 - o Name of company providing transportation
 - o Contact phone number for transport company
 - o Time required before transportation is likely to be available
 - o Estimated travelling time to destination
 - Actions after the bushfire emergency event.
- iv. ***Shelter-in-place***
 - Show the location and describe the type of shelter-in-place.
 - Triggers for commencing the shelter-in-place option.
 - Procedures for emergency assembly in the shelter-in-place building.

Note: CFA's "A Guide for Businesses - Developing a Bushfire Emergency Management Plan in Victoria" can be found on the CFA website www.cfa.vic.gov.au and may provide additional information to assist.

All to the satisfaction of the Responsible Authority.

Permit Expiry

31. This permit will expire uses hereby permitted are not commenced within two years of the date of this amended permit.

In accordance with Section 69 of the Planning and Environment Act 1987 an application may submitted to the responsible authority for an extension of the periods referred to in this condition.