

PLANNING PERMIT

Permit No: YR-2019/344

Planning Scheme: Yarra Ranges Planning Scheme

Responsible Authority: Yarra Ranges Council

Address of the land: 4 Melba Avenue, (Lot A PS731531) Lilydale

The permit allows: Buildings and works to construct 16 dwellings and a reduction in the standard (visitor) car parking requirement in accordance with the endorsed plans.

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

1. Prior to the commencement of the 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 plans prepared by Arcadia, plans dated 21 June 2019, but modified to show:
 - (a) all wall heights above natural ground level (NGL);
 - (b) location/s of all retaining walls, including height and type of construction;
 - (c) the height and type of all boundary fencing (including internal fencing) to be constructed;
 - (d) screening measures in accordance with of Standard B23 of Clause 55.04-7 (Internal Views);
 - (e) the internal (south) garage door openings to the secluded private open space areas (as indicated below) altered to prevent motor vehicle access:
 - i. Lot 04;
 - ii. Lot 06;
 - iii. Lot 07;
 - iv. Lot 10;
 - v. Lot 11; and
 - vi. Lot 13.

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- (f) three (3) indented visitor car parking spaces to be provided on Parker Drive;
- (g) a Landscape Plan provided in accordance with Condition of this permit;
- (h) an area sufficient to accommodate 32 rubbish bins;
- (i) an Acoustic Report provided in accordance with Condition of this permit; and
- (j) an Environmentally Sustainable Design (ESD) Report and an Environmentally Sustainable Design (ESD) Management Plan provided in accordance with Condition of this permit.

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

2. Secondary Consent

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. Planning Permit Commencement

Prior to commencement of buildings and works, Permit YR-2014/932/B must be amended to achieve consistency with this permit including the provision of details of Templar Lane, Chitts Walk to Templar Lane and all necessary services to the development.

- 4. Prior to occupation of the development, the works to achieve access, including construction of Templar Lane and Chitts Walk, and services to the development must be completed.

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5. Landscaping

Prior to the commencement of any buildings or works a landscape plan must be prepared in accordance with Council's Landscape Guidelines and submitted and subsequently approved to the satisfaction of the Responsible Authority. Once approved, the Landscape Plan will be endorsed to form part of the Permit. The landscape plan must be prepared by a suitably qualified or experienced person to the satisfaction of the Responsible Authority and must be drawn to scale and show:

- (a) the species (botanical names) and quantities of trees to be removed on the Landscape Plan;
- (b) details of surface finishes of pathways and driveways;
- (c) a planting schedule of all proposed trees, shrubs and ground covers including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant;
- (d) the use of canopy trees, including a minimum of 1 for each dwelling excluding dwellings 2 and 16, being a minimum height of one metre when planted, and preferably listed on the EVC for this region;
- (e) the Plant Schedule of the Landscape Plan to include a minimum of 75% indigenous plant species and not include any listed environmental weeds known in the Yarra Ranges Council;
- (f) standard landscape notes included on the Landscape Plan in relation to soil preparation and planting technique for trees and shrubs;
- (g) the geographical location of all plant species proposed in the Plant Schedule on the Landscape Plan; and
- (h) new lawn areas on the Landscape Plan being established with seed from a non-invasive grass species.

Landscaping in accordance with this approved Landscape Plan must be completed prior to occupation of the permitted development, or if not occupied, within 3 months of completion of the permitted development. New planting must be maintained or replaced as necessary to the satisfaction of the Responsible Authority.

6. Prior to occupation of the development, landscaping in the area immediately in front of dwellings 3 to 14, as required by Permit YR-2014/932/B, must be completed or secured to the satisfaction of the Responsible Authority.



7. **Acoustic Attenuation**

Prior to/concurrent with the endorsement of the plans, an Acoustic Report must be submitted to and approved by the Responsible Authority to demonstrate how the dwellings will be acoustically treated from existing adjacent land uses (including the rail line), having regard to condition 62 of Permit YR-2014/932/B, to the satisfaction of the Responsible Authority.

8. Prior to occupation of the development, the acoustic attenuation measures recommended in the Acoustic Report must be implemented to the satisfaction of the Responsible Authority.

9. **Environmentally Sustainable Design**

Prior to/concurrent with the endorsement of the plans, an Environmentally Sustainable Design (ESD) report and Environmentally Sustainable Design (ESD) Management Plan must be submitted to and be approved by the Responsible Authority. The ESD report must confirm that the development has been designed to achieve a 6 Star NATHERS rating.

The measures included in the ESD Management Plan must be implemented prior to occupation of the building, to the satisfaction of the Responsible Authority.

10. **General**

During the construction phase of the development, the following conditions must be met:

- (a) Stormwater drainage system must be protected so that no solid waste, sediment, sand, soil, clay or stones from the premises enters the stormwater drainage system;
- (b) Material from the site must not be deposited on adjacent footpaths and roads abutting the site;
- (c) all machinery and equipment must be cleaned (if required) on site and not on adjacent footpaths or roads;
- (d) all litter (including construction refuse, packaging, waste materials and off cuts, and all other rubbish generated by occupation of the site) must be contained on site; and
- (e) dust suppression measures must be implemented and complied with.

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



11. Prior to the commencement of works, unless otherwise approved, detailed construction plans to the satisfaction of Council's Infrastructure Services must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions. The plans must include:
- (a) fully sealed pavement Templar Lane with appropriate signage and line marking; and
 - (b) the concrete footpath in Chitts Walk.

The plans, and plan checking fee can be submitted on Council's website at:

<https://www.yarraranges.vic.gov.au/Property/Roads-drains-footpaths/Stormwater-drainage>

All works constructed or carried out must be in accordance with those plans.

12. Prior to the occupation of the permitted development the parking areas, including visitor parking and vehicular access ways shown on the endorsed plan, must be fully constructed, sealed, drained and delineated to the satisfaction of the Responsible Authority.
13. Any air-conditioning unit must be positioned so that no noise disturbance is caused to occupiers of adjoining properties. Any roof top unit must be provided with a sightscreen, to the satisfaction of the Responsible Authority.
14. Prior to the occupation of the development, all visual screening measures shown on the endorsed plans must be installed to the satisfaction of the Responsible Authority. All visual screening and measures to prevent overlooking must be maintained to the satisfaction of the Responsible Authority. Any screening measure that is removed or unsatisfactorily maintained must be replaced to the satisfaction of the Responsible Authority.
15. A letterbox must be provided for each of the premises at the street frontage to the satisfaction of the Responsible Authority.
16. The parking areas and drainage approved by this permit must be maintained and remain unobstructed to the satisfaction of the Responsible Authority.
17. **Stormwater**
- 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.

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18. Prior to the occupation of the permitted development the construction of all civil works within the site, including stormwater management 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.
19. 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>

20. **Expiry**

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

- (a) The development is not started 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.

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.

This permit was issued on 19 November 2019 at the direction of the Victorian Civil & Administrative Tribunal (VCAT) in accordance with the order P1403/2019 dated 6 November 2019.

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IMPORTANT INFORMATION ABOUT THIS PERMIT

What has been decided?

The responsible authority has issued a permit at the direction of the Victorian Civil and Administrative Tribunal.

Can the Responsible Authority amend this permit?

The Responsible Authority may amend this permit under Division 1A of Part 4 of the **Planning and Environment Act 1987**.

When does a permit begin?

A permit operates from the date specified in the permit; or if no date is specified, from the date on which it was issued, in any other case.

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 the 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 the 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 appeals?

- The person who applied for the permit may apply for a review of any condition in the permit unless it was granted at the direction of the Victorian Civil and Administration Tribunal, in which case no right of review exists.
- An application for a review must be lodged within 60 days after the permit was issued, unless a Notice of Decision to grant a permit has been issued previously, in which case the application for review must be lodged within 60 days after the giving of that notice.
- An application for review is lodged with the Victorian Civil and Administrative Tribunal.
- An application for review must be made on an Application for Review form which can be obtained from the Victorian Civil and Administrative Tribunal, and be accompanied by the applicable fee.
- An application for review must state the grounds upon which it is based.
- An application for review must also be served on the Responsible Authority.
- Details about applications for review and the fees payable can be obtained from the Victorian Civil and Administrative Tribunal.