

CONDITIONS

Application	YR-2023/594
Address of the land	443 Maroondah Highway (9 Janson Place) Lilydale
Proposal	Building and works to construct eleven (11) dwellings

- 1 Before the development starts, amended plans to the satisfaction of the responsible authority 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 a digital copy must be provided. The plans must be generally in accordance with the plans submitted with the application (DeNavi building design; Sheets 1 – 8 of 11; Project No. 22/2777B; dated 15/08/2023) but amended to show the following:
 - (a) An updated schedule of colours and materials including:
 - i. An alternate material and colour finish for the common accessway, as per the site plan notations.
 - ii. The roof colour revised to a light – medium grey
 - (b) All vehicle accessway grades in accordance with Clause 52.06-9 of the Yarra Ranges Planning Scheme
 - (c) Visibility splays measuring 2.0m wide along the Janson Place boundary and 2.5m deep into the property. Any structure or landscaping within visibility splays of driveway (2.0m along front boundary and 2.5m into property) must be no greater than 900mm in height.
 - (d) The waste collection turning bay and driveway redesigned as per the plan received by Yarra Ranges Shire Council and dated 19/02/2024, ground floor plan, DeNavi Building Design, to facilitate the waste truck exiting the site in a forward motion.
 - (e) The break between Dwelling 9 and 10 to be a minimum of 2.0 metres increasing to 4.0 metres at the garage. Boundary setbacks are to remain unaltered.
 - (f) A notation on the site plan to state “*drainage easement will be maintained and kept clear of cut and fill, structures including outbuildings, paving and solid surfaces*”.
 - (g) The internal fence between Dwellings 3 and 4 to be relocated from off the top of the Council pit. A notation on the site plan to state “*All fencing to Dwellings 1 - 4 must be constructed 200 mm above the finish ground surface and be of lightweight construction (either timber or aluminium)*”.

- (h) A notation on the plan to state *“the alignment and design of the common accessway within the drainage easement must ensure the overland flow path remains within drainage easement”*.
 - (i) All recommendations and requirements of the sustainable design assessment (SDA) endorsed under Condition 14.
 - (j) A landscape plan in accordance with Condition 3 of this permit.
- 2 The development as shown on the endorsed plans must not be altered or modified (unless the Yarra Ranges Planning Scheme specifies a permit is not required) without the prior written consent of the responsible authority.

Landscape Conditions

- 3 Before the development starts, a Landscape Plan to the satisfaction of the responsible authority and prepared by a suitably qualified person must be submitted to and approved by the responsible authority. When approved, the Landscape Plan will be endorsed and will then form part of the permit. The plan must be drawn to scale, fully dimensioned and a digital copy must be provided. The plan must show:
- (a) A survey (including botanical names, trunk location, trunk diameter and canopy spread) of all existing vegetation. The survey must clearly mark existing vegetation to be retained and removed. The survey must also include any street trees.
 - (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. All species selected must be to the satisfaction of the responsible authority.
 - (d) Landscaping and planting within all open areas of the site including:
 - i. A landscaping strip a minimum of 2.0 metres wide along the Janson Place frontage.
 - ii. Landscaping and planting on both sides of each driveway and around the internal driveway.
 - iii. Landscaping in beds adjacent to all garages must have a maximum height of 150mm to not obstruct vehicle movements
 - iv. A landscaping strip a minimum of 1.0 metre wide along the southern and western boundary The strip must be planted with screening shrubs capable of growing a minimum of 2.0 metres tall.
 - v. A landscaping strip a minimum of 2.0 metre wide along the northern boundary. The strip must include shrubs (2.0 metres at the time of planting) reaching a minimum mature height of 3.0 metres to provide immediate screening. The strip must be planted with shrubs and groundcover and grass species suitable for planting within easements and must have a natural growing height of no more than 5.0 metres.
 - vi. Landscaped areas must be planted with shrub and groundcover species capable of achieving a minimum density of at least 85 per cent coverage 12 months after planting in accordance with Council’s Landscaping Guidelines.

- vii. The use of recyclable practices and if irrigation is to be provided it must not use potable water.
 - viii. All garden beds adjoining turf or gravel surfaces must have hard garden edging.
- (e) Trees in the following locations:
- i. A minimum of two canopy trees (2 metres high at the time of planting) reaching a minimum mature height of 6.0 metres within the Janson Drive frontage.
 - ii. A minimum of one canopy tree (2 metres high at the time of planting) reaching a minimum mature height of 6.0 metres within the garden beds adjacent to the common accessway and Dwellings 2 and 3, 9, 10 inclusive.
 - iii. A minimum of one canopy tree (2 metres high at the time of planting) reaching a minimum height of 10.0 metres within the secluded private open space of dwellings # 1 to 3 inclusive, and not within the easement
 - iv. A minimum of one canopy tree (2 metres high at the time of planting) reaching a minimum mature height of 6.0 metres within the secluded private open space of dwellings # 6 to 11 inclusive.
 - v. A minimum of two canopy trees (2 metres high at the time of planting) reaching a minimum height of 8.0 metres in the common visitor parking area to the rear of the property.

All trees are to be located outside of the 5.0 meter wide drainage easement.

- (f) 1200mm organic mulch diameter around any retained or proposed trees in lawn areas.
 - (g) The provision of notes regarding site preparation, including the removal of all weeds, proposed mulch, soil types and thickness, subsoil preparation and any specific maintenance requirements.
 - (h) The location of any tree protection zones and protection measures including for street trees accurately drawn to scale, labelled and notations referring to any endorsed Tree Management and Protection Plan, or Arboricultural Report.
- 4 Before the development is occupied, or by such later date as approved in writing by the responsible authority, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the responsible authority.

The landscaping shown on the endorsed plans must be maintained in accordance with the endorsed plans to the satisfaction of the responsible authority. Areas shown on the endorsed plan as landscaped must not be used for any other purpose and any dead, diseased or damaged plants are to be replaced within a reasonable timeframe of becoming aware of the dead, diseased or damaged plants.

General Amenity Conditions

- 5 Before the development is occupied, the development must provide external lighting capable of illuminating access to each garage, car parking space and pedestrian walkway, be shielded baffled to prevent adverse effect on adjoining land, and thereafter be maintained, all to the satisfaction of the responsible authority.

- 6 All pipes, fixtures, fittings, ducts and vents servicing any building on the land, other than gutters above the ground floor storey of the building, must be concealed in service ducts or otherwise hidden from view to the satisfaction of the responsible authority.

Drainage Engineering Conditions

- 7 Before the development starts, a Stormwater Management Plan to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the Stormwater Management Plan will be endorsed and form part of the permit. The Stormwater Management Plan must demonstrate that the layout and calculations of the site will:

Stormwater management plan to include:

- Not impact downstream developments.
- Meet the stormwater quality best practice objectives.
- Ensure the secure overland flow route in the event of a 50% obstruction of the Council wingwall inlet located in the south eastern section of the property.
- Ensure the alignment and design of the common accessway within the drainage easement must ensure the overland flow path remains within the drainage easement. This may require modifications to the kerb, road levels and other design elements to maintain the integrity of the overland flow path. The specific details of these modifications shall be determined during the detailed design stage.
- Connection to the stormwater point of discharge.
- All pit and pipes system.
- Shared assets contained to common property or a private easement drain amongst owners.
- Existing and proposed Council stormwater drains.
- Existing and proposed easements.
- Only council drains are contained within a Council easement.
- Water sensitive urban design features.
- Existing watercourses, gullies, overland flow paths and external catchments.
- Proposed over land flow paths.

Supporting calculations must include:

- 50% obstruction scenario at the wingwall inlet, delineate the levels of stormwater flow directed through the site, along with cross-sectional details.
- Permissible site discharge.
- Minor storm events contained to the stormwater system
- Major storm events not increased to downstream properties
- Safe passage of all overland flow up to the major stormwater event
- Water quality to meet best practice - submit STORM report demonstrating best practices can be achieved, features within report must be reflected on layout plan https://www.yarraranges.vic.gov.au/files/assets/public/webdocuments/build-develop/building-advice/development_engineering_guidelines.pdf

- 8 Before 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.
- 9 Before occupation of the permitted development, the existing earth bunds along the northern section of the subject site must be adequately raised to the height required by the supporting calculation of the existing Council pipe obstruction scenario.
- 10 Before the development starts, 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-andpermits/Submit-stormwater-drainage-and-computations>.

The development plans must also include the following items:

- (a) The floodway/ drainage easement is clear of cut and fill, structures including outbuildings, paving and solid surfaces.
 - (b) A cross section where the common accessway intersects over the 5.0m floodway / drainage easement and embankment demonstrating levels are not altered.
 - (c) Include calculations for the 50% blockage at the inlet of the Council drain at the South East section of site and provide the maximum levels of the stormwater that will be directed through the site during this scenario. Provide cross sectional details of the drainage easement with the expected water level during obstruction scenario
- 11 Before occupation of the permitted development, the entire stormwater drainage system must be constructed/installed to drain all impervious areas, to the satisfaction of the responsible authority.
 - 12 Before occupation of the permitted development, the construction of all civil works within the site, including the stormwater drainage system, must be fully completed and subsequently inspected and approved by a suitably qualified and 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.

Waste Condition

- 13 The provisions, recommendations and requirements of the endorsed waste management plan must be implemented and complied with to the satisfaction of the responsible authority.

Environmentally Sustainable Development Condition

- 14 The provisions, recommendations, and requirements of the endorsed sustainable design assessment (SDA) must be implemented and complied with to the satisfaction of the responsible authority.

Melbourne Water Condition

- 15 Prior to the commencement of works a separate application to Melbourne Water must be made and approved of any new or modified storm water connection to Melbourne Water's drains or watercourses. Prior to accepting an application, evidence must be provided demonstrating that Council considers that it is not feasible to connect to the local drainage system.

Section 173 Agreement Condition

- 16 Before the development starts, the owner must enter into an agreement with the responsible authority under section 173 of the Planning and Environment Act 1987 (Act) The Agreement must provide for:
- (a) The drainage easement is to be maintained at all times and kept clear of obstructions including cut and fill, structures including outbuildings, paving and solid surfaces, to the satisfaction of the responsible authority.
 - (b) All fencing to Dwellings 1 - 4 must be constructed 200 mm above the finish ground surface and be of lightweight construction (either timber or aluminium)".
 - (c) The waste collection to be undertaken by a private contractor as per the provisions outlined in the endorsed waste management plan.
 - (d) The owners' corporation is responsible for communicating all requirements to the occupants.
 - (e) Endorsed Developments Plans to be annexure.

This agreement must be registered on the title to the land in accordance with section 181 of the Planning and Environment Act 1987. The owner must pay the responsible authority's reasonable costs to prepare, review, execute and register the section 173 Agreement at the Land Titles Office.

Permit Expiry Condition

- 17 This permit will expire if one of the following circumstances applies:
- (a) The development is not started within **two years** of the date of this permit, or
 - (b) The development is not completed within **four 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 six months of expiry of permit of the commencement date.

An extension of time to complete the development or a stage of the development may be requested if:

- The request for an extension of time is made within 12 months after the permit expires; and
- The development or stage started lawfully before the permit expired.

NOTES:

- (i) The granting of this permit does not obviate the necessity for compliance with the requirements of any other authority, under this or any other Act, Regulation or Local Law.
- (ii) The owner and/or developer must ensure all relevant permits have been obtained before the use and or development starts.
- (iii) Building works approved under this planning permit must not be commenced until a building permit has also been obtained under the Building Act 1993 and the Building Regulations 2018
- (iv) Before any earthworks are undertaken, contact Dial Before You Dig.
- (v) This planning permit does not provide authorisation to enter or start works over the property of Yarra Ranges Shire Council; such authorisations must be independently sought from Council.

DRAINAGE ENGINEERING NOTE

- (vi) 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>.

MELBOURNE WATER NOTE

- (vii) The subject property is not subject to flooding from any Melbourne Water asset as the site has been filled to a minimum of 600mm above the 1% Average Exceedance Probability (AEP) floor level.