

CONDITIONS	
Application	YR-2024/269
Address of the land	7 Ryrie Street, Healesville
Proposal	Buildings and works to construct a second dwelling, construct a carport to existing dwelling, two lot subdivision and removal of vegetation
Planning Scheme Clause	Matter for which the permit has been granted
Clause 32.09-7 (NRZ)	Construction of two or more dwellings on a lot. Construction or extension of two or more dwellings on a lot.
Clause 32.09-3 (NRZ)	A permit is required to subdivide land
Clause 42.03-2 (SLO 22)	A permit is required to remove, destroy or lop any vegetation. A permit is required to construct a building or construct or carry out works (works within 4m of a substantial tree).
Clause 43.02-3 (DDO6)	A permit is required to subdivide land.
Clause 44.06-2 (BMO)	A permit is required for a building or construct of carry out works associated with Accommodation (Dwelling) A permit is required to subdivide land

Amended Plans

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 (Meeks Ink Design, dated 05/03/2024 and identified as Sheets: P001, P005, P007, P008, P009, P010, P011, P012, P013, P014, P015, P017, P018, P035 and P036 – 15 Sheets) but amended to show the following:
 - a) Drainage plan details for the 52 metres of outfall drainage required. The outfall drain is to be a minimum of 200mm in diameter and constructed to Council standards and satisfaction. Outfall drainage will

require sufficiently wide drainage easements in favour of council wherever required.

- b) The Lounge room window on the north façade, and the northern, and southern most windows on the east façade of the proposed dwelling treated with double glazing to prevent the transmission of sound and their sill height raised to 1.5 metres.
- c) All windows shown correctly on Sheets P009 and P010.
- d) East elevation showing the Bed 2 high sill window dimension above floor level.
- e) Site plan consistent with the Bushfire Management Plan details for the water tank location and size. A minimum of 10,000L is to be detailed. The tank must be shown have a connection point publicly accessible within 4 metres of the accessway.
- f) Accessway widened to 3.5 metres for CFA and emergency vehicle access and clear of encroachments for at least 0.5 metres on either side (allowing 4.0 metres clear in total).
- g) Internal dimensions for carports and garages must be shown and in accordance with the requirements of Clause 52.06 of the Yarra Ranges Planning Scheme.
- h) Dimension vehicle crossing width to Ryrie Street and include notation that 'Splays must be provided for the existing (to be widened) vehicle crossing in accordance with Yarra Ranges Council Standard Drawing SD/C1 – Vehicle crossing for Barrier Kerbs.'
- i) The notation 'Gravel driveway' must be removed and replaced with 'Sealed driveway' and the notation 'Existing unsealed brick driveway removed and replaced with a new sealed driveway' (except where permeable paving is required around Tree Protection Zones. In this instance, a notation and plan edits to be provided that details permeable paving in the Tree Protection Zones that fall inside the accessway for Trees #9, 12, 30 and 31.
- j) Amended arborist report showing
 - Tree #5 being retained and transplanted within the development and update site plan showing the transplanted location of Tree #5.
 - Tree #23 as exempt from a permit
 - Tree protection plan amended to show Tree #28 as being exempt/removed
- k) Amended Tree Protection Plan to clearly outline trees to be removed and trees to be retained, using a separate colour for retention and separate colour for removal. Trees #17, 20 & 25 must remain on site and form part of the Tree Protection Plan.
- l) Amended Bushfire Management Plan which includes the clumping of Trees #12, 30 and 31.
- m) A landscape plan in accordance with Condition 14.

- n) Site plan P009 detailing the bin locations, outdoor storage, clothes lines and water tanks.

General Conditions

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.
3. All waste water must be discharged into a reticulated sewerage system to the satisfaction of the relevant water authority.
4. Council's assets must not be altered or damaged in any way except with the prior written consent of the responsible authority.
5. The development must be managed so that the amenity of the area is not detrimentally affected including through the:
 - a) Transportation of materials, goods or commodities to or from the land.
 - b) Appearance of any building, works or materials.
 - c) Emission of noise, artificial light, smell, fumes, smoke, vapour, steam, soot, ash, dust, water, waste products, grit or oil.
 - d) Presence of vermin.
6. All development and works throughout the construction of the development must be undertaken in a way not allowing soil erosion and any exposed areas of soil must be stabilised to stop soil erosion to the satisfaction of the responsible authority.
7. Once the development starts, the development must be carried out and completed to the satisfaction of the responsible authority.
8. Any new dwelling allowed by this permit must not be connected to a reticulated gas service (within the meaning of Clause 53.03 of the relevant planning scheme). This condition continues to have force and effect after the development authorised by this permit has been completed.
9. The existing street tree(s) must not be removed or damaged to the satisfaction of the responsible authority.
10. 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.

11. The proposed removal of trees #2–4, 6, 7, 10, 11, 13–16, 18, 19, 21, 23, and 26–29 do not require a permit. All other trees must be retained to the satisfaction of the Responsible Authority.
12. 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.

Prior to Commencement of Works

13. Before the development starts, all persons undertaking the development or works on the site must be advised of all relevant permit conditions and associated statutory requirements or approvals applying to the land.
14. Before the development starts, an amended 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 (be generally in accordance with the plan (prepared by Aj Arboriculture, dated September 2023) but amended to) show:
 - a) Correct and clear identification of trees being retained and trees being removed and in compliance with Condition 1(j).
 - b) 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.
 - c) Buildings and trees (including botanical names, trunk location, trunk diameter and canopy spread) on neighbouring properties where the Tree Protection Zones of such trees fall within the subject site as calculated in accordance with Australian Standard 4970-2009 or its successor.
 - d) Details of surface finishes of pathways and driveways.
 - e) Tree protection measures and permeable Driveway construction (at grade) details and notations for Trees #9, 12, 30 and 31.
 - f) The new location of transplanted Tree #5.
 - g) Removal of the proposed canopy tree (*Acacia pycnantha*) within the side yard area in along the south side boundary for a more fire prone area appropriate planting in accordance with the Bushfire Management Plan for vegetation.
 - h) All proposed plantings must be able to meet the requirements of the Bushfire Management Plan
 - i) 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.

- j) Landscaping and planting within all open areas of the site including:
 - i. Landscaping and bushfire appropriate planting on both sides of each driveway and around the internal driveway.
 - ii. 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.
 - iii. The use of recyclable practices and if irrigation is to be provided it must not use potable water.
 - iv. Any planting within an easement must utilise species suitable for planting within easements and must have a natural growing height of no more than 5 metres.
 - v. All garden beds adjoining turf or gravel surfaces must have hard garden edging.
 - vi. 1200mm organic mulch diameter around any retained or proposed trees in lawn areas.
 - vii. 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.
 - viii. The location of any tree other 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.

15. Before the development starts, 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 Ajarboriculture, September 2023*). If trees have not been assessed, the TPZ is a circle with a radius equal to 12 times 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.

16. 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-and-permits/Submit-stormwater-drainage-and-computations>
17. 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.
18. 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.
19. 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.
20. Tree-fern (tree number #5) must be transplanted as follows:
 - a) Tree-ferns must be transplanted during cooler periods (preferably autumn or winter).
 - b) Careful excavation to preserve the root ball.
 - c) The relocation site must be a cool sheltered area.
 - d) The new site needs a hole dug to a depth of 50 cm (for trees with a height of greater than 2m) to allow for adequate stability.
 - e) The hole needs to be 2 times the width of the root ball to allow backfill with soil rich in organic matter. Water tree-ferns into their new position. Over the coming months, particularly over summer, water from the top to the base of the trunk to assist establishment.

Prior to Occupation of the Development

21. Before the development is occupied, the development must provide external lighting capable of illuminating access to each garage, car parking space and pedestrian walkway. The external lighting must be located, designed, directed, shielded and baffled and thereafter maintained, to the satisfaction of the responsible authority.
22. Before the development is occupied, or by such later date as approved in writing by the responsible authority, all new boundary fences must be

constructed to a height of not less than 1.8 metres or to the height specified on the endorsed plans along the side and rear property boundaries to the satisfaction of the responsible authority.

23. Before the development is occupied, or by such later date as approved in writing by the responsible authority, all pipes, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the responsible authority.
24. Before the development is occupied, the following development must be carried out and completed to the satisfaction of the responsible authority:
 - a) The areas set aside for car parking and access lanes on the endorsed plan have been:
 - i. Be fully constructed, sealed, drained and delineated
 - ii. The existing vehicle crossing in Ryrie Street must be splayed and suitable kerb to layback transition shall be provided in accordance with *Yarra Ranges Council Standard Drawing SD/C1 – Vehicle crossing for Barrier Kerbs*.
 - iii. All Council assets and nature strip shall be reinstated to the satisfaction of the responsible authority.
 - b) All landscaping works have been completed in accordance with the endorsed plan.
 - c) The land must be cleared of all excess, unused building materials or debris.
25. Before the development is occupied or by such later date with the prior written consent of the responsible authority, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the responsible authority.
26. Before the development is occupied, the driveway within the Tree Protection Zone (TPZ) of trees #9, 12, 30 and 31 must be constructed above the existing grade using permeable materials to the satisfaction of the Responsible Authority. There must be no excavation within the TPZ, except for scraping the surface up to 30mm deep to remove surface organics and/or debris.
27. Before the development is occupied, 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.
28. Before the development is occupied, piped drainage must be constructed to drain all impervious areas incorporating Water Sensitive Urban Design features, to the satisfaction of the Responsible Authority.
29. Before the development is occupied, a detention system, must be constructed/installed to drain all impervious areas, to the satisfaction of the Responsible Authority.

30. Before the development is occupied, 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.
31. Before the development is occupied, piped Council outfall drainage must be constructed to the satisfaction of the Responsible Authority.
32. 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.

Country Fire Authority (CFA) condition

33. The Bushfire Management Plan (BMP) prepared by Beacon Ecology, Version 2, Dated 3 May 2024 must be endorsed by the Responsible Authority, be included as an annexure to the section 173 agreement prepared to give effect to clause 44.06-5 of the Planning Scheme and must not be altered unless agreed to in writing by CFA and the Responsible Authority.
34. 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 at all times to the satisfaction of the responsible authority and the relevant fire authority.

Subdivision

35. The subdivision layout 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.
36. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity and gas services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.
37. All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.

38. The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.
39. The owner of the land must enter into an agreement with:
- a) a telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and
 - b) a suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.
40. Any lot shown on the endorsed plan must not be connected to a reticulated gas service (within the meaning of clause 53.03 of the relevant planning scheme). This does not apply to:
- a lot that will not be used for, or include, a dwelling; or
 - a lot that contains an existing dwelling or apartment; or
 - a lot where a permit has been granted for a dwelling or apartment on the land in the lot.

This condition continues to have force and effect after a statement of compliance under the *Subdivision Act 1988* has been issued and the subdivision authorised by this permit has been completed.

Prior to a Statement of Compliance

41. Prior to a Statement of Compliance being issued, piped drainage must be constructed to drain all lots and all impervious areas incorporating Water Sensitive Urban Design features, to the satisfaction of the Responsible Authority.
42. Prior to Statement of Compliance being issued, 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.
43. Prior to a Statement of Compliance being issued a stormwater detention system must be constructed to control all surface runoff from the subdivision

to ensure the maximum discharge from the property does not exceed the existing discharge, to the satisfaction of the Responsible Authority.

44. Prior to a Statement of Compliance being issued, 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>

45. 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.
46. Prior to the approval of Development Stormwater Drainage Engineering 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.
47. Prior to a Statement of Compliance being issued the owner/developer must demonstrate to the satisfaction of the Responsible Authority that stormwater runoff exiting the site has been designed and constructed to meet the current best practice performance objectives for stormwater quality, as contained in the Urban Stormwater - Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999) as follows:
- 80% retention of the typical annual load of suspended solids;
 - 70% reduction of the typical annual load of gross pollutants;
 - 45% retention of the typical annual load of total phosphorous; and
 - 45% retention of the typical annual load of total nitrogen.
48. Prior to a Statement of Compliance being issued, the owner of the land must enter into an agreement under section 173 of the *Planning and Environment Act 1987* with the responsible authority. The agreement must provide for:
- a) The development of the subject land in accordance with the endorsed plans and conditions of Planning Permit YR-2024/269, unless further written consent is obtained from the Responsible Authority.
 - b) State that it has been prepared for the purpose of an exemption from a planning permit under Clause 44.06-2 of the Yarra Ranges Planning Scheme.

- c) Incorporate the plan prepared in accordance with Clause 53.02-4.4 of this planning scheme and approved under this permit.
- d) State that if a dwelling is constructed on the land without a planning permit that the bushfire protection measures set out in the plan incorporated into the agreement must be implemented and maintained to the satisfaction of the responsible authority on a continuing basis.
- e) Explicitly exclude Lot 1 from the following exemption under Clause 44.06-2 of the Scheme.

“A building or works consistent with an agreement under section 173 of the Act prepared in accordance with a condition of permit issued under the requirements of Clause 44.06-5”.

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 costs to prepare, review, execute and register the section 173 agreement.

- 49. Prior to a Statement of Compliance being issued, any alterations to the existing dwelling including overhanging eaves as shown on the endorsed plans of planning permit YR-2024/269 must be carried out and completed to the satisfaction of the responsible authority.
- 50. Prior to a Statement of Compliance being issued, all common facilities such as mailboxes and common meters (gas and electricity meters) must be located within the common property to the satisfaction of the responsible authority.
- 51. Prior to a Statement of Compliance being issued for any stage of the subdivision under the *Subdivision Act 1988*, the owner of the land must provide written confirmation from:
 - a) a telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and
 - b) a suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.
- 52. Prior to a Statement of Compliance being issued, the owner/developer must demonstrate to the satisfaction of the Responsible Authority that stormwater runoff exiting the site has been designed and constructed to meet the current best practice performance objectives for stormwater quality, as contained in the Urban Stormwater - Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999) as follows:
 - 80% retention of the typical annual load of suspended solids;

- 70% reduction of the typical annual load of gross pollutants;
- 45% retention of the typical annual load of total phosphorous; and
- 45% retention of the typical annual load of total nitrogen.

In lieu of meeting all of the above stormwater quality objectives the owner/developer must demonstrate to the satisfaction of the Responsible Authority that it has nevertheless achieved the intended outcomes of Clause 56.07-4 of the Planning Scheme in accordance with relevant Practice Notes.

53. This permit will expire if:

- a) The development is not started within **two years** of the date of this permit; or
- b) The subdivision is not certified within **two years** of the date of this permit; or
- c) The development is not completed within **four years** of the date of this permit; or
- d) The subdivision is not completed within **five years** from the date of certification.

Development

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.

Subdivision

Where the subdivision is to be developed in stages, the time specified to start the first stage is two years from the date of this permit. The time specified to start any subsequent stage is up to five years from the date of certification of the previous stage and the time specified to complete each stage is five years from the date of certification.

The responsible authority may extend the commencement periods referred to if a request is made in writing before the permit expires or within six months after the expiry date.

NOTES:

1. 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.
2. The owner and/or developer must ensure all relevant permits have been obtained before the use and or development starts.
3. 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 2006*.
4. A subdivision approved under a planning permit does not constitute the certification of a Plan of Subdivision. A separate application should be made by a licensed land surveyor.
5. The starting of a subdivision is regarded by section 68(3A) of the *Planning and Environment Act 1987* as the certification of a plan under section 6 of the *Subdivision Act 1988*. Completion is regarded as registration of the subdivision.
6. For further information with regard to the Telecommunications Conditions above, please refer to Advisory Note 49 – Telecommunications Services & Facilities in Subdivisions available from the Victorian State Government.
7. This planning permit does not provide authorisation to enter or start works over the property of Council; such authorisations must be independently sought from Council.
8. Prior to the commencement of any works affecting or involving Shire roads or drains, Asset Protection and/or Road Reserve/Easement Works permit(s) are required. An application for a permit can be obtained at the Shire of Yarra Ranges Community Links.
9. 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-drainsfootpaths/Stormwater-drainage>

10. The Council works as required by this permit must be maintained in good condition and repair by the developer for a period of twelve months from the date of practical completion to the satisfaction of the Responsible Authority.
11. 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.

12. **CFA - Certification and Statement of Compliance**

CFA consents under Section 9 of the Subdivision Act 1988 to the Certification of the Plan of Subdivision. CFA does not want the Plan of Subdivision for this planning permit application referred under Section 8 of the Subdivision Act 1988.

CFA also consents to the Statement of Compliance for Subdivision under the Subdivision Act 1988.