
PLANNING PERMIT

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

Permit No.: YR-2022/512

Planning scheme: Yarra Ranges

Responsible authority: Yarra Ranges Council

ADDRESS OF THE LAND: 27-33 OLD HEREFORD ROAD, MOUNT EVELYN

THE PERMIT ALLOWS: THE SUBDIVISION OF LOT 1 TP 187625X INTO TWO LOTS (Lots 1 and 2)

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

1. Prior to the Certification of the Plan of Subdivision, a plan must be submitted for approval to the satisfaction of the Responsible Authority to show a building envelope 9 x 15 metres and adherence to Clause 53.02-4.4 of the Yarra Ranges Planning Scheme and will be required as a component of the Section 173 Agreement required under Condition 4 of this Permit.
2. The subdivision as shown on the endorsed plans must not be altered unless with the further written consent of the Responsible Authority.
3. This permit will expire if one of the following circumstances applies:
 - a. The Plan of Subdivision is not started within two (2) years of the date of this permit, as evidenced by the plan of subdivision being certified (all stages) by the Council within that timeframe; or
 - b. The registration of the subdivision is not completed within five (5) years of the date of certification.

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.

4. Before the statement of compliance is issued under the Subdivision Act 1988 the owner must enter into an agreement with the responsible authority under Section 173 of the Planning and Environment Act 1987 and make application to the Registrar of Titles to have the agreement registered on the title to Lot 2 under Section 181 of the Act. The agreement must include the following conditions:

- *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.*

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Signature for the responsible authority:

- *Incorporate the plan prepared in accordance with Clause 53.02-4.4 of this planning scheme and approved under this permit.*
- *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.*

The land owner must pay the reasonable costs of the preparation, execution and registration of the Section 173 Agreement.

Before certification is issued, a Bushfire Management plan must be prepared and approved by the CFA and Responsible Authority to show the following:

- a. Within the defensible space, vegetation (and other flammable materials) must be modified and managed in accordance with the following requirements:
 - 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.
 - Within 10 metres of a building, flammable objects must not be located close to the vulnerable parts of the building.
 - Plants greater than 10 centimetres in height must not be placed within 3m 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 5sq 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 branches and ground level.
- b. Access requirements for Lot 2 must meet the following requirements:
 - Curves must have a minimum inner radius of 10m
 - 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 50m).
 - Have a minimum trafficable width of 3.5m of all-weather construction.
 - Be clear of encroachments for at least 0.5m on each side and 4m above the accessway.

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- Dips must have no more than a 1 in 8 (12.5 per cent) (7.1 degrees) entry and exit angle.
 - c. 10,000 litres of effective water supply for fire fighting 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 fire fighting purposes must be made of corrosive resistant metal.
 - Include a separate outlet for occupant use.
 - d. The water supply must also:
 - Incorporate a ball or gate valve (British Standard Pipe (BSP) 65mm) and coupling (64mm CFA 3 thread per inch male fitting).
 - Be located within 60 metres of the outer edge of the approved building.
 - The outlet/s of the water tank must be within 4m of the accessway and be unobstructed.
 - Be readily identifiable from the building or appropriate identification signage to the satisfaction of the CFA must be provided.
 - Any pipework and fitting must be a minimum of 65mm (excluding the CFA coupling).
 - e. A building envelope and defendable space envelope to achieve a Bushfire Attack Level of 12.5.
5. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity, gas and telecommunication services to each lot shown on the endorsed plan in accordance with that authority's requirements and relevant legislation at the time.
 6. 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.
 7. 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.
 8. Before the issue of a Statement of Compliance for any stage of the subdivision under the *Subdivision Act 1988*, the owner of the land must enter into an agreement with and provide written confirmation from:

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- 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
 - 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.
9. Prior to a Statement of Compliance being issued, piped drainage must be constructed to drain all impervious areas of all lots incorporating Water Sensitive Urban Design features, to the satisfaction of the Responsible Authority.
 10. 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 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.
 11. Prior to 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, the satisfaction of the Responsible Authority.
 12. 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 consistent with all 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>
 13. 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 land 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:
 - a. 80% retention of the typical annual load of suspended solids;
 - b. 70% reduction of the typical annual load of gross pollutants;
 - c. 45% retention of the typical annual load of total phosphorous; and
 - d. 45% retention of the typical annual load of total nitrogen.
 14. 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.

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<https://www.yarraranges.vic.gov.au/Development/Roads-drains-footpath/Applications-and-permits/Apply-for-point-of-discharge>

15. Prior to Statement of Compliance being issued, the new 3.5 metre crossover for Lot 1 must be fully constructed to the satisfaction of the Responsible Authority.

| <i>Date of amendment</i> | <i>Brief description of amendment</i> | <i>Name of responsible authority that approved the amendment</i> |
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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. *[insert amendment number]* to the *[insert name of 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.
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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.