

AMENDED PLANNING PERMIT PL17/027471

Address of the land: 27 Kenilworth Avenue WONGA PARK

Lot 28 LP 25039 Vol 8567 Fol 219

The permit allows: Buildings and works for construction of a dwelling, driveway, outbuilding, pool and associated earthworks and vegetation removal

The following conditions apply to this permit:

1. Before the development starts, two copies of amended plans drawn to scale and dimensioned, must be submitted to and approved by the Responsible Authority. When approved the plans will then form part of the permit. The plans must be generally in accordance with the decision plans Ronnie Whitton Design and Drafting (Issue P, dated October 2017), but modified to show:
 - 1.1 The trees numbered as per the Tree numbers of the 'Arboricultural Report prepared by Dean Simonsen of Treemap Arboriculture and dated July 2017';
 - 1.2 The bushfire protection measures of the 'Bushfire management Report and Plan prepared by Foresite Planning and Bushfire Consultants' and dated 20 December 2017, including the bushfire attack level, construction standards, vegetation removal, defendable space, water supply and access included, updated, and a notation that these must be maintained to the satisfaction of the Responsible Authority on a continuing basis;
 - 1.3 The vegetation which is exempt from planning permission for its removal (weed species or under Bushfire exemptions) identified differently to vegetation approved for removal and vegetation for retention;
 - 1.4 Modifications of the batters by the inclusion or increase of retaining walls or alike modified retention methods, to ensure no batters are no steeper than a slope of 1:3 and a notation that batters are no steeper than 1:3;
 - 1.5 Visibility splays must be provided adjacent to the accessway at the site's frontage in accordance with Design Standard 1: Accessways of Clause 52.06-8 Car Parking of the Manningham Planning Scheme;
 - 1.6 The colours and materials schedule shown on the elevations plans;
 - 1.7 The area schedule updated to show building site coverage and permeability of the site.
- 1A. Before the development starts, amended plans drawn to scale and dimensioned, must be submitted to and approved by the Responsible Authority. When approved the plans will then form part of the permit. The plans must be generally in accordance with the decision plans prepared by Lateral Building Design (Revision B, dated April 2022), but modified to show:
 - 1A.1 Any earthworks on the cut and fill plan (or any other relevant plan) being considered under Planning Permit Application PLA22/0018 removed;
 - 1A.2 Tree 10 to be retained;
 - 1A.3 The swimming pool moved east or south-east to sit fully outside the tree protection zone of Tree 10 to the satisfaction of the Responsible Authority;
 - 1A.4 The pool surrounds constructed of a permeable paving or similar product where located within the tree protection zone of Tree 10 and the permeable material nominated and detailed on the materials and finishes schedule, to the satisfaction of the Responsible Authority;

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- 1A.5 The retaining wall to the west of the garage, to be reduced in length to be no more than 1 metre south of the western wall of the garage;
 - 1A.6 The fill within the tree protection zone of Tree 10 removed except within 1 metre of the south of the garage;
 - 1A.7 Location of tree protection fencing and details of tree protection measures required to be implemented for all existing vegetation to be retained, as per the Tree Protection Management Plan in accordance with Condition 4 of this permit;
 - 1A.8 A notation that all works within the tree protection zone of Tree 10 must be supervised by a suitable qualified arborist (minimum Australian Qualification Framework Level 5 and/or equivalent experience).
2. The use, development (including colours/materials) and vegetation removal as shown on the approved plans must not be altered without the written consent of the Responsible Authority.

Landscaping and Offsets for Native Vegetation Removal under the Environmental Overlay Schedule 2 (ESO2)

3. Before the commencement of the development, including any vegetation removal, an Offset and Landscape Plan must be submitted to the satisfaction of the Responsible Authority. The plan should be consistent with the Landscape Plan prepared by L.A. Garnett provided with the application and must be modified to include:
- 3.1 The modifications to the dwelling footprint to be consistent with the plans approved under Condition 1 of this permit;
 - 3.2 Replacement planting consisting of a minimum of eighteen (18) indigenous canopy trees (Eucalyptus species) and one-hundred and two (102) indigenous plants (which can comprise trees, shrubs, grasses, climbers and ground covers);
 - 3.3 Replacement Eucalyptus trees spaced with a minimum distance of 3m between each other;
 - 3.4 Where the required number and configuration of replacement plants cannot be achieved on the subject property, the permit holder must provide details of what replacement planting cannot be achieved and develop an appropriate alternative plan in consultation with Council to the satisfaction of the Responsible Authority
 - 3.5 The following environmental weeds removed and appropriately disposed of off-site: *Ligustrum lucidum*, *Melaleuca armillaris*, *Acacia howittii*, *Pittosporum undulatum*, *Cotoneaster pannosus* and *Fraxinus angustifolia*;
 - 3.6 Methods of managing and restoring the existing vegetation which is to be retained, included in a Schedule of Works;
 - 3.7 Methods of interim protection for newly established vegetation;
 - 3.8 Methods of protection for established vegetation where relevant;
 - 3.9 Persons responsible for implementing and monitoring the landscape plan; and
 - 3.10 A timeframe for implementing the landscape plan.
- 3A. Before the commencement of the development, including any vegetation removal, an Offset and Landscape Plan must be submitted to the satisfaction of the Responsible Authority. The plan should be consistent with the Landscape Plan requirements of Condition 3 of this Permit and the Landscape Plan prepared by Lateral Building Design provided with the application (Version B dated as per 6 May 2022), to the satisfaction of the Responsible Authority, and must be modified to include:
- 3A.1 Relevant modifications as required by Condition 1A of this permit;
 - 3A.2 A minimum of two (2) replacement indigenous canopy trees (eucalyptus species) to be planted within the front setback, at a minimum height of 1.5 metres;

- 3A.3 A minimum of one (1) additional replacement indigenous canopy tree (eucalyptus species) to be planted within the rear setback, along the eastern boundary, in place of some of the exotic species proposed, at a minimum height of 1.5 metres;
- 3A.4 The replacement indigenous (to Manningham) plant species to be bolded or highlighted on the Native Plant Schedule to decipher from the native plant species list;
- 3A.5 Consideration of the relevant vegetation management requirements of the Bushfire Management Plan (including canopy setbacks of a minimum of 2.0m);
- 3A.6 Any necessary deletions and/or modifications of the proposed native and exotic species, to ensure compliance with the required replacement plantings of indigenous species (to Manningham), to the satisfaction of the Responsible Authority.

Vegetation Protection

- 4. Before the submission of plans to be endorsed under Condition 1, a Tree Protection and Management Plan (TPMP) prepared by a suitable qualified Arborist, setting out how the trees to be retained will be protected during construction, and which generally follows the layout of Section 5 of AS4970 'Protection of trees on development sites', must be submitted to the Responsible Authority. When approved the TPMP will be endorsed and form part of the permit. The TPMP must include:
 - 4.1 A plan showing the TPZ and SRZ for all trees to be retained along with the location of protective fencing and/or areas where ground protection systems will be used.
 - 4.2 Details of any proposed work within a TPZ and construction controls required to reduce the impacts to retained trees.
 - 4.3 A statement advising any removal or pruning of Council owned trees must be undertaken by Council approved contractor.
 - 4.4 A statement that Council will be notified within 24 hours of any breach of the TPMP or where damage has occurred to the tree.
- 5. All Tree Protection Fencing must be maintained in good condition until the completion of the development to the satisfaction of the Responsible Authority.
- 6. The owner or developer must ensure all contractors/tradespersons (including demolition workers) who install services or work near trees to be retained are made aware of the need to preserve the trees and to minimize impacts on the trees through appropriate work practices.

Landscape Bond

- 7. Before the release of the approved plan (under Condition 1) for the approved development, a \$1450 cash bond or bank guarantee must be lodged with the Responsible Authority to ensure the completion and maintenance of landscaped areas and such bond or bank guarantee will only be refunded or discharged after a period of 13 weeks from the completion of all landscaping works, provided the landscaped areas are being maintained to the satisfaction of the Responsible Authority.

Earthworks

- 8. The extent and depth of excavation and/or filling must not exceed that shown on the approved plan without the written consent of the Responsible Authority.

Vegetation Removal

- 9. Before works start, the permit holder must advise all persons undertaking the vegetation removal or works on site of all relevant permit conditions and associated statutory requirements or approvals.

10. Only vegetation within the development footprint is to be removed/disturbed, as per the endorsed plans. No other vegetation (including trees, shrubs, grasses and herbs) shall be removed, damaged, destroyed, felled, lopped or uprooted unless with the prior written consent of the Responsible Authority.
11. Vegetation removal and the provision of offsets must be in accordance with the endorsed plans and landscape/offset plan to the satisfaction of the Responsible Authority.
12. Any tree pruning or removal within proximity of trees to be retained, should be undertaken by a qualified arborist to the Australian Standard – Pruning of Amenity Trees AS4373-1996 and to the satisfaction of the Responsible Authority.

Drainage, Stormwater and Sewer

13. The dwelling must not be occupied before it is connected to mains sewer to the satisfaction of the Responsible Authority.
14. Stormwater must not be discharged from the site other than by means of drainage to the legal point of discharge. The drainage system within the development must be designed and constructed to the requirements and satisfaction of the relevant Building Surveyor. A connection to Council maintained assets must not be constructed unless a Works within Road Reserve Application is first obtained from the Responsible Authority.
15. The whole of the land, including landscaped and paved areas must be graded and drained to the satisfaction of the responsible authority, to prevent ponding and to minimise overland flows onto adjoining properties.
16. Catch and table drains shall be provided at the top and bottom of any batters respectively. The catch and table drains should be connected to the point of discharge.

Construction Management

17. Prior to the works commencing (this includes any demolition, excavations, tree removal, delivery of building/construction materials and/or temporary buildings), vegetation protection fencing must be erected around all vegetation to be retained on/nearby site. This fencing must be erected at a minimum distance of two metres from retained vegetation, where practicable. All individual trees to be retained must have a Tree Protection Zone (TPZ) defined (at a radius of 12 x the diameter of a tree to a maximum of 15 metres but no less than two metres from the base of the trunk of tree) and must comply with AS4970-2009 '*Protection of trees on development sites*'. The fencing must be constructed of orange para-webbing or similar robust material approved by the Responsible Authority and erected to a height of 1.2 metres above ground level. Signage must be installed on the fence clearly identifying/stating 'Vegetation Protection Zone/s – No Entry'. It must be maintained in good condition until the completion of the construction works on the site, to the satisfaction of the Responsible Authority.
18. Except with the written consent of the Responsible Authority, within the area of vegetation to be retained and any Tree Protection Zone (TPZ) associated with the permitted use and/or development, the following is prohibited:
 - vehicular or pedestrian access;
 - trenching or soil excavation;
 - storage or dumping of any soils, materials, equipment, vehicles, machinery or waste products;
 - entry and exit pits for underground services; and

- any other actions or activities that may result in adverse impacts to retained native vegetation
19. All construction and maintenance equipment, earth moving equipment and associated machinery must be made free of soil, seed and plant material before being taken to the works site and again before being removed from the works site to the satisfaction of the Responsible Authority. This is to help prevent the spread of noxious weeds listed under the *Catchment and Land Protection Act 1994*.
 20. Any damage or disturbance to trees' root zones within the Tree Protection Zone (TPZ) must be reported to Council. A TPZ is 12 x the diameter of the tree taken at breast height. No digging or excavation can be undertaken within the TPZ as this may affect the future viability of the tree. Damaged tree root zones may deem the tree unviable and offsets may be required.
 21. Any trenching required for utilities must be undertaken within the driveway alignment. Any changes to this must be reported to the Environment Unit.

Fauna Protection and Management

22. No fauna are to be trapped, injured or removed from the site. All trees must be assessed to determine if there are fauna present prior to undertaking any tree removal. Fauna includes any marsupials, birds, bats and mammals. A fauna assessment is to be carried out prior to any works commencing to ensure no nesting sites are present in the trees and shrubs to be removed (this can be undertaken by a qualified arborist). Fauna Rescue should be organised with Wildlife Victoria on 1300 094 535 if any fauna are present.

General

23. The owner must use appropriate site management practices during construction to prevent the transfer of mud, dust, sand, slurry, litter, concrete or other construction waste from the site into drains or onto nearby roads. In the event that a road or drain is affected, the owner must upon direction of the responsible authority take the necessary steps to clean the affected portion of road or drain to the satisfaction of the Responsible Authority.
24. Disturbed surfaces on the land resulting from the buildings and works approved by this permit must be stabilised and revegetated within three (3) months of the completion of the development to the satisfaction of the Responsible Authority.
25. Landscaped areas must be fully planted and mulched or grassed generally in accordance with the approved plan within 6 months of the approval of the Amended Planning Permit, and to the satisfaction of the Responsible Authority.

CFA (BMO) Condition

26. The bushfire protection measures forming part of this permit or shown on the endorsed plans, including those relating to construction standards, defendable space, water supply and access, must be maintained to the satisfaction of the responsible authority on a continuing basis. This condition continues to have force and effect after the development authorised by this permit has been completed.

Expiry of Permit

27. This permit will expire if one of the following circumstances applies:
 - 27.1 The development is not started within two (2) years of the date of this permit; and
 - 27.2 The development is not completed within four (4) years of the date of this permit.

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The Responsible Authority may extend the periods referred to if a request is made in writing by the owner or occupier either before the permit expires or in accordance with Section 69 of the *Planning & Environment Act 1987*.

28. This permit will expire if one of the following circumstances apply:

28.1 The development approved by the Amendment to the Planning Permit PLA21/0048 is not started within two years of this Amended Planning Permit;

28.2 The development approved by the Amendment to the Planning Permit PLA21/0048 is not completed within four years of the issue date of this Amended Planning Permit.

This permit has been amended as follows:

Amendment No.	Description	Date Amendment Approved
PLA21/0048	<p>The permit is amended as follows:</p> <ul style="list-style-type: none">• Preamble modified to include construction of an outbuilding, swimming pool and associated earthworks• New Condition 1A to require amended plans• New Condition 3A to require amended landscape plans• New Condition 4 requiring a Tree Protection and Management Plan• New Conditions 5 and 6 relating to tree protection during construction• Subsequent renumbering of conditions• Modification of Condition 22 (now Condition 25), which read "Landscaped areas must be fully planted and mulched or grassed generally in accordance with the approved plan before the occupation of the building permitted and to the satisfaction of the Responsible Authority".• New Condition 28 for new permit expiry• New permit note for tree inspection <p>The development amended as follows:</p> <ul style="list-style-type: none">• Remove Tree 14 (dead)• Construct a garage and swimming pool in the rear setback and associated earthworks• Modified landscaping and replacement planting	5 July 2022

***Note:** An amendment/correction to the permit does not extend the validity of the permit. The expiry of this permit is calculated using the original permit issue date shown at the bottom of the page, not the date the amendment/correction was issued.

Permit Notes:

Permit Expiry

Under Section 69 of the *Planning and Environment Act 1987* the owner or occupier of the land may apply to extend a permit either:

- Before it expires; or
- Within 6 months of the expiry if the permit has not been acted on; or
- Within 12 months of the expiry of the permit if the development was started lawfully before the permit expired.

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Vehicle Crossover Permit

Prior to the construction of the vehicle crossover, the applicant is to obtain a 'Vehicle Crossing Permit'. Please contact Council's Engineering and Technical Services Department on 9846 0533.

ESO2 Offsets

Of the required offset, a minimum 15% amounting to 18 plant must be indigenous canopy trees (i.e. *Eucalyptus* naturally occurring in the relevant EVC appropriate to replanting site location). The balance (102 plants) must be indigenous species but can comprise shrubs, grasses and ground covers. These plants can be selected from the Manningham City Council's Native Splendour or with advice from an approved indigenous nursery. Plants must be sourced from one of the indigenous plant suppliers listed in Native Splendour (p. 4).

Retained Logs for Habitat

Any removed trees and logs can be placed within other parts of the property as habitat for local fauna, and/or as a site feature.

Tree inspection

Regular inspections of Tree 10 (*Eucalyptus gonicalyx*) should be undertaken by a qualified Arborist on a 3 year cycle or following local severe or damaging weather events, to identify changes to the trees condition and any works to maintain optimum health or structure.

IMPORTANT INFORMATION ABOUT THIS PERMIT

WHAT HAS BEEN DECIDED?

The responsible authority has issued a permit.

(Note: This is not a permit granted under Division 5 or 6 of Part 4 of the **Planning and Environment Act 1987**.)

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 –
 - (i) the date of the decision of the Victorian Civil and Administrative Tribunal, if the permit was issued at the direction of the Tribunal; or
 - (ii) the date on which it was issued, in any other case
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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 five 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
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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?

- 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 Administrative Tribunal, in which case no right of review exists.
- An application for 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 the relevant 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.
- A copy of 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.