

## AMENDED PLANNING PERMIT PLN19/0613

**Address of the land:** 14 Mitchell Avenue WARRANDYTE

Lot 1 LP 124357 Vol 9313 Fol 066

**The permit allows:** Buildings and works for an extension to the existing dwelling

**The following conditions apply to this permit:**

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### Amended Plans

1. Before the development starts, amended plans drawn to scale and dimensioned, must be submitted 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 plans submitted with the application (prepared by Adam Kane Architects, dated 27 February 2020) but modified to show:
  - 1.1 Timber cladding replaced with 'timber-look' cladding in a similar dark coloured tone (vertical shiplap timber/cement sheet cladding or similar), to the satisfaction of the Responsible Authority;
  - 1.2 Screen planting along the east and west boundaries, where practicable;
  - 1.3 Landscaping details, including species, locations, approximate height and spread of proposed planting and the retention of existing trees and shrubs, where appropriate;
  - 1.4 All proposed planting is of indigenous species;
  - 1.5 Details of tree protection measures required to be implemented for all existing vegetation within adjoining properties, as per the arboricultural report approved as part of this permit;
  - 1.6 A notation that the development must be constructed in accordance with the Bushfire Management Plan approved as part of this permit;
  - 1.7 Demonstration (through notations and dimensions) that the required canopy separation in accordance with the bushfire management plan approved as part of this permit is achieved.
- 1A. Before the works approved by amendment PLA21/0072 starts, further amended plans must be submitted to and approved by the Responsible Authority. When approved, the plans will then form part of the permit and will supersede plans endorsed under Condition 1. The plans must be generally in accordance with the plans submitted with the amendment application PLA21/0072 (prepared by Adam Kane Architects dated 21 September 2021), but modified to show:
  - 1A.1 The location and details of tree protection fencing for Trees 31 and 32, in accordance with the Arborist report prepared by Ryder Arboriculture and Environment dated 9 September 2021, to the satisfaction of the Responsible Authority.
  - 1A.2 The pool equipment zone relocated outside the Structural Root Zone of Tree 31.

### Endorsed Plans

2. The development as shown on the approved plans must not be altered without the written consent of the Responsible Authority.

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## Arboricultural Report

3. The development must be undertaken in accordance with the recommendations of the arboricultural report (prepared by Ryder Arboriculture & Environment, dated 9 September 2021) to the satisfaction of the Responsible Authority.

## Vegetation

4. No vegetation, apart from that shown on the approved plan as vegetation to be removed may be felled, destroyed or lopped without the written consent of the Responsible Authority.
5. The owner must ensure that contractors/tradespersons who install services or work near the vegetation to be retained are made aware of the need to preserve the vegetation and to minimise impacts through appropriate work practices.

## Drainage

6. All runoff from the development must be directed to the point of discharge to the satisfaction of the Responsible Authority.
7. Catch and table drains must be provided at the top and bottom of batters respectively and connected to the point of discharge to the satisfaction of the Responsible Authority.
8. 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.
9. Any backwash from the swimming pool must be discharged to the mains sewer, subject to any required approvals by the relevant authorities.

## Construction Management

10. 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.
11. The extent and depth of cut and fill must not exceed that shown on the approved plan without the written consent of the Responsible Authority.

## Completion

12. 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.
13. All retaining walls must be constructed and finished in a professional manner to ensure neat presentation and longevity to the satisfaction of the Responsible Authority.
14. Batter slopes must not exceed a slope of 1:3.

## Maintenance

15. Buildings, paved areas, drainage and landscaping must be maintained to the satisfaction of the Responsible Authority.

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## CFA Condition - Bushfire Management Plan

16. Before the development starts, the Bushfire Management Plan (BMP) prepared by Terramatrix, Version 1.3, must be endorsed by the Responsible Authority. Once endorsed, the BMP must not be altered unless agreed to in writing by CFA and the Responsible Authority.

### Bushfire Management Overlay mandatory condition

17. 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 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.

### Permit Expiry

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

- 18.1 The development is not started within two (2) years of the date of this permit; and  
18.2 The development is not completed within four (4) years of the date of this permit.

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*.

### Notes:

#### Submission of Plans

All plans submitted in accordance with the Permit should be submitted online. Search for your planning application on the [planning applications portal](#) and select **Endorse Plans**.

#### How to avoid the expiry of this permit

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.

#### Siting Assessment - Single dwellings

The planning scheme regulates the following matters in relation to this Permit:

- Street
- Site coverage

Pursuant to Building Regulation 68, your appointed building surveyor as part of the building permit process will need to assess any other relevant siting and design matters in accordance with the siting requirements of Part 5 of the Building Regulations.

#### Works Code of Practice

The development must comply with Council's Works Code of Practice (June 2017), available at [www.manningham.vic.gov.au/file/30396/download](http://www.manningham.vic.gov.au/file/30396/download).

#### Building Permit

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Please note that this planning permit does not give permission to commence work. A Building Permit must be issued prior to commencing building work pursuant to the Building Act and Building Regulations. Please contact Council's Building Service Unit on 9840 9430 or visit Council's website if you require further information.

### Indigenous Planting

The species of planting indigenous to Manningham should be selected from Council's Native Splendour publication, available at [www.manningham.vic.gov.au/file/3066/download](http://www.manningham.vic.gov.au/file/3066/download).

### This permit has been amended as follows:

Amendment No.	Description	Date Amendment Approved*
PLA21/0072	<p>The permit is amended as follows:</p> <ul style="list-style-type: none"><li>• New Condition 1A to require amended plans.</li><li>• Condition 3 amended to refer to the updated arborist report.</li><li>• Condition 16 amended to refer to the updated BMP, with items 16.1 – 16.4 deleted, as no further changes to the BMP are required.</li></ul> <p>The plans are amended as follows:</p> <ul style="list-style-type: none"><li>• Addition of a pool house outbuilding in the south-west corner of the site, with associated terraced landscaping works.</li></ul>	20 December 2021

**\*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.



## IMPORTANT INFORMATION ABOUT THIS PERMIT

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### 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**.)

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### 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**.

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### 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.

