

AMENDED PLANNING PERMIT PLN18/0260

Address of the land: 9 Kevin Court DONVALE

Lot 12 LP 64854 Vol 8540 Fol 269

The permit allows: Construction of two, two-storey dwellings with associated basement garages

The following conditions apply to this permit:

Amended Plans

1. Before the development starts, amended plans drawn to scale and dimensioned, must be submitted via email 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 Ario Arc, job number 171217, revision B, dated August 2018), but modified to show:
 - 1.1 Details of tree protection measures required to be implemented for all existing vegetation within adjoining properties, as per the arboricultural report (prepared by Matthew Nees, dated 03 August 2018) in accordance with Condition 3 of this permit;
 - 1.2 The western boundary fence, including any retaining walls, has a maximum height of 2 metres above natural ground level;
 - 1.3 The solid section of the western boundary fence limited to the section adjacent to the Dwelling 1 swimming pool;
 - 1.4 The eastern boundary fence has a height of at least 2 metres;
 - 1.5 The Dwelling 1 entry provided with pavers to provide direct access between the porch steps and driveway;
 - 1.6 The parapet elements within the streetscape elevation removed or reduced to the minimum extent required to the satisfaction of the Responsible Authority;
 - 1.7 A highlight window on the eastern wall for Dwelling 2's first floor Bedroom 4.
- 1A. Before the development starts, amended plans drawn to scale and dimensioned, must be submitted via email 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 Arioarc, job number 171217, revision F, dated October 2021), but modified to show:
 - 1A.1 The sewer pit adjacent to the proposed crossover for Dwelling 2 to be relocated or have a heavy duty lid to the satisfaction of the Responsible Authority;
 - 1A.2 The junction pit adjacent to the proposed crossover for Dwelling 2 to be modified/converted to suit the crossover profile in accordance with Council Standard Drawings and to the satisfaction of the Responsible Authority;
 - 1A.3 Removal of all raingardens;
 - 1A.4 Rainwater tanks relocated from the basement to outside the dwellings to the satisfaction of the Responsible Authority.

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Signature for the Responsible Authority

Endorsed Plans

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

Arboricultural Report

3. The development must be undertaken in accordance with the recommendations of the arboricultural report (prepared by Matthew Nees, dated 03 August 2018) to the satisfaction of the Responsible Authority.

Completion

4. Before the occupation of the approved dwellings, landscaped areas must be fully planted and mulched or grassed generally in accordance with the approved plan and to the satisfaction of the Responsible Authority.
5. Privacy screens and obscure glazing as required in accordance with the approved plans must be installed prior to occupation of the building to the satisfaction of the Responsible Authority and maintained thereafter to the satisfaction of the Responsible Authority. The use of obscure film or spray fixed to transparent windows is not considered to be 'obscure glazing' or an appropriate response to screen overlooking.
6. Driveway gradients and transitions as shown on the plan approved under Condition 1 of this permit must be generally achieved through the driveway construction process to the satisfaction of the Responsible Authority.

Landscape Plan

7. Before the development starts, a landscaping plan prepared by a landscape architect or person of approved competence must be submitted via email to the Responsible Authority for approval. Such plan must be generally in accordance with the plan approved under Condition 1 of this permit, and must show:
 - 7.1 Any changes to the development layout required under Condition 1 of this permit as relevant;
 - 7.2 Species, locations, approximate height and spread of proposed planting and the retention of existing trees and shrubs, where appropriate or as directed by any other condition of this Permit;
 - 7.3 Details of soil preparation and mulch depth for garden beds and surface preparation for grassed areas;
 - 7.4 Fixed edge strips for separation between grassed and garden areas and/or to contain mulch on batters;
 - 7.5 A sectional detail of the canopy tree planting method which includes support staking and the use of durable ties;
 - 7.6 A minimum of one (1) canopy tree, capable of reaching a minimum mature height of 8 metres, within the front setback of the site. The tree must be a minimum height of 1.5 metres at the time of planting;
 - 7.7 A minimum of one (1) canopy tree, within the private open space of each dwelling, to be a minimum height of 1.5 metres at the time of planting;
 - 7.8 Screen planting along the north, east and west boundaries, to be a minimum height of 0.5 metres at the time of planting;
 - 7.9 Planting within 2 metres along the frontage from the edge of the driveway(s) and 2.5 metres along the driveway(s) from the frontage to be no greater than 0.9 metres in height at maturity.



The use of synthetic grass as a substitute for open lawn area within secluded private open space or a front setback will not be supported. Synthetic turf may be used in place of approved paving decking and/or other hardstand surfaces.

- 7A. Before the development starts, an amended landscaping plan prepared by a landscape architect or person of approved competence must be submitted to the Responsible Authority for approval. Such plan must be generally in accordance with the decision plans for amendment application PLA21/0096 and must demonstrate compliance with Condition 7 of this permit.

Landscape Bond

8. Before the review of development plans under Condition 1 of this permit, a \$3,400 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 works, provided the landscaped areas are being maintained to the satisfaction of the Responsible Authority.

Vegetation

9. 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.

Street Tree

10. Except with the prior consent of the Responsible Authority, the existing street tree(s) must not be removed or lopped.

Stormwater – On-site detention (OSD)

11. The owner must provide on-site storm water detention storage or other suitable system (which may include but is not limited to the re-use of stormwater using rainwater tanks), to limit the Permissible Site Discharge (PSD) to that applicable to the site coverage of 35 percent of hard surface or the pre-existing hard surface if it is greater than 35 percent. The PSD must meet the following requirements:

11.1 Be designed for a 1 in 5 year storm; and

11.2 Storage must be designed for 1 in 10 year storm.

Construction Plan (OSD)

12. Before the development starts, a construction plan for the system required by Condition 11 of this permit must be submitted to and approved by the Responsible Authority. The system must be maintained by the Owner thereafter in accordance with the approved construction plan to the satisfaction of the Responsible Authority.

Drainage

13. Stormwater must not be discharged from the subject land 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 relevant engineering approval is first obtained from the Responsible Authority.
14. 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.

Site Services

15. All services, including water, electricity, gas, sewerage and telephone, must be installed underground and located to the satisfaction of the Responsible Authority.
16. All external services including pipes must be concealed and screened respectively to the satisfaction of the Responsible Authority.

Vehicle Crossings and Accessways

17. Prior to occupation of the approved dwellings, any new or modified vehicular crossover must be constructed in accordance with the plans endorsed under Condition 1 of this permit to the satisfaction of the Responsible Authority.
18. Redundant vehicle crossovers must be removed and the footpath, nature strip and kerbing reinstated to the satisfaction of the Responsible Authority.

Fencing

19. Prior to the occupation of the approved dwellings, all fencing must be erected in good condition in accordance with the plans endorsed under Condition 1 of this permit to the satisfaction of the Responsible Authority.

Brickwork / Retaining Walls

20. All retaining walls must be constructed and finished in a professional manner to ensure a neat presentation and longevity to the satisfaction of the Responsible Authority.

Maintenance

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

Construction Management

22. The owner must use appropriate site management practices to prevent the transfer of mud, dust, sand or slurry 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.
23. The extent and depth of cut and fill must not exceed that shown on the plans endorsed under Condition 1 of this permit without the written consent of the Responsible Authority.

Permit Expiry

24. This permit will expire if one of the following circumstances applies:
 - 24.1 The development is not started within two (2) years of the date of this permit; and
 - 24.2 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 (except for the engineering construction plan) submitted in accordance with the Permit should be submitted online. Search for your planning application on the [planning applications portal](#) and select **Endorse Plans**. The engineering construction plan should be submitted directly to Council's Infrastructure Services Unit [online](#).

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.

Works Code of Practice

The development must comply with Council's [Works Code of Practice \(June 2017\)](#).

Building Permit

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.

Post Construction Inspection

The Responsible Authority (Statutory Planning Unit) must be advised when all construction and works (including nature strip restoration and on-site landscaping) are fully completed to enable the site to be inspected for compliance with the approved permit and plans.

Construction over easements

Consent in the form of a written "Build Over Easement" consent/permit from the relevant service authority must be obtained before any works occur over an easement which is located on the subject land. For any queries in relation to these plans please contact Engineering and Technical Services Unit on 9846 0542.

Vehicle Crossing Approval

Before the construction or modification of any vehicular crossing, a Vehicle Crossing Permit must be obtained from the Responsible Authority. Approved vehicular crossings must be constructed under the Responsible Authority's supervision, for which 24 hours notice is required.

OSD Plans

Plans submitted for approval for the on-site storm water detention system should be forwarded to Council's Engineering and Technical Services Unit. For any queries in relation to these plans please contact Engineering and Technical Services on 9846 0563.

Electricity supply

Electricity must be provided to each dwelling via its own individual pit located within each allotment or via a shared pit located within a common driveway area.



Mailboxes

The location and design of mail boxes must accord with the relevant [Australia Post guidelines](#). Developers seeking additional information regarding this should call Australia Post Customer Service on 13 13 18.

Allocation of New Property Addresses

Manningham City Council is the Responsible authority for the allocation of all new property addressing. For information or advice regarding the allocation of new addresses please contact Council's Property Services team on 9840 9242.

Access to a Council reserve

Consent must be obtained from Council's Parks and Recreation Unit prior to the creation of access from the property to the adjacent Council reserve. Please contact them on 9846 0515 should you have any queries.

This permit has been amended as follows:

Amendment No.	Description	Date Amendment Approved*
PLA21/0096	<p>The permit is amended as follows:</p> <ul style="list-style-type: none">• Addition of Condition 1A;• Addition of Condition 7A to require an amended landscape to be consistent with the proposed changes to the endorsed plans. <p>The plans are amended as follows:</p> <ul style="list-style-type: none">• Reduction of the finished floor levels of Dwelling 1;• Altered roof form from pitched to flat, altered wall and building heights, alterations to the materials and finishes;• Increased Dwelling 1 & 2 footprints which results in the reduction of side and rear setbacks;• Removal of lifts and rearrangement of secluded private open space layouts to both dwellings;• Increased front setback to Dwelling 1, reduced front setback to Dwelling 2;• Alterations to the size of the front porches and front setback pedestrian path layout.	21 February 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.

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Signature for the Responsible Authority

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.

