

## PLANNING PERMIT PLN21/0215

**Address of the land:** 98 Dellfield Drive TEMPLESTOWE

Lot 26 LP 73565 Vol 8655 Fol 785

**The permit allows:** Construction of two, two-storey dwellings

**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 decision plans (Creative Line Studio, job number 20-03, dated 10 October 2021 but modified to show:

#### Dwellings

- 1.1 The Dwelling 2 Rumpus and Master Bedroom en suite setback an additional 500mm from the western boundary (a minimum setback of 2.57m);
- 1.2 The northern Dwelling 2 Family / Dining room window currently shown on elevation plans also shown on ground floor plans;
- 1.3 Both dwellings moved north by 1.0m to allow a 500mm increase within the garages for a nominated built in storage space and a 500mm increase in the size of the secluded private open spaces, to the satisfaction of the Responsible Authority;
- 1.4 The Dwelling 2 setback increased by a further 400mm to the rear by reducing the internal length of the dwelling, to the satisfaction of the Responsible Authority;

#### Access

- 1.5 A path from the Dwelling 2 driveway to the porch;

#### Open space

- 1.6 The storage sheds deleted from the private open spaces;
- 1.7 Dwelling 2's large retaining wall split into two stepped retaining walls, where over 1.0m in height, with a minimum 400mm landscaping between each stepped retaining wall and each with a maximum height of 1.0m;
- 1.8 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 Arborist Report in accordance with Condition 4 of this permit;
- 1.9 A notation that all works within the TPZ of Tree 3 must be supervised by a suitable qualified Arborist (minimum Australian Qualification Framework Level 5 and/or equivalent experience);
- 1.10 All water tanks and services located outside the SRZ of any tree to be retained;
- 1.11 Surface treatments with private open space areas, including side setbacks;
- 1.12 Finished surface level of all private open space areas;
- 1.13 A minimum 500mm wide garden bed located along the western boundary;
- 1.14 A minimum 1.0m wide garden bed located along the southern boundary;
- 1.15 The notation for the rear boundary fence to be retained to accurately point to the rear boundary (rather than the retaining walls);

### General

- 1.16 A garden area plan showing a minimum garden area of 35%, calculated as per Clause 73.03 of the Manningham Planning Scheme;

### Stormwater Management

- 1.17 A notation to indicate that the development must be constructed in accordance with the Stormwater Management Report approved as part of this permit, in accordance with Condition 3 of this permit;
- 1.18 All plan notations required by the Stormwater Management Report approved as part of this permit, as per Condition 3 of this permit.

### Endorsed Plans

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

### Stormwater Management Report

3. Before the review of plans under Condition 1 of this permit, a Stormwater Management Report must be prepared and submitted to the Responsible Authority. The report must demonstrate that the proposal achieves a STORM rating of 100% or higher, and when approved will form part of the permit and all of its requirements must be implemented and complied with at all times to the satisfaction of the Responsible Authority, unless with the further written approval of the Responsible Authority.

### Arboricultural Report

4. The development must be undertaken in accordance with the recommendations of the arboricultural report (prepared by Treespace Solutions, dated 10 August 2021) to the satisfaction of the Responsible Authority.
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. All contractors/tradespersons (including demolition workers) who install services or work near trees to be retained must be made aware of the need to preserve the trees and to minimize impacts on the trees through appropriate work practices

### Completion

7. 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.
8. 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.

### Landscape Plan

9. Before the development starts, a 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 plan approved under Condition 1 of this permit and must show:

- 9.1 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;
- 9.2 Details of soil preparation and mulch depth for garden beds and surface preparation for grassed areas;
- 9.3 Fixed edge strips for separation between grassed and garden areas and/or to contain mulch on batters;
- 9.4 A sectional detail of the canopy tree planting method which includes support staking and the use of durable ties;
- 9.5 A minimum of one (1) canopy tree, capable of reaching a minimum mature height of 8 metres, within the front setback of each dwelling. The tree must be a minimum height of 1.5 metres at the time of planting;
- 9.6 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;
- 9.7 Screen planting along the southern and western boundaries, to be a minimum height of 0.5 metres at the time of planting;
- 9.8 Some planting along the eastern boundary which will be visible above the fenceline at maturity, to be a minimum height of 0.5 metres at the time of planting, but to consider solar access into the main living areas/windows along the eastern boundary;
- 9.9 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.

#### Landscape Bond

10. Before the review of development plans under Condition 1 of this permit, a \$3,680.00 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.

#### Stormwater – On-site detention (OSD)

11. Before the development starts, an engineering plan for an on-site stormwater detention (OSD) system to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved the plan will be endorsed and will then form part of the permit. The plan must depict an 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) that is designed in accordance with Council's [On-Site Stormwater Detention Guidelines \(March 2021\)](#) to the satisfaction of the Responsible Authority.
12. Before the dwellings are occupied, the OSD system must be installed and then maintained in accordance with the engineering plan endorsed under this permit 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 a Connection to Council Drain Permit 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.

## Brickwork

18. All brickwork on or immediately adjacent to the boundaries of the site which is visible from the adjoining property must be cleaned and finished to the satisfaction of the Responsible Authority.

## Maintenance

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

## Construction Management

20. 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.
21. 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.

## Permit Expiry

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

- 22.1 The development is not started within two (2) years of the date of this permit; and
- 22.2 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](#).

### **Landscape Bond Administration Fee**

Payment of the landscape bond must be accompanied by payment of a non-refundable administration fee. The current rate can be found on the Statutory Planning [Schedule of Fees](#).

### **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 Infrastructure Services Unit on 9846 0500.

### **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**

The OSD system must be designed in accordance with Council's [On-site Stormwater Detention Guidelines \(March 2021\)](#).



Plans submitted for approval for the on-site storm water detention system should be forwarded directly to Council's Infrastructure Services Unit. For any queries in relation to these plans please contact Infrastructure Services on 9846 0500.

### **Street Trees**

Prior to the commencement of any works onsite (including demolition), the removal of any street trees located in front of the subject land and its replacement must be arranged with Council's Parks Team (9840 9333). The removal, pruning or replacement of a street tree must only be undertaken by contractors approved by Council's Parks Team and all costs associated with this, including the amenity value, must be paid to the satisfaction of the Responsible Authority.

### **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 Unit on 9840 9242.



## 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.

