

PLANNING PERMIT PLN21/0305

Address of the land: 29-31 Harris Road DONVALE

Lot 2 PS 426380M Vol 10801 Fol 142

The permit allows: Buildings and works for the construction of a single dwelling and associated vegetation removal (inclusive of consent for the felling of trees, under Clause 2(c) of the Section 173 Agreement (Instrument P348773F))

The following conditions apply to this permit:

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 Evolva Architects, dated 7 October 2021) but modified to show:
 - 1.1 A notation to indicate that the development must be constructed in accordance with the Bushfire Management Plan approved as part of this permit;
 - 1.2 A 10,000 litre water tank shown in accordance with the Bushfire Management Plan approved as part of this permit;
 - 1.3 The Y turning head demonstrated to meet the specification of Austroad Design for an 8.8 metre Service Vehicle, in accordance with the Bushfire Management Plan approved as part of this permit;
 - 1.4 Trees to be removed clearly delineated from trees to be retained, as per the recommendations of the Arborist report and Bushfire Management Plan approved as part of this permit;
 - 1.5 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 the requirements of this permit;
 - 1.6 The proposed driveway located outside the Structural Root Zone of Tree 1;
 - 1.7 The driveway section outside the Structural Root Zone but within the Tree Protection Zone of Tree 1 constructed of a permeable material, while demonstrating all-weather construction;
 - 1.8 The internal dimensions of the carport, which must demonstrate compliance with Design Standard 2 of Clause 52.06-9 (Car Parking) of the Scheme;
 - 1.9 The extent of the existing driveway clearly distinguished from the proposed driveway.

Endorsed Plans

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

Landscape Plan

3. 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

Planning Permit PLN21/0305
Date issued: 28 January 2022



Signature for the Responsible Authority

must be generally in accordance with the plan submitted with the application (prepared by Native By Design Landscaping, dated 25 August 2021), but modified to show:

- 3.1 Planting that accords with the vegetation management requirements in the approved Bushfire Management Plan;
- 3.2 All proposed canopy trees (10 in total) planted outside of the transmission easement, to the satisfaction of the Responsible Authority;
- 3.3 Any trees and shrubs planted within the easement must not exceed 3 metres maximum mature growth height;
- 3.4 Ground covers at a ratio of 3 to 4 plants per square metre on the battered embankments, so as to provide a complete coverage within two years from the date of construction. The plants must be indigenous and of local provenance.

Tree Protection and Management Plan

4. Before the submission of plans to be endorsed under Condition 1, a Tree Protection and Management Plan (TPMP) prepared by a suitably qualified Arborist must be submitted to the Responsible Authority. The TPMP must set out how the trees to be retained will be protected during construction, and must generally follow the layout of Section 5 of AS4970 'Protection of trees on development sites'. 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. 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.

Land Management Plan

7. Before the development starts, a Land Management Plan must be submitted to and approved by the Responsible Authority. The plan must show:
 - 7.1 Any domestic use zone;
 - 7.2 Any conservation zone;
 - 7.3 Any production zone;
 - 7.4 Any effluent zone;
 - 7.5 Areas where construction work is to occur and vegetation and soil disturbance may occur;
 - 7.6 Areas where no construction work is to occur and vegetation destruction and soil disturbance is not to occur;
 - 7.7 Methods of erosion control;
 - 7.8 Revegetation using species indigenous species, to include a minimum of 10 replacement trees/plants;
 - 7.9 Measures to protect and enhance waterways;
 - 7.10 Measures to protect and enhance remnant vegetation;
 - 7.11 Measures to control pest animals;



- 7.12 Details of how fire safety issues will be addressed throughout the property;
- 7.13 Any offsets to be provided for a Net Gain in accordance with Victoria's Native Vegetation Management Framework;
- 7.14 An action plan provided details and methods of the treatment of noxious and environmental weed species;
- 7.15 The timing of the plan over a five year period including a review period;

The approved Land Management Plan must be carried out and completed to the satisfaction of the Responsible Authority.

Vegetation

- 8. Before the development starts (including any demolition, excavations, tree removal, delivery of building/construction materials and/or temporary buildings), vegetation marked on the plan to be retained must have a Vegetation Protection Fence erected to the edge of the tree canopy to the satisfaction of the Responsible Authority. Each vegetation protection fence must be constructed of orange parawebbing or similar robust material approved by the Responsible Authority and erected to a height of 1.5 metres above ground level and clearly signed "Vegetation Protection Zone – No Entry" on all sides, to the satisfaction of the Responsible Authority.
- 9. The following actions must not be undertaken within the Vegetation Protection Zone, to the satisfaction of the Responsible Authority:
 - 9.1 Materials or equipment stored within the zone;
 - 9.2 Nothing is to be attached to any tree (including temporary service wires, nails, screws or any other fixing device);
 - 9.3 Open cut trenching or excavation works (whether or not for laying of services) undertaken within the zone; or
 - 9.4 Changes to the soil grade level within the zone.
- 10. No vegetation (including trees, shrubs, grasses and herbs), apart from that shown on the approved plan as vegetation to be removed may be removed, destroyed or lopped without the written consent of the Responsible Authority.
- 11. Vegetation removal and the provision of offsets must be in accordance with the endorsed plan to the satisfaction of the Responsible Authority.
- 12. Vegetation removal and disposal must not damage vegetation which stands to be retained to the satisfaction of the Responsible Authority.
- 13. Tree removal 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. Care must be taken when removing any tree/s so as not to damage any adjacent trees to be retained.
- 14. Any tree pruning must be undertaken by a suitably qualified Arborist who has thorough knowledge of tree physiology and pruning methods. Any pruning must be carried out as per the Australian Standard – Pruning of Amenity Trees AS4373-1996. No more than 15% of the live canopy and no live limbs greater than 200mm Ø should be removed from any tree.
- 15. Within three (3) months of the felling of trees approved under this permit, all fallen trees shall be mulched or removed from the site to the satisfaction of the Responsible Authority.
- 16. Before works start, the permit holder must advise all persons undertaking the vegetation removal on site of all relevant permit conditions and associated statutory requirements or approvals.



Fauna Protection and Management

17. A suitably qualified zoologist/wildlife handler with current animal handling permits/licences must inspect trees prior to removal to appropriately manage fauna identification, impact avoidance and relocation/rehousing should it be required.
18. Any qualified zoologist/wildlife handler undertaking supervision must have appropriate permits carried on their person during works on-site.

Offset Requirement

19. To offset the removal of 0.124 hectares of native vegetation (five scattered trees), the permit holder must secure a native vegetation offset, in accordance with the Guidelines for the Removal, Destruction or Lopping of Native Vegetation ("the Guidelines" DELWP 2017), and the Native Vegetation Gain Scoring Manual (DELWP 2017) as specified below:
 - 19.1 A general offset of 0.023 general habitat units located within the Port Phillip and Westernport Catchment Management Authority boundary or Manningham municipal district; and
 - 19.2 The offset must have a minimum strategic biodiversity score of at least 80 per cent of the strategic biodiversity score of the native vegetation approved for removal (minimum 0.200 SBV).
20. Prior to the removal of any native vegetation, evidence that an offset has been secured must be provided to the satisfaction of the responsible authority. This evidence must be in the form of either:
 - 20.1 A credit extract allocated to the permit from the Native Vegetation Credit Register. A copy of the offset evidence will be endorsed by the Responsible Authority and form part of this permit; or
 - 20.2 A security agreement, to the required standard, for the offset site or sites, including a 10 year offset management plan.
21. Within 30 days of endorsement of the offset evidence by the Responsible Authority, a copy of the endorsed offset evidence must be provided to the Department of Environment, Land, Water and Planning (DELWP).
22. In the event that a security agreement is entered into as per Condition 20.2, the applicant must provide notification to the responsible authority of the management actions undertaken towards the implementation of the offset management plan each anniversary of the security agreement for ten years. An offset site condition statement, including photographs must be included in this notification.

Drainage

23. All runoff from the development must be directed to the point of discharge to the satisfaction of the Responsible Authority.
24. 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.
25. 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.



Construction Management

26. 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.
27. 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.

Septic System / Sewerage

28. The dwelling must not be occupied before it is connected to an approved all waste septic system of sufficient capacity to handle all sewage and sullage from the dwelling. Such system must be designed, installed and maintained to the satisfaction of the Responsible Authority.

Completion

29. 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.
30. Planting of approved species in accordance with the approved plan must be carried out within six (6) months of the tree removal, to the satisfaction of the Responsible Authority. Such planting must be maintained to the satisfaction of the Responsible Authority.
31. 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.
32. 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.

Maintenance

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

AusNet Transmission Group Conditions

34. No part of the proposed buildings, including eaves, awnings, canopies, shelters and the like, is permitted on AusNet Transmission Group's easement
35. Any services traversing the easement must be installed underground.
36. All trees and shrubs planted on the easement must not exceed 3 metres maximum mature growth height.
37. The storage of flammable or combustible materials is not permitted on the easement.
38. Natural ground surface levels on the easement must not be altered by the stockpiling of excavated material or by landscaping without prior written approval from AusNet Transmission Group.
39. Vehicles and equipment exceeding 3 metres operating height are not permitted on the easement without prior written approval from AusNet Transmission Group.



40. Scaffolding is not permitted on the easement.
41. Details of all future works within the easement must be submitted to AusNet Transmission Group and approved in writing prior to the commencement of work on site.

Fire Rescue Victoria (FRV) Condition

42. The Bushfire Management Plan prepared by Practical Ecology, Version 1, dated 26/05/2021, must be endorsed to form part of the permit and must not be altered unless otherwise agreed in writing by the Fire Rescue Victoria and the Responsible Authority.

Bushfire Management Overlay mandatory condition

43. 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

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

- 44.1 The development is not started within two (2) years of the date of this permit; and
44.2 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.

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.



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 0542.

Replacement Planting

The species of replacement planting indigenous to Manningham should be selected from Council's [Native Splendour](#) publication.



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
-

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
-

Planning Permit PLN21/0305
Date issued: 28 January 2022



Signature for the Responsible Authority

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.
-

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.

