

## PLANNING PERMIT PLN21/0307

**Address of the land:** 8 Roymar Court WONGA PARK

Lot 5 LP 81754 Vol 8929 Fol 330

**The permit allows:** Construction of a single-storey dwelling adjacent to an existing dwelling and two lot subdivision

**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 (prepared by Millar & Merrigan, revision 2, dated October 2021), but modified to show:

#### Dwelling 2

- 1.1 Overlooking from Bedroom 2 window to be limited in accordance with Standard B22 of Clause 55.04-6 (Overlooking) of the Scheme, including taking into consideration views within a 45 degree angle from the plane of the window;
- 1.2 A section to demonstrate that views from Dwelling 2 private open space into Dwelling 1 private open space comply with Standard B23 of Clause 55.04-7 (Internal Views) of the Scheme;

#### Open space

- 1.3 Surface treatments with private open space areas, including side setbacks;
- 1.4 A pedestrian path from the entry of Dwelling 1 to the site frontage;
- 1.5 The location and type of service pathways providing access from the dwellings to parking facilities and clotheslines, as applicable;
- 1.6 A plan notation to indicate external storage sheds and water tanks will be finished in a colour that complements the overall colour scheme of the development to the satisfaction of the Responsible Authority;

#### General

- 1.7 Visibility splays must be provided adjacent to the accessway at the site's frontage in accordance with Design Standard 1: Accessways of Clause 52.06-9 (Car Parking) of the Scheme.
- 1.8 All obscure glazing and sill heights for highlight windows notated as being at least 1.7 metres above finished floor level;
- 1.9 A schedule of materials, colours and finish of all external walls, roofs, fascias, window frames, and paving (including driveway surfacing);
- 1.10 A minimum 5,500 litre water tank for reuse within the property for toilets and gardens (inclusive of 1,000 litre detention) for each lot;
- 1.11 The capacity and details of the separate Dwelling 2 water tank in accordance with the Bushfire Management Plan approved as part of this permit;
- 1.12 Relocation of water tanks and storage sheds from site boundaries, with these areas set aside for landscaping, to the satisfaction of the Responsible Authority;

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- 1.13 A notation to indicate that the development must be constructed in accordance with the Stormwater Management Report approved as part of this permit;
- 1.14 All plan notations required by the Stormwater Management Report approved as part of this permit;
- 1.15 A notation to indicate that the development must be constructed in accordance with the Bushfire Management Plan prepared by Millar Merrigan, ref 22712BMP1, dated June 2021.

#### Endorsed Plans

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

#### Fire Rescue Victoria (FRV) conditions

- 3. The Bushfire Management Plan prepared by Millar Merrigan, ref 22712BMP1, dated June 2021, must be endorsed to form part of the permit and must not be altered unless otherwise agreed in writing by the CFA and the Responsible Authority.
- 4. 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.

#### Stormwater Management Report

- 5. Before the review of plans under Condition 1 of this permit, the Stormwater Management Report must be amended to include the provision of 5,500 litre rainwater tanks for each lot (or otherwise agreed in writing), in addition to the requirements of the Bushfire Management Plan approved by this permit, 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.

#### Completion

- 6. 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.
- 7. 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

- 8. 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 the concept landscape plan submitted with the application (prepared by Millar and Merrigan, dated September 2021), and must show:



- 8.1 Any changes to the development layout required under Condition 1 of this permit as relevant;
- 8.2 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;
- 8.3 Details of soil preparation and mulch depth for garden beds and surface preparation for grassed areas;
- 8.4 Fixed edge strips for separation between grassed and garden areas and/or to contain mulch on batters;
- 8.5 A sectional detail of the canopy tree planting method which includes support staking and the use of durable ties;
- 8.6 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 trees must be a minimum height of 1.5 metres at the time of planting;
- 8.7 A minimum of one (1) canopy tree, within the private open space of Dwelling 1, to be a minimum height of 1.5 metres at the time of planting;
- 8.8 A minimum of two (2) canopy trees, capable of reaching a minimum mature height of 15 metres within the private open space of Dwelling 2, to be a minimum height of 1.5 metres at the time of planting;
- 8.9 All proposed canopy trees must be indigenous species;
- 8.10 Screen planting along the southern, eastern and western boundaries where possible, to be a minimum height of 0.5 metres at the time of planting;
- 8.11 Planting within 2 metres along the frontage from the edge of the driveways and 2.5 metres along the driveways from the frontage to be no greater than 0.9 metres in height at maturity.
- 8.12 Demonstration (through notations and dimensions) that the required canopy separation in accordance with the bushfire management plan required under Condition 3 of this permit is achieved.

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

9. 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.

#### Drainage

10. 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.
11. Prior to the occupation of the approved development, the existing dwelling must be connected to its own separate point of discharge and mains sewer to the satisfaction of the relevant Building Surveyor.
12. 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.

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## Site Services

13. All services, including water, electricity, gas, sewerage and telephone, must be installed underground and located to the satisfaction of the Responsible Authority.
14. All external services including pipes must be concealed and screened respectively to the satisfaction of the Responsible Authority.
15. Any reverse cycle air-conditioning unit, hot water boosters or other service plant erected on the walls of the approved dwellings must be appropriately designed and finished with screening if necessary to minimise general visual impacts from off the site to the satisfaction of the Responsible Authority.

## Vehicle Crossings and Accessways

16. 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.
17. Redundant vehicle crossovers must be removed and the footpath, nature strip and kerbing reinstated 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*.



## Subdivision Conditions

### Endorsed Plans

23. The layout of the subdivision as shown on the approved plan must not be altered or modified without the prior written consent of the Responsible Authority.

### Service Utilities

24. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage sewerage facilities, electricity, and gas services to each lot shown on the approved plan in accordance with that authority's requirements and relevant legislation at the time.
25. All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.
26. The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.

### Telecommunications

27. The owner of the land must enter into an agreement with:
- 27.1 A telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and
- 27.2 A suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.
28. Before the issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:
- 28.1 A telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and
- 28.2 A suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

### Completion of works

29. Before the issue of a Statement of Compliance, the dwellings, landscaping and drainage systems must be constructed and/or completed to the satisfaction of the Responsible Authority. If these works are not completed the owner must enter into an Agreement under Section 173 of the Planning and Environment Act, 1987 with the Responsible Authority to ensure completion of these works.



## Permit Expiry

30. Unless the subdivision approved by this permit is commenced within two (2) years of the date of this permit, and completed within five (5) years from certification of the plan, then this permit will lapse. The Responsible Authority may extend the commencement period 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](#).

### Commencement of a Subdivision

The commencement of a subdivision is regarded by Section 68(3A) of the Planning and Environment Act 1987 as the certification of a plan under Section 6 of the Subdivision Act 1988. Completion is regarded as registration of the subdivision.

### 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.

### Section 173 Agreement

The agreement may only be entered into if the plans of the development, landscaping and on-site detention system have been approved. The Section 173 agreement must be prepared and executed at the owner's cost.

### Street Addressing

Manningham 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.

### Yarra Valley Water

For any questions or to request Yarra Valley Water consent to issue the Statement of Compliance please email Yarra Valley Water via [easyACCESS@yvw.com.au](mailto:easyACCESS@yvw.com.au) including the property address in the subject field.

### 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.

### **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.

