

NOTICE OF DECISION TO GRANT A PERMIT PLN21/0381

The Responsible Authority has decided to grant a permit.
The permit has NOT been issued.

Address of the land: 10 Logan Avenue PARK ORCHARDS
Lot 2 PS 707214Q Vol 11989 Fol 249

What will the permit allow? Use and development of the land for a dwelling, including earthworks, the removal of vegetation and construction of a swimming pool.

What will the conditions of the permit be?

Amended Plans

1. Before the development starts, two copies of amended plans drawn to scale and dimensioned, must be submitted to 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 Disegno Nuovo Pty Ltd, job number SAL 724, revision D, dated 30/11/2021) but modified to show:
 - 1.1 The swimming pool and all associated earthworks /paved areas relocated within the designated building envelope (generally within the south-west corner of the building envelope) to the satisfaction of the Responsible Authority.
 - 1.2 The colour of the roof finish to be non-reflective and muted tones (not Zinalume).
 - 1.3 The drainage system required by Condition 19 of this permit, including the water tank, dispersion trench and soakage pit. The system is to be positioned within the defendable space area and outside the Tree Protection Zones of trees to be retained to the satisfaction of the Responsible Authority.
 - 1.4 The location of sewer, water and electricity connections to the dwelling, where associated trenching is outside the Tree Protection Zones of trees to be retained. The using shared trenching is encouraged.
 - 1.5 The use of permeable paving for the section of the driveway within the Tree Protection Zone of Tree No.64.
 - 1.6 The location of garden bollards or alternative hard edge to the driveway to protect the Tree Protection Zone of Tree Nos.4 and 64 and those trees along the eastern driveway.
 - 1.7 The location of Tree Protection Zone fencing, and details of tree protection measures required to be implemented for all existing vegetation within adjoining properties, as per the Tree Protection Management Plan required by Condition 3 of this permit.

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- 1.8 A plan notation to indicate that all access and parking for construction vehicles must be in accordance with the Construction Environment Management Plan required by Condition 12 of this permit.
- 1.9 Details of landscaping using indigenous species of vegetation around the dwelling to provide for planting of batter slopes with groundcovers, shrubs, and native grasses. The density and location of plantings to be consistent with the approved Bushfire Management plan. This information should be shown on a separate landscape plan.

Endorsed Plans

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

Vegetation Protection Zone

3. Before the submission of plans to be endorsed under Condition 1, a Tree Protection and Management Plan (TPMP) prepared by a suitable qualified Arborist, setting out how the trees to be retained will be protected during construction, and which generally follows the layout of Section 5 of AS4970 'Protection of trees on development sites', must be submitted to the Responsible Authority. When approved the TPMP will be endorsed and form part of the permit. The TPMP must include:
 - 3.1 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.
 - 3.2 Details of proposed work within TPZ and Arborist supervision when this is proposed.
 - 3.3 A statement advising any removal or pruning of Council owned trees must be undertaken by Council approved contractor.
 - 3.4 A statement that Council will be notified within 24 hours of any breach of the TPMP or where damage has occurred to the tree.
 - 3.5 A Tree Protection Compliance checklist which must be completed every three (3) months for the duration of the development.
4. Prior to the commencement of works, a site inspection must be undertaken by Council Officers with the project Arborist to inspect the Tree Protection Fencing and ensure it has been erected in accordance with the Tree Protection Management Plan and to the satisfaction of the Responsible Authority. The project Arborist must undertake subsequent inspections every 3 months for the duration of the development and complete and sign a tree protection compliance checklist in accordance with the approved Tree Protection and Management Plan.
5. All Tree Protection Fencing must be maintained in good condition until the completion of the construction works on the site to the satisfaction of the Responsible Authority.
6. The owner or developer must ensure all contractors/tradespersons who install services or work near trees to be retained must be made aware of the need to preserve the trees and to minimise impacts on the trees through appropriate work practices.
7. No vegetation, apart from that shown on the approved plans as vegetation to be removed, may be removed, destroyed or lopped without the written consent of the Responsible Authority.

Construction Environmental Management Plan

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8. Prior to the commencement of works, including vegetation removal, a Construction Environmental Management Plan must be submitted to Council and endorsed to ensure adequate protection of environmental values during construction. The CEMP must provide a detailed site plan and information to show the following:
 - 8.1 The location of parking areas on site for construction and delivery vehicles and workers, utilising the designated driveway access and which does not impact upon trees to be retained on site or within the road reserve. Logan Avenue to be used for access to and from the site, with no parking of vehicles or placement of building materials in front of the Logan Avenue site.
 - 8.2 The location of the Tree Protection fencing for trees to be retained within the subject site, along boundaries and in the Logan Avenue road reserve.
 - 8.3 The location of any temporary stockpiles or storage areas to be established on site during construction works, noting that all excess excavated material must be removed from the land. These stockpile and storage areas must be outside the TPZs of any trees to be retained on site.
 - 8.4 Sediment and dust suppression controls.

Site Management

9. Before any excavation or construction works start on the site, sediment control measures must be installed, to ensure that sediment is contained within the Construction Zone of the subject site. The sediment fence must be maintained in good condition to the satisfaction of the Responsible Authority until the completion of the construction works on the site. The sediment fence must be constructed of a geotextile filter fabric approved by the Responsible Authority.
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 owner must minimise the extent of disturbance of the land through the use of shared trenches, located to avoid the critical root zones of trees to be retained, to the satisfaction of the Responsible Authority.
12. All excess excavated material must be removed from the land and not spread on site, to the satisfaction of the Responsible Authority.

Land Management Plan

13. Before the development starts, including vegetation removal, a Land Management Plan must be submitted to and approved by the Responsible Authority. The plan must be build on the requirements of the LMP prepared by Abzeco Report 1067.4 Version 1.2 dated October 2014 that was and approved by the Responsible Authority to satisfy the Section 173 Agreement affecting the land, and include the following:
 - The approved Bushfire Management Plan including the BAL, defensible space water supply and vegetation management requirements.
 - Management of the defensible space (outside the 10m from the dwelling) to retain as modified indigenous ground flora.
 - Management of the remaining vegetation on the property with the aims to improve habitat and biodiversity values on the land. This includes the rescue and propagation of the Showy Violet.



- A weed control strategy with a minimum 5 year works program (ideally 10 years) This should include species of weeds to be targeted as well as methods of control, timing/seasonality of control works, and ongoing monitoring.
 - Environmentally sensitive methods and works to slow/dissipate seasonal water flow and stabilise soils and ground flora within the southern drainage line, being and considerate of the defendable space requirements for fuel reduction.
 - Any supplement plantings within the 32m defendable space to be local indigenous species (i.e., specific to the Ecological Vegetation Class) and sourced locally to ensure local provenance.
 - The Appendices updated to attach a copy of the endorsed development plans and Biodiversity Assessment Report.
14. The approved Land Management Plan must be carried out and completed to the satisfaction of the Responsible Authority.

Effluent Disposal

15. The proposed dwelling must connect and discharge all plumbing wastes, including any swimming pool backwash water, to the available mains sewer to the satisfaction of the Responsible Authority.

Drainage

16. Before the development is completed, a point of discharge for drainage must be created by using a 20,000-litre water tank for reuse within the property for toilets and gardens. The overflow from the tank directed to a 10m dispersion trench, ending in a 1 cubic metre pit soakage pit to the satisfaction of the Responsible Authority. The dispersion trench should be 450mm wide and 450mm deep with a 75mm min.AG pipe 75mm from the bottom of the trench, backfilled with screenings up to 100mm from the of the trench, covered with geofabric and finished with 100mm of topsoil. The dispersion trench to be filled with 20-30mm size screenings or scoria and placed more than 5.0 metres from the downstream boundary with neighbouring properties and levelled to hold water temporarily to the satisfaction of the Responsible Authority.
17. All drainage must be connected to the point of discharge to the satisfaction of the Responsible Authority

Fire Rescue Victoria conditions

Mandatory condition

18. The bushfire mitigation measures forming part of this permit or shown on the endorsed plans, including those relating to construction standards, defendable 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.

Amended Bushfire Management Plan

19. Before the development starts, an amended Bushfire Management Plan must be prepared to the satisfaction of CFA then submitted to and endorsed by the Responsible Authority. Once endorsed the plan must not be altered unless agreed to in writing by CFA and the Responsible Authority. The plan must be generally in accordance with the BMP prepared by Anthony Matthews of Nexus Planning, Dated 17 January 2022 Version 3, Sheet 1 of 1, but modified to replace the Defendable Space/Vegetation Management condition 8 with the following condition.



- No further planting of Canopy trees is permitted within the defensible space envelope identified, except as a direct replacement for the trees numbered and identified within this BMP.

Department Environment Land Water and Planning conditions

20. Before works start, the permit holder must advise all persons undertaking the vegetation removal or works on site of all relevant permit conditions and associated statutory requirements or approvals.
21. The total area of native vegetation proposed to be removed totals 0.323 hectares, comprised of:
 - a) 3 patches of native vegetation with a total area of 0.323 hectares [containing 0 large trees]
 - b) 0 large scattered trees
 - c) 0 small scattered trees
22. To offset the permitted clearing in accordance with *Guidelines for the removal, destruction or lopping of native vegetation (DELWP 2017)*, the permit holder must secure general offset of 0.222 general habitat units:
 - a) located within the Port Phillip and Westernport Catchment Management boundary or Manningham City Council municipal area
 - b) with a minimum strategic biodiversity score of at least 0.688
23. Before any native vegetation is removed evidence that the required offset by this permit has been secured must be provided to the satisfaction of the Responsible Authority. This evidence must be one or both of the following:
 - a) an established first party offset site including a security agreement signed by both parties, and a management plan detailing the 10-year management actions and ongoing management of the site, and/or
 - b) credit extract(s) allocated to the permit from the Native Vegetation Credit Register.
24. A copy of the offset evidence will be endorsed by the responsible authority and form part of this permit. Within 30 days of endorsement of the offset evidence, a copy of the endorsed offset evidence must be provided to Planning Approvals at the Department of Environment, Land, Water and Planning Port Phillip regional office.
25. Where the offset includes a first party offset(s), the permit holder must provide an annual offset site report to the responsible authority by the anniversary date of the execution of the offset security agreement, for a period of 10 consecutive years. After the tenth year, the landowner must provide a report at the reasonable request of a statutory authority.
26. Within 6 months of the conclusion of the permitted clearing of native vegetation under this permit, the offset requirements can be reconciled with the written agreement of the responsible authority and the Department of Environment, Land, Water and Planning.
27. Within the area of native vegetation to be retained and any tree protection zone associated with the permitted use and/or development, the following is prohibited:
 - a) Any vehicle or pedestrian access, trenching or soil excavation, and
 - b) Storage or dumping of any soils, materials, equipment, vehicles, machinery, or waste products, and
 - c) Entry or exit pits for underground services, and
 - d) Any other actions or activities that may result in adverse impacts to retained native vegetation.

Permit Expiry

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28. This permit will expire if one of the following circumstances applies:
- 28.1 The development is not started within two (2) years of the date of this permit; and
 - 28.2 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:

Consent under the Section 173 Agreement

Consent will be granted pursuant to Clause 3.1.2 of Section 173 agreement (Instrument AQ337216L) for buildings and works including vegetation removal outside the designated building envelope as shown on the endorsed plans.

Inspection of TPZ fencing

Councils Statutory planning Arborist can be contacted on 98409243 to arrange an inspection of Tree Protection Fencing required by Condition 4 of this permit.

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 request **Endorse Plans**. The engineering construction plan should be submitted directly to Council's Infrastructure Services Unit [apply 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.



IMPORTANT INFORMATION ABOUT THIS NOTICE

WHAT HAS BEEN DECIDED?

- The responsible authority has decided to grant a permit. The permit has not been issued.
 - This notice sets out what the permit will allow and what conditions the permit will be subject to if issued.
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WHAT ABOUT REVIEWS?

For the applicant –

- The person who applied for the permit may apply for review of any condition in the notice of decision to grant a permit. The application for review must be lodged within 60 days of the giving of this notice.

For an objector –

- An objector may apply for review of the decision of the responsible authority to grant a permit. The application for review must be lodged within 28 days after the date of this notice.
- If there is no application for review, a permit will be issued after 28 days after the date of this notice.

For a recommending referral authority –

- A recommending referral authority may apply for review of the decision of the responsible authority—
 - (a) to grant a permit, if that recommending referral authority objected to the grant of the permit; or
 - (b) not to include a condition on the permit that the recommending referral authority recommended.
- The application for review must be lodged within 21 days of the giving of this notice.
- If there is no application for review, a permit will be issued after 21 days of the giving of this notice.

For all applications for review –

- 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 be served on the responsible authority, each other party and each other person entitled to notice of the application for review under the **Planning and Environment Act 1987** and the **Victorian Civil and Administrative Tribunal Act 1998** within 7 days after lodging the application with the Victorian Civil and Administrative Tribunal.

Details about applications for review and the fees payable can be obtained from the Victorian Civil and Administrative Tribunal.

