

## PLANNING PERMIT PLN21/0385

**Address of the land:** 59 Wood Street TEMPLESTOWE

Lot 29 LP 23202 Vol 8163 Fol 116

**The permit allows:** Buildings and works for the construction of a two-storey dwelling and associated vegetation removal

**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 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 plans submitted with the application (prepared by Carter Grange, job number 22827, dated 8/7/2021) but modified to show:
  - 1.1 The pool equipment relocated away from the western boundary to the satisfaction of the Responsible Authority;
  - 1.2 All batters to be modified to be retaining walls, to the satisfaction of the Responsible Authority;
  - 1.3 The crossover reduced to 3.0 metres in width and the driveway tapered down from the garage opening to 3.0 metres at the crossover, to the satisfaction of the Responsible Authority; and
  - 1.4 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 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.

### Tree Protection and Management Plan

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 any proposed work within a TPZ and construction controls required to reduce the impacts to retained trees;

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- 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.
4. All Tree Protection Fencing must be maintained in good condition until the completion of the development to the satisfaction of the Responsible Authority.
5. 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.
6. No vegetation, apart from that shown on the approved plan as vegetation to be removed may be felled, destroyed or lopped without the written consent 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 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;
  - 7.2 Details of soil preparation and mulch depth for garden beds and surface preparation for grassed areas;
  - 7.3 Fixed edge strips for separation between grassed and garden areas and/or to contain mulch on batters;
  - 7.4 A sectional detail of the canopy tree planting method which includes support staking and the use of durable ties;
  - 7.5 Tree 1 and 2 of the Arboricultural report (prepared by Taylors, dated 9 July 2021) clearly shown to be retained;
  - 7.6 A minimum of two (2) indigenous canopy trees, (i.e. Eucalyptus naturally occurring in the relevant EVC appropriate to replanting site location) must be planted within the front setback of the site;
  - 7.7 A minimum of one (1) indigenous canopy trees, (i.e. Eucalyptus naturally occurring in the relevant EVC appropriate to replanting site location) must be planted within the rear yard of the site;
  - 7.8 Proposed canopy trees not located beneath the canopy of Tree 1 and 2 of the Arboricultural report (prepared by Taylors, dated 9 July 2021);
  - 7.9 All proposed canopy trees must be capable of reaching a minimum mature height of 8.0m. The trees must be of advanced stock (minimum 45L/50cm pot size and 1.5m tall at time of planting);
  - 7.10 Screen planting along the northern, eastern and western boundaries where practicable, to be a minimum height of 500mm at the time of planting;
  - 7.11 Planting within 2 metres along the frontage from the edge of the driveway and 2.5 metres along the driveway 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.

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## Drainage

8. 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.
9. 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

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 extent and depth of cut and fill must not exceed that shown on the approved plan without the written consent of the Responsible Authority.

## Completion

12. Before the occupation of the approved dwelling, 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.
13. 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.
14. 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.

## Maintenance

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

## Permit Expiry

16. This permit will expire if one of the following circumstances apply:
  - 16.1 The development is not started within two (2) years of the date of this permit; and
  - 16.2 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*.

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## 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.

### Siting Assessment - Single dwellings

The planning scheme regulates the following matters in relation to this Permit:

- Building height

Pursuant to Building Regulation 68, your appointed building surveyor as part of the building permit process will need to assess any other relevant siting and design matters in accordance with the siting requirements of Part 5 of the Building Regulations.

### Works Code of Practice

The development must comply with Council's Works Code of Practice (June 2017), available at [www.manningham.vic.gov.au/file/30396/download](http://www.manningham.vic.gov.au/file/30396/download).

### 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.

### Replacement Planting

The species of replacement planting indigenous to Manningham should be selected from Council's Native Splendour publication, available at [www.manningham.vic.gov.au/file/3066/download](http://www.manningham.vic.gov.au/file/3066/download).

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## 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.

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