

PLANNING PERMIT PLN21/0397

Address of the land: 8 Edith Court DONCASTER

Lot 8 LP 64869

The permit allows: In accordance with the endorsed plans:
• the construction of two or more dwellings on a lot

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 decision plans (prepared by Wendy Chen Architects, revision A, dated 4 July 2022), but modified to show:
 - (a) Retaining walls and site cut relocated outside the easement adjacent to the eastern boundary, unless the consent of the Responsible Authority and Yarra Valley Water is provided to an alternative arrangement;
 - (b) Slimline rainwater tanks located to the internal boundary fence of each dwelling's secluded private open space area to the satisfaction of the Responsible Authority.
 - (c) Garages widened to a minimum internal dimension of 3.5m without reducing side and rear setbacks at ground floor level;
 - (d) External car spaces lengthened to provide a minimum 500mm space between garage doors and the front of each space;
 - (e) Reduction of ground floor boundary wall on southern boundary by 200mm;
 - (f) AC unit to Dwelling 1 relocated to ground floor level, against the internal fence;
 - (g) Screening (and in particular the east facing Dwelling 1 Level 1 balcony) to comply with Standard B22;
 - (h) Pedestrian paving adjacent to each driveway to be extended as near as practicable to the footpath;
 - (i) Planter boxes added to the Dwelling 1 first floor north-west facing balcony to allow for vertical landscaping,all to the satisfaction of the responsible authority.

Endorsed Plans

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

Sustainable Design Assessment

3. The development must be constructed in accordance with the Sustainable Design Assessment approved and forming part of this permit (prepared by Low Impact Development Consulting, dated 28 July 2021), 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.

Tree Protection

4. Concurrent with the review 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:
 - (a) A plan showing the Tree Protection Zone (TPZ) and Structural Root Zone (SRZ) for all trees to be retained along with the location of protective fencing and/or areas where ground protection systems will be used.
 - (b) Details of proposed work within TPZ and Arborist supervision when this is proposed.
 - (c) A statement advising any removal or pruning of Council owned trees must be undertaken by Council approved contractor.
 - (d) A statement that Council will be notified within 24 hours of any breach of the TPMP or where changes to the TPMP have been made.
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 must ensure all contractors/tradespersons (including demolition workers) who install services or work near trees to be retained are 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.
9. Driveway gradients and transitions as shown on the plan approved under Condition 1 of this permit must be generally achieved through the driveway construction process to the satisfaction of the Responsible Authority.



Landscape Plan

10. 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 John Patrick Landscape Architects Pty Ltd, dated June 2022), and must show:
- (a) Any changes to the development layout required under Condition 1 of this permit as relevant;
 - (b) Retaining walls and earthworks clearly located outside of the Drainage and Sewerage Easement, and setback at least 1 metre from the northern and southern boundaries of the land;
 - (c) 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;
 - (d) Details of soil preparation and mulch depth for garden beds and surface preparation for grassed areas;
 - (e) Fixed edge strips for separation between grassed and garden areas and/or to contain mulch on batters;
 - (f) A sectional detail of the canopy tree planting method which includes support staking and the use of durable ties;
 - (g) A minimum of one (1) canopy tree, with a spreading canopy capable of reaching a minimum mature height of 8 metres in local growing conditions, within the front setback of each dwelling. The trees must be a minimum height of 1.5 metres at the time of planting;
 - (h) A canopy tree in front of Dwelling 3 to be a Victorian Native Eucalypt tree, capable of growing to at least 8 m high at maturity in local growing conditions. The tree must have a spreading canopy and be at least 1.5 metres high at the time of planting;
 - (i) A minimum of one (1) canopy tree capable of growing to at least 7 metres high at maturity in local conditions, within the private open space of each dwelling, to be a minimum height of 1.5 metres at the time of planting;
 - (j) Screen planting along the northern, eastern and western boundaries, to be a minimum height of 0.5 metres at the time of planting, capable of growing to at least 2 metres high at maturity in local conditions;
 - (k) 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.

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 site other than by means of drainage to the 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.
17. Communal lighting must be connected to reticulated mains electricity and be operated by a time switch, movement sensors or a daylight sensor to the satisfaction of the Responsible Authority.
18. 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

19. 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.
20. Redundant vehicle crossovers must be removed and the footpath, nature strip and kerbing reinstated to the satisfaction of the Responsible Authority.

Brickwork

21. 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

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



Construction Management

23. Appropriate site management practices during construction must be employed to prevent the transfer of mud, dust, sand, slurry, litter, concrete, construction waste or overland flow from the subject site (or any other storage compound) into drains, onto roads and / or properties. In the event that a road, drain or property is affected, the owner must take the necessary steps to clean the affected portion of road, drain or property to the satisfaction of the Responsible Authority.
24. 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.

Permit Expiry

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

- (a) The development is not started within two (2) years of the date of this permit; and
- (b) 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 request **Endorse Plans**. The engineering construction plan should be submitted directly to Council's City Infrastructure 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.

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 City Infrastructure 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 \(March 2021\)](#). Any water tanks must be connected to the OSD system for any overflow to Council's satisfaction. Plans submitted for approval for the on-site storm water detention system should be forwarded directly to Council's City Infrastructure Unit. For any queries in relation to these plans please contact City Infrastructure on 9846 0500.

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 mailboxes 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.

This planning permit has been issued in accordance with VCAT Order P11939/2021, dated 23 December 2022.



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
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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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Date issued: 05 January 2023



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.
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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.

