

SUPERSEDED
PLANNING PERMIT
PLN21/0408

Address of the land: 54 Lynette Avenue WARRANDYTE

Lot 97 LP 96095 Vol 8966 Fol 031

The permit allows: Buildings and works associated with a single storey dwelling extension.

The following conditions apply to this permit:

Endorsed Plans

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

Vegetation

2. Before the development starts (including any demolition, excavations, tree removal, delivery of building/construction materials and/or temporary buildings), individual trees and areas of native vegetation not within the driveway access or area of works 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.
3. The following actions must not be undertaken within the Vegetation Protection Zone, to the satisfaction of the Responsible Authority:
 - 3.1 Materials or equipment stored within the zone;
 - 3.2 Nothing is to be attached to any tree (including temporary service wires, nails, screws or any other fixing device);
 - 3.3 Open cut trenching or excavation works (whether or not for laying of services) undertaken within the zone; or
 - 3.4 Changes to the soil grade level within the zone.
4. The owner must ensure that contractors/tradespersons who install services or work near the vegetation to be retained are made aware of the need to preserve the vegetation and to minimise impacts through appropriate work practices.

Drainage

5. All runoff from the development must be directed to the point of discharge to the satisfaction of the Responsible Authority.
6. 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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7. 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.

8. 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

9. 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

10. This permit will expire if one of the following circumstances apply:
- 10.1 The development is not started within two (2) years of the date of this permit; and
 - 10.2 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.

Siting Assessment - Single dwellings

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

- Side setback
- Rear setback
- 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 \(June 2017\)](#).

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.

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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**.)

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 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 –

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- 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.

