

## PLANNING PERMIT PLN21/0409

**Address of the land:** 36 Brackenbury Street WARRANDYTE

Lot 1 LP 115737 Vol 9118 Fol 275

**The permit allows:** Construction of one, single-storey dwelling

**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 Infuzion Design, dated 5.9.2021) but modified to show:
  - 1.1 Location and tree numbers of all assessed trees along with the Tree Protection Zone (TPZ) and Structural Root Zone (SRZ) of all trees to be retained, as per the arboricultural report, must be shown on the submitted ground floor plans;
  - 1.2 The proposed retaining wall, site cut and garage along the northern boundary relocated outside the structural root zone (SRZ) of neighbouring Tree 13;
  - 1.3 A plan notation on the site plan and a separate cross-section plan showing the driveway constructed above-grade and of a permeable material;
  - 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 4 of this permit;
  - 1.5 Details of the management of existing trees on site, including clarification of tree removal and/or lopping required, in accordance with the defendable space requirements of the approved Bushfire Management Plan, to the satisfaction of the Responsible Authority;
  - 1.6 All water tanks, shed, and services located outside the TPZ of any tree to be retained;
  - 1.7 The schedule of materials detailing the permeable material that will be used for the driveway surface;
  - 1.8 A notation to indicate that the development must be constructed in accordance with the endorsed Bushfire Management Plan prepared by SBA Fire, Version V1.5 (V25-7), dated 17 April 2021.

### Endorsed Plans

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

### Landscape Plan

3. 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 approved plan, and must show 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. Such plan must show:

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Date issued: 23 December 2021



Signature for the Responsible Authority

- 3.1 Planting that accords with the defensible space requirements of the approved Bushfire Management Plan;
- 3.2 Predominantly indigenous species, including locations, approximate height and spread of proposed planting and the retention of existing trees and shrubs;
- 3.3 Details of soil preparation and mulch depth for garden beds and surface preparation for grassed areas;
- 3.4 Fixed edge strips for separation between grassed and garden areas and/or to contain mulch on batters;
- 3.5 A sectional detail of the canopy tree planting method which includes support staking and the use of durable ties;
- 3.6 A minimum of four (4) indigenous canopy trees, (i.e. Eucalyptus naturally occurring in the relevant EVC appropriate to replanting site location) within the site. 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 pot size and 1.5m tall at time of planting).

#### Tree Protection and Management Plan

4. Before the submission of plans to be endorsed under Condition 1, a Tree Protection and Management Plan (TPMP) must be submitted to the Responsible Authority. The TPMP must be 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'. When approved, the TPMP will be endorsed and form part of the permit. The TPMP must include:
  - 4.1 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;
  - 4.2 Details of proposed work within TPZ and Arborist supervision when this is proposed;
  - 4.3 A statement that Council will be notified within 24 hours of any breach of the TPMP or where damage has occurred to the tree.
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 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.
7. No vegetation may be felled, destroyed or lopped without the written consent of the Responsible Authority.

#### Drainage

8. All runoff from the development must be directed to the point of discharge to the satisfaction of the Responsible Authority.
9. Catch and table drains must be provided at the top and bottom of batters respectively and connected to the point of discharge to the satisfaction of the Responsible Authority.
10. 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

11. 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.
12. 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

13. 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.
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.
15. All retaining walls must be constructed and finished in a professional manner to ensure neat presentation and longevity to the satisfaction of the Responsible Authority.

## Maintenance

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

## Fire Rescue Victoria Condition

17. Before the development starts, the Bushfire Management Plan prepared by SBA Fire, Version V1.5 (V25-7), dated 17 April 2021 Final, must be endorsed by the Responsible Authority. Once endorsed the plan must not be altered unless agreed to in writing by CFA and the Responsible Authority.

## Bushfire Management Overlay mandatory condition

18. The bushfire protection 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.

## Permit Expiry

19. This permit will expire if one of the following circumstances apply:

- 19.1 The development is not started within two (2) years of the date of this permit; and
- 19.2 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

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.

### Planting

The species of planting indigenous to Manningham should be selected from Council's [Native Splendour](#) publication.



## 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.

