

PLANNING PERMIT

Permit No.:	PA2402855
Planning scheme:	Banyule Planning Scheme
Responsible authority:	Minister for Planning
ADDRESS OF THE LAND:	27, 29 & 31 Plunkett Street, Bellfield (Formally described as Lots 290, 291 and 292 of Plan of Subdivision LP24597)

THE PERMIT ALLOWS:

Planning scheme clause No.	Description of what is allowed
32.09-7	Construct a residential building
42.02-2	Remove vegetation specified within the schedule to the overlay
44.05-2	Construct a building or to construct or carry out works
52.06-3	Reduce the number of car parking spaces required for dwellings

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

Compliance with documents approved under this permit

1. At all times what the permit allows must be carried out in accordance with the requirements of any document approved under this permit to the satisfaction of the responsible authority.

Commencement

2. This permit will operate from the issued date of this permit.

Approved and endorsed plans – changed required

3. Before the development starts, excluding demolition, bulk excavation and site preparation works, amended plans must be approved and endorsed by the responsible authority. The plans must be prepared to the satisfaction of the responsible authority, be drawn to scale with dimensions, and be generally in accordance with the plans prepared by Ferencz Baranyay Architects, Revision B, dated 9 May 2024, but modified to show:

Date issued: 26 July 2024 Signature for the responsible authority:



- a) The finished floor level of the ground floor increased to be a minimum of 60.98 metres Australian Height Datum as required by Melbourne Water.
- b) An annotation on the ground floor plan, elevations and sections clearly stating that no excavation where within the Tree Protection Zone of Tree 15 and permeable paving must be installed above natural ground level.
- c) A door at the western entrance of the waste storage room.
- d) Detailed plans that demonstrate compliance with Clause 55.07-10 (Standard B44 – Storage).
- e) A 50kW solar photovoltaic system on the roof plan.
- f) Any changes required as a result of the Landscape Plan condition.
- g) Any changes required as a result of the Melbourne Water requirements.

Layout not altered

4. The development as shown on the endorsed plans must not be altered (unless the Banyule Planning Scheme specifies that a permit is not required) without the prior written consent of the responsible authority.

Tree Protection Management Plan

5. Concurrent with the endorsement of plans, the tree protection management plan (TPMP) prepared by John Patrick, Landscape Architects, dated 9 May 2024 must be approved and endorsed by the responsible authority.

Tree Protection

6. Before the development starts, including demolition, bulk excavation and site preparation works, a tree protection fence must be erected around the trees identified for retention and protection, at a minimum radius from the base of the trunks to define a TPZ in accordance with the endorsed TPMP.
7. The tree protection fencing and TPZ must be established and maintained in accordance with the following requirements to the satisfaction of Banyule City Council:
 - a) the tree protection fence must be constructed of a material to form a physical and visual barrier that is continuous and will prevent access.
 - b) the tree protection fence must remain in place until the development is completed.
 - c) the TPZ must be covered by a 100mm deep layer of mulch and watered regularly.
8. During the course of construction, the TPZ must not be used for:
 - a) vehicular or pedestrian access
 - a) trenching or soil excavation
 - b) storage or dumping of materials, tools, equipment or waste

The responsible authority may consent in writing to vary any of these requirements.

Landscape plan



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Regulations 2015

Form 4

Sections 63, 64, 64A and 86

9. Concurrent with the endorsement of plans, a landscape plan must be approved and endorsed by the responsible authority. The landscape plan must be prepared to the satisfaction of the responsible authority, be drawn to scale with dimensions and be generally in accordance with the Landscape Plan, prepared by Ferencz Baranyay Architects, Revision B, dated 4 March 2024, but modified to show:
- a) A survey (including botanical names) of all existing vegetation to be retained and/or removed.
 - b) Buildings and trees (including botanical names) on neighbouring properties within three metres of the boundary.
 - c) Details of surface finishes of pathways and driveways.
 - d) A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.
 - e) One large canopy tree, capable of reaching 12-15 metres in height at maturity within the front setback of the site.
 - f) A minimum of four medium canopy trees, capable of reaching 8-11 metres in height at maturity.
 - g) The extent of any cut, fill, embankments or retaining walls associated with the landscape treatment of the site.
 - h) Any changes required as a result of the Melbourne Water requirements.

Landscaping completion

10. Before the development is occupied, the landscaping shown on the approved landscape plan must be carried out and completed to the satisfaction of Banyule City Council.

Landscaping maintenance

11. At all times the landscaping shown on the approved landscape plan must be maintained (including the replacement of any dead, diseased or damaged plants) to the satisfaction of Banyule City Council.

Traffic and parking management

12. Before the development is occupied, the areas set aside for the parking of vehicles and access lanes shown on the endorsed plans must be:
- a) Constructed.
 - b) Properly formed to such levels that they can be used in accordance with the plans.
 - c) Sealed.
 - d) Drained.
 - e) Line marked to indicate each car parking space, all access lanes and pedestrian paths.
 - f) Clearly marked to show the direction of traffic along access lanes and driveways.
13. Car spaces, access lanes and driveways must be kept available for these purposes at all times to the satisfaction of Banyule City Council.

Date issued: 26 July 2024 Signature for the responsible authority:



Environmentally Sustainable Design

14. Before the development starts, a sustainability management plan (SMP) must be approved and endorsed by the responsible authority. The SMP must be prepared to the satisfaction of the responsible authority, be generally in accordance with SMP prepared by IGS, dated 7 May 2024, but modified to show:
- a) The provision of a 50kW solar photovoltaic system.

Implementation of ESD Statement Initiatives

15. Within six months of the occupation of the development, a report from the author of the endorsed report must be submitted to and approved by the responsible authority. The report must outline how the design initiatives implemented within the completed development achieve the performance outcomes specified in the endorsed report, to the satisfaction of the responsible authority.

Waste Management Plan

16. Concurrent with endorsement of plans, an amended Waste Management Plan (WMP) must be approved and endorsed by the responsible authority. The WMP must be generally in accordance with the Waste Management Plan prepared by Traffix Group, dated March 2024, but modified to show:
- a) A door to the western entrance of the waste storage room.

Waste Management

17. All garbage and other waste material must be stored in an area within the land and set aside for such purpose to the satisfaction of Banyule City Council.
18. No garbage bin or surplus material generated by the site may be deposited or stored outside the site and bins must be returned to the garbage store areas as soon as practicable after garage collection to the satisfaction of Banyule City Council.

Stormwater Management Plan

19. Before the development starts, excluding demolition, bulk excavation and site preparation works, a stormwater management plan must be approved and endorsed by the responsible authority in consultation with Banyule City Council. The stormwater management plan must be prepared to the satisfaction of the responsible authority, and must:
- a) Be consistent with the stormwater initiatives outlined within the Sustainability Management Plan.
 - b) Include details of the proposed stormwater management system, including drainage works and retention, detention and discharges of stormwater to the drainage system.
 - c) Set out how the stormwater management system will be managed on an ongoing basis.
 - d) Demonstrate how all relevant standards set out in the planning scheme relating to stormwater management will meet the objectives in the planning scheme, including modelling and calculations.

Run-off



20. Polluted and/or sediment laden run-off must not be discharged directly or indirectly into Banyule City Council drains or watercourses.

Drainage

21. The land must be drained to the satisfaction of Banyule City Council.

Melbourne Water requirements

22. Concurrent with the endorsement of plans, a hydraulic modelling report (or similar) must be approved and endorsed by the responsible authority. The report must be prepared by a suitably qualified hydraulic engineer and must demonstrate that the development does not increase flood risk on adjacent properties.
23. Prior to commencement of works, a Build Over application must be submitted online for Melbourne Water's review and approval for any construction of permanent or temporary structures, demolition of structures existing structures or tree removal within 5 metres of a Melbourne Water asset:
- a) Details to be submitted for permanent structures must include:
 - i. Plans showing the lateral relation of the proposed works to the Melbourne Water Asset.
 - ii. The building/structure including footings, eaves etc. must be set outside any easement.
 - iii. Drawings to include results of drain survey on plan drawings, noting setbacks from the outside edge of Melbourne Water's drain and buildings/structures etc.
24. Any new landscaping within 5 metres of the asset must comply with Melbourne Water's Planting Guidelines. A plant near sewers, drains, waterways and water mains application detailing of any landscaping will need to be submitted. Details to be submitted shall include:
- a) Species and locations of trees to be planted.
 - b) Details of any hardstand areas, including paved and concrete areas.
 - c) Fencing details including footings/posts.
25. Prior to the commencement of works, excluding demolition, bulk excavation and site preparation works, a separate application to Melbourne Water must be made and approved of any new or modified storm water connection to Melbourne Water's drains or watercourses. Prior to accepting an application, evidence must be provided demonstrating that Banyule City Council considers that it is not feasible to connect to the local drainage system.

Expiry

26. This permit will expire if one of the following circumstances applies:
- a) The development is not started within two years of the issued date of this permit.
 - b) The development is not completed within four years of the issued date of this permit.

In accordance with Section 69 of the Planning and Environment Act 1987, the responsible authority may extend the permit if a request is made in writing before the permit expires, or within six months afterwards. The responsible authority may extend the time for completion



of the development if a request is made in writing within twelve months after the permit expires and the development started lawfully before the permit expired.

Notes

Melbourne Water

- The open space should be maintained at natural surface elevation with minimum ramping required to the parking area for the conveyance of the floodwaters.
- No fill is to be placed outside of the building footprint.
- Any new fence must unless with the written consent of Melbourne Water, to allow for the passage of floodwaters/ overland flows.
- Any proposed deck within overland flow path should be constructed with unenclosed foundations and steps contain no vertical risers, to allow for the passage of overland flows.
- No overhangs or eaves are permitted within the lateral clearance zone.
- The depth of the footings must be adequate to satisfy the angle of repose relative to the drain as per Melbourne Water's specification. See attached Standard Drawing: 'Angle of Repose – Footing Design' <http://www.melbournewater.com.au/Planning-and-building/Forms-guidelines-and-standarddrawings/Documents/Angle-of-repose-diagram.pdf>
- Melbourne Water's preference is for concrete piers to allow for any future excavation work necessary to be undertaken by Melbourne Water that may affect or abut the footing. If screw piles are to be adopted, evidence will need to be supplied by a qualified engineer indicating that the footing will not be affected from any excavation work undertaken by Melbourne Water abutting the screw pile.
- A work method statement or an arborist report is required for any proposed tree removal within 5 metres laterally of any Melbourne Water asset.
- A work method statement from a suitably qualified engineer will be required if any demolition is proposed and should include details of machinery access.
- No additional loading is to be placed on the asset
- For a structure to be considered as 'temporary', the following standards must be satisfied and demonstrated in plans; Details to be submitted for temporary structures (e.g.: Light weight sheds, fences, paving) must include:
 - Structures are to be designed as a simple pinned connection that facilitates for ease of removal within a reasonable time of <4 hrs for two people.
 - Method for removal of the structure must not require the use of plant and equipment such as cranes, scaffolding or elevated work platforms.
 - Any carport structure must be constructed as fully demountable, lightweight and open. It is to remain unenclosed for the life of the structure. It must have a flat roof.
 - Any concrete slab within the setback zone must not exceed a thickness of 150mm unless otherwise agreed; Footings must not exceed a 600mm x 600mm square pad footing, and maintain a minimum lateral clearance of 500mm from the outside edge of the drain.



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Regulations 2015

Form 4

Sections 63, 64, 64A and 86

- Footings must be independent and self-supporting.
- The following are classified as Permanent structures and not permitted in the lateral clearance zone: water tanks, air-conditioning units, hot water systems.

Date issued: 26 July 2024 **Signature for the responsible authority:**

A handwritten signature in black ink, appearing to be the initials 'AS' or similar, written in a cursive style.

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Regulations 2015

Form 4

Sections 63, 64, 64A and 86

IMPORTANT INFORMATION ABOUT THIS PERMIT

WHAT HAS BEEN DECIDED?

The responsible authority has issued a permit.

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—
 - 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.

Date issued: 26 July 2024 Signature for the responsible authority:

