

COPY TO: APPLICANT
RECORDS MANAGER

BRIMBANK CITY COUNCIL



PLANNING PERMIT

Permit No.:

P917/2016

Planning Scheme:

Brimbank Planning Scheme

Responsible
Authority:

Brimbank City Council

ADDRESS OF THE LAND:

LOTS: 142 and 143, PS 12102, 4 AND 6 DUBBO ST ALBION

THE PERMIT ALLOWS:

CONSTRUCTION OF TWO OR MORE DWELLINGS ON A LOT IN ACCORDANCE WITH THE ENDORSED PLANS

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

Amended Plans

- (1) Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and one digital copy must be provided. The plans must be generally in accordance with the plans prepared by Achieve Design Group Pty Ltd, Job No. 16/3608, Drawing numbers P1, P2, P3, P4, P5, P6, P7 and P8 all dated 10/08/18 but modified to show:
- (a) No part of the decking associated with dwelling 10 located on the easement.
 - (b) The height of the existing boundary fences.
 - (c) A cross section of the proposed decks for all dwellings including details of the height of the decks above ground level.
 - (d) A notation depicting the finished outdoor ground level of the private open space areas to dwellings 8 and 10.
 - (e) The boundary fencing with 2 Brisbane Street to be at least 1.8 metres above the internal finished floor level of dwellings 8 and 10.
 - (f) The sill heights of the first floor bedroom windows to dwellings 6 and 7 at 1.7 metres above finished floor level.
 - (g) The landscaping buffer located adjacent to the powder room, laundry and timber batten fence to the private open space of dwelling 2 to be reduced in width to a maximum of 500mm.
 - (h) The deletion of the landscaping buffer located adjacent to bedroom 4, powder room and laundry of dwelling 1.
 - (i) The deletion of the landscaping buffer that is located adjacent to the planter boxes to dwelling 4 and 5.
 - (j) An additional 1 metre setback to the garage of dwelling 9 by the reduction of the meals area for this dwelling with no decrease in setback of the western wall of the living area.
 - (k) A schedule of construction materials, external finishes and colours.

DATE ISSUED: 26/11/2018

**SIGNATURE OF THE
RESPONSIBLE AUTHORITY:**

PLANNING PERMIT NO. P917/2016

- (l) A landscape plan prepared by a landscape architect or a suitably qualified or experienced person, in accordance with Condition 3.
- (2) The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.

Landscaping

- (3) A landscape plan 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 be drawn to scale with dimensions and one digital copy must be provided. The plan must show:
- (a) Details of surface finishes of pathways and driveways;
 - (b) The retention of the Red Flowering Gum located in the front yard of dwelling 1;
 - (c) The retention of the Norfolk Island Hibiscus located in the private open space of dwelling 10;
 - (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) Landscaping and planting within all open areas of the site;
 - (f) Appropriate irrigation system;
 - (g) A minimum of 1 medium-sized tree (minimum 2 metres tall when planted and 6-12 metres at maturity) must be provided in the front setback;
 - (h) A minimum of 1 small to medium sized tree (minimum 2 metres tall when planted and up to 6 metres at maturity) must be provided in the secluded private open space greater than 25 square metres in area, of each dwelling.

All species selected must be to the satisfaction of the Responsible Authority.

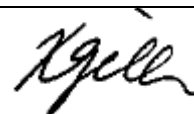
- (4) Prior to the Occupancy Permit being issued for the buildings hereby permitted, landscaping works as shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority.
- (5) The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.
- (6) The following payments are required prior to the release of endorsed plans:
- (a) A cash bond for \$5,000, plus a non-refundable 5% service charge of \$250 (**Total of \$5,250**), shall be lodged with the Responsible Authority prior to the collection of endorsed plans to ensure the completion and establishment of landscaped areas. This cash bond will only be refunded after a 13 week establishment period beginning when the Responsible Authority is satisfied with the completed landscaping works, provided that the landscape is being maintained to the satisfaction of the Responsible Authority.

Street Tree Protection

- (7) The following measures must be adhered to for the protection of the street tree(s):
- (a) The naturestrip and street tree within *Dubbo Street* frontage of the site must be barricaded out using portable cyclone fencing for the duration of the development. Costs of such fencing must be borne by the developer and/or permit holder.
 - (b) No pruning of the existing street tree located within the naturestrip within the *Dubbo Street* frontage of the site shall be undertaken by any party other than Brimbank Tree Services.
 - (c) No building materials are to be stacked and/or dumped on any naturestrip during construction.

DATE ISSUED: 26/11/2018

SIGNATURE OF THE
RESPONSIBLE AUTHORITY:



PLANNING PERMIT NO. P917/2016

- (8) The Tree Protection Zone (TPZ) around the existing street tree/s must be fenced in accordance with Australian Standard AS4970-2009 - Protection of Trees on Development Sites. The following activities must not occur within the TPZ:
- (a) Construction of any works without the supervision of a qualified arborist;
 - (b) Driving or parking of any vehicles or machinery;
 - (c) Stockpiling of building materials, debris or soil;
 - (d) Dumping of fuel, oil or chemicals;
 - (e) Altering of soil levels;
 - (f) Open trenching, including for the placement of pipes or wires;
 - (g) Attachment of wires, nails, screws or any other fixing device to the existing tree/s.

Supplementary watering must be provided to trees through dry periods and during and after the construction process.

Development Contribution Levy

- (9) A Development Contribution in accordance with the approved Development Contributions Plan must be paid to Brimbank City Council.

Payment of the Development Infrastructure Levy (DIL) must:

- (a) Be paid prior to the commencement of any development or works on the land or prior to Statement of Compliance (SOC) for the subdivision of the land associated with the development permit, whichever comes first;

OR

- (b) When a staged subdivision is sought, be paid prior to the issue of a Statement of Compliance based on the net increase in the number of new dwellings within each stage.

Payment of the Community Infrastructure Levy (CIL) must be paid prior to the issue of a building permit under the Building Act 1993.

General

- (10) During the construction phase of the development, the following conditions shall be met:
- (a) Only clean rainwater shall be discharged to the stormwater drainage system;
 - (b) Stormwater drainage system protection measures shall be installed as required to ensure that no solid waste, sediment, sand, soil, clay or stones from the premises, enters the stormwater drainage system;
 - (c) Vehicle borne materials shall not accumulate on the roads abutting the site;
 - (d) All machinery and equipment must be cleaned (if required) on site and not on adjacent footpaths or roads;
 - (e) All litter (including items such as cement bags, food packaging and plastic stripping) must be disposed of responsibly;
 - (f) All site operations shall comply with the Environment Protection (Residential Noise) Regulations 2008.

Car Parking

- (11) Before the occupation of the development starts, the areas set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
- (a) Constructed in concrete or asphalt;

DATE ISSUED: 26/11/2018

SIGNATURE OF THE
RESPONSIBLE AUTHORITY:



PLANNING PERMIT NO. P917/2016

- (b) properly formed to such levels that they can be used in accordance with the plans;
- (c) Drained and
- (d) Maintained all to the satisfaction of the Responsible Authority.

Car spaces, access lanes and driveways must be kept available for these purposes at all times.

- (12) Vehicular crossing(s) must be constructed to the road to suit the proposed driveway(s) to the satisfaction of the Responsible Authority prior to any works being undertaken on the site. A Vehicle Crossing Permit must be obtained from Council's Engineering Department prior to any works commencing on the site.
- (13) All disused or redundant vehicle crossings must be removed and replaced with kerb and channel, naturestrip and footpath to the satisfaction of the Responsible Authority. A permit must be obtained from Council's Engineering Department prior to the commencement of these works.
- (14) The owner/developer is responsible for determining the location of any road infrastructure or non-road infrastructure in the road reserve (e.g. pits, poles, water mains, gas mains, telecommunications cables etc.) that could be affected by the installation of the new crossover(s) or related works. Any existing road infrastructure or non-road infrastructure located within or adjacent to the new crossover(s) must be altered, relocated or reconstructed to the satisfaction of the Responsible Authority and/or the relevant utility provider or infrastructure manager at the expense of the owner/developer.
- (15) Concrete kerbs or other barriers must be provided to the satisfaction of the Responsible Authority to prevent direct vehicle access to (specify road) other than via the vehicle crossing(s) shown on the endorsed plans.

Engineering

- (16) Access to the site and ancillary road works must be constructed in accordance with the requirement of the Responsible Authority.
- (17) An on-site stormwater drainage retention/detention system must be installed on the subject land to the satisfaction of the Responsible Authority.
- (18) The entire development site must be connected to the existing underground drainage and sewerage systems to the satisfaction of the Responsible Authority.
- (19) The crossover(s) must be located and constructed to the satisfaction of the Responsible Authority in accordance with plans approved by the Responsible Authority. The plans submitted must show all services within the road reservation including power poles, drainage pits, Telstra pits, trees, road humps, bus stops and any other road infrastructure or asset that may hinder or impact on the operation of the crossover.
- (20) Protective kerbs (of a minimum height of 150mm) must be provided to the satisfaction of the Responsible Authority to prevent damage to fences or landscaped areas and to control drainage flows.

DATE ISSUED: 26/11/2018

PLANNING PERMIT NO. P917/2016

Planning and Environment Regulations 2015 (Form 4)

**SIGNATURE OF THE
RESPONSIBLE AUTHORITY:**



Multi Dwelling Residential Development

- (21) Provision must be made for a suitable structure or structures for receiving mail and newspapers. Such area shall be kept clean and tidy. The structure shall include separate provision for each dwelling to receive papers.
- (22) All service meters must be located in the front of the dwellings in a location easily accessible to the various authorities.
- (23) The electrical meter box(es) must be within a suitable structure treated with appropriate materials to positively contribute to the amenity of the area and be to the satisfaction of the Responsible Authority.
- (24) All pipes, fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
- (25) The walls on the boundary of the adjoining properties shall be cleaned and finished to the satisfaction of the Responsible Authority.
- (26) Provision must be made on the land for the storage of waste and recycling bins in a location that is not visible from the street to the satisfaction of the Responsible Authority.
- (27) Prior to the occupation of the dwellings hereby permitted all side, rear and internal fencing must be a minimum height of 1.8m above the finished ground level (except where visibility splays are required toward the front of the site) and be in good condition to the satisfaction of the Responsible Authority. The owner of the subject land must pay all costs associated with the construction / modification of the fence(s) (including materials), to the satisfaction of the Responsible Authority.

Time Limit – Development


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

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires, or:

- (a) Within six months afterwards for commencement, or
- (b) Within twelve months afterwards for completion.

Notes:

This permit was issued at the direction of the Victorian Civil and Administrative Tribunal in accordance with the order dated 16 November 2018.

DATE ISSUED: 26/11/2018**SIGNATURE OF THE
RESPONSIBLE AUTHORITY:****PLANNING PERMIT NO. P917/2016**

IMPORTANT INFORMATION ABOUT THIS PERMIT

WHAT HAS BEEN DECIDED?

The Responsible Authority has issued a permit **at the direction of the Victorian Civil and Administrative Tribunal**. (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 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 5 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 APPEALS?

- 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 appeal 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 application for review and the fees payable can be obtained from the Victorian Civil and Administrative Tribunal.