

NOTICE OF DECISION TO AMEND A PERMIT PLA20/0169

The Responsible Authority has decided to amend a permit.
The permit has NOT been issued.

Address of the land: 176 Bulleen Road BULLEEN
Lot 122 LP 11354 Vol 5504 Fol 624

Permit for which the amendment is sought: PLN19/0007

What amendment is being made to the permit? Amendment to Planning Permit PLN19/0007 by increasing the number of dwellings from 6 to 7, reduction in the food and drink premises area (to 49sqm), alterations to access arrangements, lowering the floor levels, reduction in overall building height by approximately 0.7m, minor internal layout changes, minor reduction in side setbacks at second floor level (by 0.2m) and alteration to window screening.

And amending the permit as follows:

- Modify the permit preamble, to allow for *"use and development of a three-storey building comprising 7 dwellings and a food and drink premises and alteration of access to a road in a Road Zone, Category 1."*
- New Condition 1A to the permit to require amended plans.
- Modify Condition 15 of the permit to require an amended Bess Report.
- Modify Condition 17 of the permit to reflect the updated Waste Management Plan.
- Modify Condition 19 of the permit to require changes to the landscape plan conditions.
- Deletion of Condition 21 and replacement of Condition 22 to include updated Department of Transport requirements.

Planning Permit PLN19/0007 was issued for the use and development of a three-storey building comprising 6 dwellings and a food and drink premises and alteration of access to a road in a Road Zone, Category 1

To what conditions is the amendment subject?

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

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then form part of the permit. The plans must be generally in accordance with the decision plans (prepared by T-A Square, job number TA18047, Drawings TP 100 Rev-D, TP 101 Rev-D, TP 103 Rev-D, TP 104 Rev C, TP 201 Rev C, TP 202 Rev C, TP 301 Rev C, TP 302) , but modified to show:

- 1.1 Storage space for the sixth dwelling in accordance with the Clause 55.05-6 Storage of the Manningham Planning Scheme;
 - 1.2 Side and Rear setbacks dimensioned at the Basement level;
 - 1.3 The main stairwell to gain entry from the foyer at ground floor level;
 - 1.4 Surface treatments and finished surface levels with private open space areas, including side setbacks;
 - 1.5 Provision of north facing windows at Main Bedrooms of apartment 1.01 and 1.02 to improve energy efficiency in accordance with the objectives of Clause 55.03-5 Energy Efficiency of the Manningham Planning Scheme;
 - 1.6 Common Corridor at first floor level setback a minimum of 2.71 metres from the southern site boundary;
 - 1.7 Provision of a splashback window to the south facing Kitchen wall of apartment 1.03;
 - 1.8 Provision of permeable pathway within the front setback providing access to food and drink premises;
 - 1.9 All habitable room windows and balconies demonstrated (with cross sections provided if necessary) to comply with Standard B22 of Clause 55.04-6 Overlooking of the Manningham Planning Scheme;
 - 1.10 All obscure glazing and sill heights for highlight windows notated as being at least 1.7 metres above finished floor level
 - 1.11 A schedule of materials, colours and finish of all external walls, roofs, fascias, window frames, and paving (including driveway surfacing);
 - 1.12 A notation to indicate that the development must be constructed in accordance with the Sustainable Design Assessment approved as part of this permit;
 - 1.13 All plan notations required by the Sustainable Design Assessment approved as part of this permit.
- 1A. Before the development starts, amended plans drawn to scale and dimensioned, must be submitted to the satisfaction of the Responsible Authority. When approved the plans will be endorsed and will then form part of the permit. The plans must be generally in accordance with the plans submitted with the amended application PLA21/0169 (prepared by Vantage Architecture, dated 25 August 2021), but modified to show:
- 1A.1 The first and second floor plans detailing the existing window locations and their setbacks from common site boundaries of adjoining dwellings to be consistent with details provided on the ground floor plan;
 - 1A.2 The side and rear setback dimensions at first and second floor levels (including Bedroom 1 of Apt 1.03, Lounge of Apt 1.01, Bedroom 2 of Apt 2.02, Bedroom 3 of Apt 2.01 and Bedroom 2 and Kitchen/Lounge of Apt 2.02);
 - 1A.3 The southern setback of Apt 2.01 at Bedroom 1 increased to at least 4.4 metres, while demonstrating minimum 3m internal bedroom dimensions, to the satisfaction of the Responsible Authority;
 - 1A.4 The location, height and materials of planter boxes, as required due to the basement location.

Endorsed Plans

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

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Food and Drink Premises

3. Except with the prior written consent of the Responsible Authority, the premises must contain no more than 24 seats, including any external seating.
4. Except with the prior written consent of the Responsible Authority, the use may only operate between the following hours:
 - 4.1 Monday to Sunday: 7:00am – 5:30pm
5. Except with the prior written consent of the Responsible Authority, unloading and loading of goods for the permitted use must only be carried out between the hours of 7.00am and 6.00pm, to the satisfaction of the Responsible Authority.
6. The use and development must be managed so that the amenity of the area is not detrimentally affected, to the satisfaction of the Responsible Authority, through the:
 - 6.1 Transport of materials, goods or commodities to or from the land;
 - 6.2 Storage of goods and wastes;
 - 6.3 Appearance of any building, works or materials;
 - 6.4 Emission of noise, light, vibration, odour & dust;
 - 6.5 others as appropriate
7. Noise levels emanating from the premises must not exceed those required to be met under the State Environment Protection Policy (Control of Music Noise from Public Premises, No. N-2) and in the event of the Responsible Authority receiving justifiable complaints regarding noise from such sources, the onus will be on the owner of the development site to prove compliance with the relevant policy to the satisfaction of the responsible authority
8. No external sound amplification equipment or loudspeakers are to be used for the purpose of announcement, broadcast, playing of music or similar purpose
9. All external plant and equipment must be appropriately located and screened, including acoustic treatment or placed in soundproof housing, to reduce noise to a level satisfactory to the Responsible Authority.
10. The exhaust system of the cooking area must be provided with filter devices capable of minimising the external emission of odours and airborne fat particles to the satisfaction of the Responsible Authority and such filter system must be maintained to the satisfaction of the Responsible Authority.

Construction Management

11. Before the development starts, two copies of a Construction Management Plan (CMP) must be submitted to and approved by the Responsible Authority. The Construction Management Plan must be prepared using Council's CMP Template to address the following elements referenced in Council's Construction Management Plan Guidelines:
 - 11.1 Element A1: Public Safety, Amenity and Site Security
 - 11.2 Element A2: Operating Hours, Noise and Vibration Controls
 - 11.3 Element A3: Air Quality and Dust Management
 - 11.4 Element A4: Stormwater and Sediment Control and Tree Protection

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11.5 Element A5: Waste Minimisation and Litter Prevention

11.6 Element A6: Traffic and Parking Management

Council's Works Code of Practice (June 2016) and Construction Management Plan Guideline (June 2016) are available on Council's website.

12. The development must be undertaken in accordance with the Construction Management Plan approved and forming part of this permit 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.
13. The owner must use appropriate site management practices during demolition/construction to limit neighbourhood amenity detriment and protect community and Council assets in accordance with Council's Works Code of Practice, including measures to prevent the transfer of mud, dust, sand, slurry, litter, concrete, construction waste or overland flow from the site into drains, onto nearby roads or properties. In the event that a road, drain or property is affected, the owner must upon direction of the responsible authority take the necessary steps to clean the affected portion of road, drain or property to the satisfaction of the Responsible Authority.
14. 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.

Sustainable Design Assessment

15. Before the review of the plans under Condition 1A of this permit, an amended Sustainable Design Assessment (SDA) Report must be submitted to and approved by the Responsible Authority. The report must be generally in accordance with the previously endorsed SDA Report (Prepared by Northern Environmental Design, File 201U, dated 17 December 2019), but must be modified to reflect the amended proposal and any changes to the plans submitted under Condition 1A of this permit to the satisfaction of the Responsible Authority.
16. The development must be constructed in accordance with the Sustainable Design Assessment approved and forming part of this permit 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.

Waste Management

17. Before the development starts, a Waste Management Plan must be submitted to and approved by the Responsible Authority. When approved, the plan will form part of the permit. The plan must be generally in accordance with the submitted draft Waste Management Plan prepared by Salt, Version F03.1 dated 30 September 2021 but modified to reflect the development plans submitted under Condition 1A (if necessary). The developer must ensure that the private waste contractor can access the development and the private waste contractor bins. No private waste contractor bins can be left outside the development boundary at any time on any street frontage for any reason.

Arboricultural Report

18. The development must be undertaken in accordance with the recommendations of the arboricultural report (prepared by Bluegum, dated 23 October 2018) and all of its requirements must be implemented and complied with at all times to the satisfaction of the Responsible Authority.

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Landscape Plan

19. Before the development starts, a landscaping plan prepared by a landscape architect or person of approved competence must be submitted via email to the Responsible Authority for approval. Such plan must be generally in accordance with the plan approved under Condition 1A of this amended permit and the concept landscape plan submitted with the amended application (prepared by MemLa, Project LC2261, Revision E dated 20 September 2021), and must show:

- 19.1 Any changes to the development layout required under Condition 1A of this permit as relevant;
- 19.2 Sectional details of the planting method for planter boxes, including the method of drainage;
- 19.3 The screen planting along the northern property boundary capable of reaching a minimum mature height of 3 metres, and with a minimum height of 0.5 metres at the time of planting;

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.

Landscape Bond

20. Before the review of development plans under Condition 1 of this permit, a \$8,797.50 cash bond or bank guarantee must be lodged with the Responsible Authority to ensure the completion and maintenance of landscaped areas and such bond or bank guarantee will only be refunded or discharged after a period of 13 weeks from the completion of all works, provided the landscaped areas are being maintained to the satisfaction of the Responsible Authority.

Department of Transport Conditions

21. Deleted.
22. Prior to the occupation of the development, the accessway crossover and associated works must be provided generally as per plans annotated Proposed Ground Floor Plan – TP101 dated 25/08/21 and available for use to the satisfaction of the Responsible Authority and at no cost to the Head, Transport for Victoria.
23. Vehicles must enter and exit the land in a forward direction only at all times.

Vehicle Crossings and Accessways

24. Prior to occupation of the approved dwellings or commencement of the approved use, 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.
25. Redundant vehicle crossovers must be removed and the footpath, nature strip and kerbing reinstated to the satisfaction of the Responsible Authority.

Completion

26. Before the occupation of the approved dwellings or commencement of the approved use, 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.



27. 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.
28. 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.

Stormwater – On-site detention (OSD)

29. The owner must provide 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), to limit the Permissible Site Discharge (PSD) to that applicable to the site coverage of 35 percent of hard surface or the pre-existing hard surface if it is greater than 35 percent. The PSD must meet the following requirements:
 - 29.1 Be designed for a 1 in 5 year storm; and
 - 29.2 Storage must be designed for 1 in 10 year storm.

Construction Plan (OSD)

30. Before the development starts, a construction plan for the on-site stormwater detention system required by this permit must be submitted to and approved by the Responsible Authority. The system must be maintained by the Owner thereafter in accordance with the approved construction plan to the satisfaction of the Responsible Authority.

Drainage

31. Stormwater must not be discharged from the subject land other than by means of drainage to the legal 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.
32. 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.

Driveway and Car Parking Areas

33. Before the occupation of any of the approved dwellings or commencement of the approved use, all associated basement parking spaces must be line-marked, numbered and signposted to provide allocation to each dwelling and visitors to the satisfaction of the Responsible Authority.
34. Automatic basement door opening systems must be installed and maintained, so as to facilitate secure access to the allocated parking areas by residents, visitors and a rubbish collection contractor, to the satisfaction of the Responsible Authority. (If applicable)

Site Services

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35. All services, including water, electricity, gas, sewerage and telephone, must be installed underground and located to the satisfaction of the Responsible Authority.
36. All external services including pipes must be concealed and screened respectively to the satisfaction of the Responsible Authority.
37. 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.
38. A centralised TV antenna system must be installed to each building and connections made to each dwelling to the satisfaction of the Responsible Authority. No individual dish antennas may be installed on balconies, terraces, roofs or walls to the satisfaction of the Responsible Authority.
39. 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.

Rooftop Plant

40. All roof-top plant and services (including any hot water systems, but excluding solar panels) must be installed in appropriately screened areas, unless otherwise agreed in writing with the Responsible Authority.
41. Unless sufficiently screened by roof parapets, all solar panels and any associated safety railings must be located away from the outer edges of the roof section upon which they are installed, so as to minimise general visual impacts from off the site to the satisfaction of the Responsible Authority.

Services on Balconies and Terraces

42. Any air-conditioning unit installed on a balcony or terrace must stand at floor level and be positioned to minimise general visual impacts from off the site, and unless otherwise agreed in writing with the Responsible Authority, no air-conditioning unit may be erected on an external wall to the satisfaction of the Responsible Authority.
43. Any clothes-drying rack or line system located on a balcony or terrace must be lower than the balustrade of the balcony or terrace to minimise general visual impact from off the site to the satisfaction of the Responsible Authority.

Metering and Service Cabinets

44. All building services and metering located in the front setback, including fire services, gas, water and electricity, must be installed in accordance with the approved plans and must be positioned in discrete manner and be screened using cabinets etc. that integrated with the overall building design to the satisfaction of the Responsible Authority.

Fencing

45. Prior to the occupation of the approved dwellings or commencement of the approved use, all fencing must be erected in good condition in accordance with the plans endorsed under Condition 1 of this permit to the satisfaction of the Responsible Authority.

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Brickwork / Retaining Walls

- 46. 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.
- 47. All retaining walls must be constructed and finished in a professional manner to ensure a neat presentation and longevity to the satisfaction of the Responsible Authority.

Maintenance

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

Permit Expiry

- 49. This permit will expire if one of the following circumstances applies:
 - 49.1 The development is not started within two (2) years of the date of this permit; and
 - 49.2 The development is not completed within four (4) years of the date of this permit.
- 50. The use component of this permit will expire if the use has not commenced within two (2) years of the completion of the development.

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*.

This planning permit has been issued in accordance with VCAT Order P1396/2019, dated 10 September 2019, at the request of, and with the consent of, all parties.



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 **Endorse Plans**. The engineering construction plan should be submitted directly to Council's Infrastructure Services Unit [online](#).

Landscape Bond Administration Fee

Payment of the landscape bond must be accompanied by payment of a non-refundable administration fee. The current rate can be found on the Statutory Planning [Schedule of Fees](#).

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 \(June 2017\)](#).

Construction Management Plan (CMP)

A Construction Management Plan must be prepared using Council's template, which can be downloaded [from our website](#).

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 Infrastructure Services Unit on 9846 0542.

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

Plans submitted for approval for the on-site storm water detention system should be forwarded to Council's Infrastructure Services Unit. For any queries in relation to these plans please contact Infrastructure Services on 9846 0563.

Street Trees

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Prior to the commencement of any works onsite (including demolition), the removal of any street trees located in front of the subject land and its replacement must be arranged with Council's Parks Team (9840 9333). The removal, pruning or replacement of a street tree must only be undertaken by contractors approved by Council's Parks Team and all costs associated with this, including the amenity value, must be paid to the satisfaction of the Responsible Authority.

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 mail boxes 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.

New development of 5 or more dwellings

Pursuant to the Manningham Parking Permit Policy 2019, owners and occupiers of dwellings approved in this development will not be eligible to obtain residential parking permits in restricted parking areas.

This permit has been amended as follows:

Amendment No.	Description	Date Amendment Approved*
PLA20/0169	<p>The permit is amended as follows:</p> <ul style="list-style-type: none">• Modify the permit preamble from: "Use and development of a three-storey building comprising 6 dwellings and a food and drink premises and alteration of access to a road in a Road Zone, Category 1".• New Condition 1A to the permit to require amended plans.• Modify Condition 15 of the permit to require an amended SDA Report to reflect the amended proposal.• Modify Condition 17 of the permit to reflect the updated Waste Management Plan.• Modify Condition 19 of the permit to require changes to the landscape plan conditions.• Deletion of Condition 21 and replacement of Condition 22 of the permit. <p>The plans are amended as follows:</p> <ul style="list-style-type: none">• Increasing the number of dwellings from 6 to 7, reduction in the food and drink premises area (to 49sqm), alterations to access arrangements, lowering the floor levels, reduction in overall building height by approximately 0.7m, minor internal layout changes, minor reduction in side setbacks at second floor level (by 0.2m) and alteration to window screening.	Not applicable until permit issued

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***Note:** An amendment to the permit does not extend the validity of the permit. The expiry of this permit is calculated using the original permit issue date shown at the bottom of the page, not the date the amendment was approved.

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IMPORTANT INFORMATION ABOUT THIS NOTICE

WHAT HAS BEEN DECIDED?

- The responsible authority has decided to amend a permit. The amended permit has not been issued.
 - This notice sets out the changes to be made to the existing permit.
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WHAT ABOUT REVIEWS?

For the applicant –

- The person who applied for the amendment to the permit may apply for review of any amendment to what the permit will allow, and any new or amended condition to which the permit will be subject, and any provision of the permit which the applicant asked to be amended but which has not been amended. The application for review must be lodged within 60 days of the giving of this notice.

For an objector –

- An objector may apply for review of the decision of the responsible authority to amend a permit. The application for review must be lodged within 28 days after the date of this notice.
- If there is no application for review, a permit will be issued after 28 days after the date of this notice.

For a recommending referral authority –

- A recommending referral authority may apply for review of the decision of the responsible authority—
 - (a) to grant the amended permit, if that recommending referral authority objected to the grant of the permit; or
 - (b) not to include a condition on the amended permit that the recommending referral authority recommended.
- The application for review must be lodged within 21 days of the giving of this notice.
- If there is no application for review, a permit will be issued after 21 days of the giving of this notice.

For all applications for review –

- 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 be served on the responsible authority, each other party and each other person entitled to notice of the application for review under the **Planning and Environment Act 1987** and the **Victorian Civil and Administrative Tribunal Act 1998** within 7 days after lodging the application with the Victorian Civil and Administrative Tribunal.

Details about applications for review and the fees payable can be obtained from the Victorian Civil and Administrative Tribunal.

