

NOTICE OF DECISION TO AMEND A PERMIT PLA21/0098

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

Address of the land: 19 Lawford Street DONCASTER

Lot 14 LP 78416 Vol 8691 Fol 919

Permit for which the amendment is sought: PL16/026255

What amendment is being made to the permit? Amendment to Planning Permit PL16/026255 by

- Addition of Condition 1A to require amended plans.
- Addition of Condition 3 to require endorsement of the Sustainable Development Assessment and subsequent renumbering of conditions.
- Modification to Condition 11 to update the reference to the Arborist Report.
- Addition of Condition 7A to require an amended landscape plan to be consistent with the proposed changes to the endorsed plans.
- Amendment to the plans show:

AND

Amendments to plans to show:

- Internal rearrangement, increase to upper floor building footprint and revised materials to all elevations of all dwellings (where applicable).
- Dwelling 1 conversion of basement roof into an accessible space.
- Dwelling 2 double garage converted to a single garage with tandem space and the removal of retaining wall within the private open space.
- Dwelling 2 & 3 entry paths relocated via driveways.

Planning Permit PL16/026255 was issued for the construction of three, multi-storey dwellings)

To what conditions is the amendment subject?

Amended Plans

1. Before the development starts, two copies of amended plans drawn to scale and dimensioned, must be submitted to the satisfaction of the Responsible Authority 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 decision plans (prepared by *2Bscene Design*, job number LAW19, revision 2, dated July 2016), but modified to show:

Dwellings

- 1.1 The entire second floor level (roof-top terraces) of each dwelling deleted;

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- 1.2 Dwelling 1's, first floor *Bed 2*, western side wall recessed by 0.5 metres to achieve a western boundary setback of 3.95 metres, with no change to any other setbacks.
- 1.3 The provision of a minimum of 6 cubic metres of storage within the secluded private open space area of Dwelling 1.
- 1.4 Dwelling 3's first floor, west-facing family room window provided with a screening treatment to limit overlooking to the habitable room windows and secluded private open space of the adjoining dwelling to the west (21 Lawford Street) in accordance with Standard B22 of Clause 55.04-6 Overlooking of the Scheme.
- 1.5 Dwelling 3's garage and entry porch finished floor levels notated correctly on the ground floor plan, with the garage to be at 80.06 as per the longitudinal section drawing.
- 1.6 The provision of solar relief features to all first floor, west-facing habitable room windows, with any additions to the building walls to be integrated within the design of the development in accordance with Clause 55.06-1 Design Detail of the Manningham Planning Scheme.
- 1.7 A level of differentiation to the colour finishes of each dwelling as to provide for delineation between and a greater sense of individual identity to the three dwellings.

Vehicle Access

- 1.8 Dwelling 1's accessway reconfigured to comply with Design Standard 3 (Gradients) of Clause 52.06 Car Parking of the Manningham Planning Scheme by raising the finished floor level of the garage by 0.05 metres and providing a gradient of no more than 1:10 for the first 2 metres of the accessway.
- 1.9 Demonstration of at least 2.1 metres headroom beneath overhead obstructions for Dwelling 1's accessway ramp.

Fencing

- 1.10 Replacement of the existing western boundary fence with a new fence of at least 1.8 metres in height.
- 1.11 Location and details (height and materials) of all internal fencing that separates the secluded private open space areas.
- 1.12 All fencing on the elevation plans accurately depicted at the corresponding notated heights.

Amended Plans

- 1A. 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 decision plans (prepared by Designed Living, job number LAW19, dated March 2022), but modified to show:
 - 1A.1 The Dwelling 3 upper floor cantilevered beam deleted, with the design resolved to the satisfaction of the Responsible Authority;
 - 1A.2 The Dwelling 3 western elevations to be finished in a darker render colour to contrast with the upper floor to the satisfaction of the Responsible Authority.
 - 1A.3 Plotted 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 approved as part of this permit;
 - 1A.4 Correct plotting of the gate associated with the Dwelling 3 side fence that extends from the garage to the southern boundary;
 - 1A.5 Deletion of the erroneous gate shown on the Idinia Court frontage to Dwelling 3, and the site frontage to Dwelling 3 notated as "Not fenced";
 - 1A.6 A notation that all redundant vehicle crossovers must be removed and the footpath, nature strip and kerbing reinstated to the satisfaction of the Responsible Authority.
 - 1A.7 A notation that the vehicle crossover servicing Dwelling 1 is to be combined with the existing crossover at 21 Lawford Street to the satisfaction of the Responsible Authority;
 - 1A.8 The northern window of 7 Idinia Court depicted and the overlooking arc from Dwelling 3 upper floor window shown on plans to demonstrate compliance with Standard B22 of Clause 55.04-6 (Overlooking) of the Scheme

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- 1A.9 A notation to indicate that the development must be constructed in accordance with the Sustainable Design Assessment approved as part of this permit;
- 1A.10 All details and plan notations required by the Sustainable Design Assessment approved as part of this permit.

Endorsed Plans

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

Sustainable Design Assessment

3. The development must be constructed in accordance with the Sustainable Design Assessment approved and forming part of this permit (Project number 211024, dated 23 September 2021), 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.

Completion

4. Before the occupation of the approved dwellings, 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.
5. 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 fixed to transparent windows is not considered to be 'obscure glazing' or an appropriate response to screen overlooking.
6. 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.

Landscape Plan

7. 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 plans approved under Condition 1 of the permit, and must show:
- 7.1 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;
- 7.2 Details of soil preparation and mulch depth for garden beds and surface preparation for grassed areas;
- 7.3 Fixed edge strips for separation between grassed and garden areas and/or to contain mulch on batters;
- 7.4 A sectional detail of the canopy tree planting method which includes support staking and the use of durable ties;
- 7.5 A minimum of one (1) canopy tree, capable of reaching a minimum mature height of 8.0 metres, within the front setback of the site. The tree must be a minimum height of 1.5 metres at the time of planting;
- 7.6 Screen planting along the southern and western boundaries to be of a species capable of reaching a minimum mature height of 3 metres and of a shallow rooted nature where within the easement. The screen planting must be a minimum height of 0.5 metres at the time of planting;
- 7.7 Planting within 2 metres along the frontage from the edge of the driveway(s) and 2.5 metres along the driveway(s) from the frontage to be no greater than 900mm in height at maturity.



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.

- 7A Before the development starts, an amended 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 plans approved under Condition 1A of amendment application PLA21/0098 and must demonstrate compliance with Condition 7 of this permit.

Landscape Bond

8. Before the release of the approved plan for the development, a \$4,350 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.

Vegetation

9. 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.

Street Tree

10. Prior to the construction commencing on site, the owner must arrange with Council's Parks and Recreation Unit for the removal of the street tree located in front of the subject land and its replacement. All costs associated with this must be paid to the satisfaction of the Responsible Authority. The removal and replacement of the street tree shall only be undertaken by Council contractors to ensure quality and safety of work.

Tree Protection Measures

11. Prior to the commencement of works on the site, tree protection measures must be implemented in accordance with the recommendations of the Arborist Report (*ArborReport Victoria*, dated 5 September 9) and must be maintained for the duration of the development to the satisfaction of the Responsible Authority.

Stormwater – On-site detention (OSD)

12. 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:

- 12.1 Be designed for a 1 in 5 year storm; and
- 12.2 Storage must be designed for 1 in 10 year storm.

Construction Plan (OSD)

13. Before the development starts, a construction plan for the system required by Condition 12 of 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

14. 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 Miscellaneous Works Permit is first obtained from the Responsible Authority.

15. 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.

Site Services

16. All services, including water, electricity, gas, sewerage and telephone, must be installed underground and located to the satisfaction of the Responsible Authority.
17. All upper level service pipes (excluding stormwater downpipes) and any wall mounted spa-bath pump must be concealed and screened respectively to the satisfaction of the Responsible Authority.
18. All PVC pipes serving rainwater tanks which are positioned against building walls must be painted to match the colour of roofline guttering to the satisfaction of the Responsible Authority.

Vehicle Crossings and Accessways

19. Prior to occupation of the approved dwellings, 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.
20. Prior to occupation of the approved dwellings, redundant vehicle crossovers must be removed and the footpath, nature strip and kerbing reinstated to the satisfaction of the Responsible Authority.

Fencing

21. Prior to the occupation of the approved dwellings, all fencing must be erected in accordance with the plans endorsed under Condition 1 of this permit to the satisfaction of the Responsible Authority.

Brickwork / Retaining Walls

22. 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.
23. 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

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

Construction Management

25. The owner must use appropriate site management practices to prevent the transfer of mud, dust, sand or slurry 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.
26. In the event of development causing damage to an existing boundary fence, the owner of the development site must at their own cost repair or replace the affected fencing to the satisfaction of the Responsible Authority.

Permit Expiry

27. This permit will expire if one of the following circumstances applies:
 - 27.1 The development is not started within two (2) years of the date of issue of this permit; or

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27.2 The development is not completed within four (4) years of the date of issue 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 (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](#).

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 \(June 2017\)](#).

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 0500.

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.

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.

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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.

This permit has been amended as follows:

Amendment No.	Description	Date Amendment Approved*
PLA21/0098	<p>The permit is amended as follows:</p> <ul style="list-style-type: none">• Addition of Condition 1A to require amended plans.• Addition of Condition 3 to require endorsement of the Sustainable Development Assessment and subsequent renumbering of conditions.• Modification to Condition 11 to update the reference to the Arborist Report.• Addition of Condition 7A to require an amended landscape plan to be consistent with the proposed changes to the endorsed plans. <p>Amendment to the plans as follows:</p> <ul style="list-style-type: none">• Internal rearrangement, increase to upper floor building footprint and revised materials to all elevations of all dwellings (where applicable).• Dwelling 1 conversion of basement roof into an accessible space.• Dwelling 2 double garage converted to a single garage with tandem space and the removal of retaining wall within the private open space.• Dwelling 2 & 3 entry paths relocated via driveways.	Not applicable until permit issued

***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.



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