

## NOTICE OF DECISION TO GRANT A PERMIT PLN20/0553

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

**Address of the land:** 27 Templemore Drive TEMPLESTOWE

Lot 141 LP 140078 Vol 9517 Fol 321

**What will the permit allow?** Construction of three, two-storey dwellings

**What will the conditions of the permit be?**

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### Amended Plans

1. Before the development starts, amended plans drawn to scale and dimensioned, must be submitted 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 *Ario Arc*, job number 200903, revision F, dated September 2021), but modified to show:

- 1.1 The northern aspect of the upper level separation between Dwelling 2 and 3 increased to be at least 2.1m;
- 1.2 The alfresco pillars/post to all dwellings reduced in width as much as practicable;

#### Dwelling 1

- 1.3 The crossover must be modified to encompass the side entry pit;
- 1.4 Front path to be a maximum of 1.0m in width;
- 1.5 The deletion of the storage shed within the secluded private open space area of the dwelling, and subsequent relocation of the canopy tree within this location;

#### Dwelling 2

- 1.6 The upper level eastern wall of Bedroom 1 stepped in by at least 400mm from the ground floor below, with the alignment of the roofline modified to follow the outline of the external wall, to the satisfaction of the Responsible Authority;
- 1.7 The rear ground floor finished floor level reduced by at least 150mm through the introduction of an additional internal stair, to the satisfaction of the Responsible Authority;
- 1.8 The finished floor level of the deck reduced by at least 300mm, with additional stairs and modifications to the doors providing access from the dwellings, as required;
- 1.9 The minimum internal dimensions of all upper level bedrooms to demonstrate a minimum width of 3m is provided, to the satisfaction of the Responsible Authority;
- 1.10 Reduce protrusion/height of party wall to the east, as much as practicable;

#### Dwelling 3

- 1.11 The rear ground floor finished floor level reduced by at least 150mm through the introduction of an additional internal stair, to the satisfaction of the Responsible Authority;
- 1.12 The finished floor level of the deck reduced by at least 300mm, with additional stairs and modifications to the doors providing access from the dwellings, as required;
- 1.13 The minimum internal dimensions of all upper level bedrooms to demonstrate a minimum width of 3m is provided, to the satisfaction of the Responsible Authority;

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- 1.14 Reduction of the protrusion/height of party wall to the east of Dwelling 2 as much as practicable;

#### General

- 1.15 The maximum transparency of the free-standing trellis and external privacy screens notated to be no more than 25%;
- 1.16 The freestanding screens to be constructed on a sturdy frame independent of the boundary fence and within the property boundary of the site;
- 1.17 The notations regarding internal dividing fence materials and height to be legible;
- 1.18 The retaining walls within the front setbacks to be all less than 1.0m in height, to ensure no safety railing will be required, by stepping of retaining walls, some minor battering and/or some rock retaining/battering incorporated, other than where necessary adjacent to Dwelling 1's driveway;
- 1.19 The necessary hand railing reduced as much as practicable adjacent to Dwelling 1's driveway (to be only adjacent to retaining walls more than 1.0m in height) including by stepping of the retaining wall on the south side of the driveway, where possible;

#### Access

- 1.20 A notation that the Council owned street Tree 12 be removed to facilitate the proposed crossover to Dwelling 2, with the applicant to pay removal and replacement costs;
- 1.21 The minimum dimensions of the garages to all dwellings to be provided to scale;

#### Tree Protection Fencing

- 1.22 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 Arborist Report in accordance with Condition 4 of this permit;

#### Sustainable Design Assessment

- 1.23 A notation to indicate that the development must be constructed in accordance with the Sustainable Design Assessment approved as part of this permit, as per Condition 3 of this permit;
- 1.24 All plan notations required by the Sustainable Design Assessment approved as part of this permit, as per Condition 3 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 (prepared by *Greeno Group*, dated August 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.

#### Arboricultural Report

4. The development must be undertaken in accordance with the recommendations of the arboricultural report (prepared by *TreeSpace Solutions*, dated 16 April 2021) to the satisfaction of the Responsible Authority.

#### Completion

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5. 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.
6. 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.
7. 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

8. 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 plan approved under Condition 1 of this permit, and must show:
  - 8.1 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;
  - 8.2 Details of soil preparation and mulch depth for garden beds and surface preparation for grassed areas;
  - 8.3 Fixed edge strips for separation between grassed and garden areas and/or to contain mulch on batters;
  - 8.4 A sectional detail of the canopy tree planting method which includes support staking and the use of durable ties;
  - 8.5 A minimum of one (1) canopy tree, capable of reaching a minimum mature height of 8 metres, within the front setback of each dwelling. The tree must be a minimum height of 1.5 metres at the time of planting;
  - 8.6 A minimum of one (1) canopy tree, within the private open space of each dwelling, to be a minimum height of 1.5 metres at the time of planting;
  - 8.7 Screen planting generally along the northern and eastern boundaries, where practicable to the satisfaction of the Responsible Authority to be a minimum height of 0.5 metres at the time of planting;
  - 8.8 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 0.9 metres 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.

#### Landscape Bond

9. Before the review of development plans under Condition 1 of this permit, a \$5,520.00 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

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10. No vegetation, apart from that shown on the approved plan as vegetation to be removed may be felled, destroyed or lopped without the written consent of the Responsible Authority.

#### Tree Protection Fencing

11. 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.
12. Tree protection fencing must be erected to the extent of the tree protection zone of Tree 2 and 9 where it is within the site, but outside the building envelope.

#### Tree Impact Management

13. All contractors/tradespersons (including demolition workers) who install services or work near trees to be retained must be made aware of the need to preserve the trees and to minimize impacts on the trees through appropriate work practices.

#### Stormwater – On-site detention (OSD)

14. Before the development starts, an engineering plan for an on-site stormwater detention (OSD) system 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 depict an 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) that is designed in accordance with Council's [On-Site Stormwater Detention Guidelines \(March 2021\)](#) to the satisfaction of the Responsible Authority.
15. Before the dwellings are occupied, the OSD system must be installed and then maintained in accordance with the engineering plan endorsed under this permit to the satisfaction of the Responsible Authority.

#### Drainage

16. 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.
17. 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

18. All services, including water, electricity, gas, sewerage and telephone, must be installed underground and located to the satisfaction of the Responsible Authority.
19. All external services including pipes must be concealed and screened respectively to the satisfaction of the Responsible Authority.

#### Vehicle Crossings and Accessways

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20. 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.

#### Brickwork

21. 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.

#### Maintenance

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

#### Construction Management

23. 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.
24. 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.

#### Permit Expiry

25. This permit will expire if one of the following circumstances applies:

- 25.1 The development is not started within two (2) years of the date of this permit; and  
25.2 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 (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

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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.

### **OSD Plans**

The OSD system must be designed in accordance with Council's [On-site Stormwater Detention Guidelines \(March 2021\)](#).

Plans submitted for approval for the on-site storm water detention system should be forwarded directly to Council's Infrastructure Services Unit. For any queries in relation to these plans please contact Infrastructure Services on 9846 0500.

### **Tree Pruning**

Any tree pruning must be undertaken by a suitably qualified Arborist who has thorough knowledge of tree physiology and pruning methods and all pruning must be carried out in accordance with the Australian Standard 4973-2007 'Pruning of amenity trees'

### **Street Trees**

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**

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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.

## IMPORTANT INFORMATION ABOUT THIS NOTICE

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### WHAT HAS BEEN DECIDED?

- The responsible authority has decided to grant a permit. The permit has not been issued.
  - This notice sets out what the permit will allow and what conditions the permit will be subject to if issued.
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### WHAT ABOUT REVIEWS?

#### For the applicant –

- The person who applied for the permit may apply for review of any condition in the notice of decision to grant a permit. 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 grant 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 a permit, if that recommending referral authority objected to the grant of the permit; or
  - (b) not to include a condition on the 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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