

NOTICE OF DECISION TO GRANT A PERMIT PLN21/0005

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

Address of the land: 37 Cuthbert Street BULLEEN
Lot 270 LP 13076 Vol 8484 Fol 410

What will the permit allow? Construction of one, three-storey dwelling and two, two-storey dwellings

What will the conditions of the permit be?

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 generally in accordance with the decision plans (dated 10 February 2023), but modified to show:

General

- (a) The setbacks between the shared driveway and western boundary fence clearly dimensioned.
- (b) The common driveway minimised to the area required for the turning of vehicles to the satisfaction of the Responsible Authority.
- (c) The front fence notated correctly on all relevant plan sheets, in accordance with the notation on the streetscape elevation (plan sheet 11 of 12), which specifies a height of 1.2 metres.
- (d) Solar protection measures provided to all exposed, north-facing habitable room windows/doors.
- (e) Sensor lighting provided above pedestrian entries and garage openings.
- (f) The 0.45 metre trellis extended for the full length of the eastern boundary from the rear of the site to the Dwelling 1 garage wall on the boundary.
- (g) A contrasting canopy and/or batten/post feature provided to the Dwelling 2 and 3 porch entries, for improved visual identification.
- (h) The Dwelling 1 bin storage relocated to within the SPOS areas, with access to the frontage provided via a gate in the fence between Dwellings 1 and 2.
- (i) An elevation of the western boundary fence that demonstrates the permeable vertical metal blade section described by floor plans, to the satisfaction of the Responsible Authority.
- (j) The retaining wall and screen between the shared driveway and Dwelling 1 deleted.

Infrastructure/Access

- (k) All buildings and works removed from the easement unless consent from the relevant authorities is obtained to the satisfaction of the Responsible Authority.
- (l) The Dwelling 1 driveway rise by 100mm for the first 2 metres from the frontage, then grade to the garage entrance in accordance with Design Standard 3 (Gradients) of Clause 52.06 (Car parking) of the Scheme, while achieving a maximum gradient of 1:15 for the tandem car parking space. This needs to be shown on both the site plan and longitudinal section.

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- (m) A Cross Section drawing (scale 1:100) drawn from the centre of the common driveway at 2.0 metre intervals that demonstrates compliance with Design Standard 3 of Clause 52.06-9 Car Parking of the Manningham Planning Scheme or AS2890.1. The drawing must show cross sections and finished spot levels across the width of the common driveway at critical sections, to show how the overland flow is directed to the reserve to the west, to the satisfaction of the Responsible Authority.
- (n) A notation to indicate that the junction pit within the proposed crossover is to be modified/converted to suit the crossover profile in accordance with Council Standard Drawings and to the satisfaction of the Responsible Authority.
- (o) A notation to indicate that all rainwater tanks will be connected to the on-site stormwater detention system for any overflow to the satisfaction of the Responsible Authority.

Tree Protection

- (p) A notation to indicate tree protection must be undertaken in accordance with the Tree Protection and Management Plan approved as part of this permit and to the satisfaction of the Responsible Authority.
- (q) All water tanks, shed, and services located outside the TPZ of any tree to be retained.
- (r) Location and tree numbers of all assessed trees along with the Tree Protection Zone (TPZ) and Structural Root Zone (SRZ) of all trees to be retained, as per the arboricultural report, must be shown on the submitted ground floor plans.
- (s) The Dwelling 3 garage located outside the structural root zone (SRZ) of neighbouring Tree 4.

Endorsed Plans

- 2. The approved development as shown on the endorsed plans must always accord with the endorsed plans unless modified with the prior written consent of the Responsible Authority.

Landscape Plan

- 3. Concurrent with the submission of development plans for endorsement under condition 1 of this permit, a landscape plan to the satisfaction of the Responsible Authority must be prepared by a landscape architect (or similarly qualified person) and submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The landscape plan must include the following:
 - (a) Details of all proposed planting, including location and quantity, species names, approximate height and spread at maturity and planting size.
 - (b) All planting species to be native and/or indigenous to Manningham.
 - (c) A minimum of two canopy trees, capable of reaching a minimum mature height of 8 metres, within the front setback of the site (minimum height of 1.5 metres at the time of planting).
 - (d) A minimum of one canopy tree, within the private open space of each dwelling (minimum height of 1.5 metres at the time of planting).
 - (e) Screen planting located along the north, east and west boundaries, capable of being maintained at a minimum height of 3 metres (minimum height of 0.5 metres at the time of planting).
 - (f) Dense landscaping strips at least 0.5 metres in width along both sides of the driveways.
 - (g) Plant species within the visibility splays shown on the plans endorsed under this permit with a height of no greater than 0.9 metres at maturity.
 - (h) A notation that synthetic grass will not be used as a substitute for any open lawn area within the subject land.



Management Plans

4. The BESS and STORM Reports (dated 10 November 2022) must be approved to form part of this permit, unless with the further written approval of the Responsible Authority.
5. Concurrent with the submission of development plans for endorsement under condition 1 of this permit, a Tree Protection and Management Plan (TPMP) prepared by a suitably qualified arborist, setting out how the trees to be retained will be protected during the construction process 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 TPMP must generally follow the layout of Section 5 of AS4970 'Protection of trees on development sites' and include:
 - (a) A plan showing the tree protection zone (TPZ) and structural root zone (SRZ) for all trees to be retained along with the location of protective fencing and/or areas where ground protection systems will be used.
 - (b) Details of proposed works within any TPZ and arborist supervision when this is proposed.
 - (c) A statement advising any removal or pruning of Council owned trees must be undertaken by a Council approved contractor.
 - (d) A statement that Council will be notified within 24 hours of any breach of the TPMP or where damage has occurred to any protected tree.
6. Before the development starts, including demolition, a Construction Management Plan (CMP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority using Manningham's CMP template. When approved the CMP will be endorsed and will then form part of the permit.
7. The development and any measures to be implemented must always accord and comply with the management plans and reports endorsed under this permit, unless modified with the prior written consent of the Responsible Authority.

Vegetation

8. Except for vegetation shown on the endorsed plans to be removed, no vegetation may be removed, destroyed or lopped, unless with the written consent of the Responsible Authority.
9. All tree protection fencing must be maintained until the completion of the construction works on the subject land to the satisfaction of the Responsible Authority.
10. All contractors/tradespersons (including demolition workers) who install services or work near trees to be retained must be made aware of any tree protection measures required under this permit.

Completion

11. Before the dwellings are occupied, the development and all landscaping must be completed generally in accordance with the endorsed plans to the satisfaction of the Responsible Authority.
12. Before the dwellings are occupied, all screening measures must be constructed and installed in accordance with the specifications shown on the endorsed plans. The screening measures must be fixed and permanent and must be maintained to the satisfaction of the Responsible Authority. Any non-permanent screening measures (such as obscure film or spray) must not be used in lieu of any required fixed and permanent screening measures.



On-Site Stormwater Detention System

13. 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.
14. 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

15. Stormwater must not be discharged from the subject land other than to the legal point of discharge or other approved means to the satisfaction of the Responsible Authority. Before any connection is made to a Council maintained asset, a Connection to Council Drain Permit must be approved by the Responsible Authority.
16. The whole of the subject land, including landscaped and paved areas must be graded and drained to prevent ponding and to minimise overland flows onto adjoining properties to the satisfaction of the Responsible Authority.

Services

17. All services associated with the approved development, including water, electricity, gas, sewerage and telephone, must be installed underground, unless with the written consent of the Responsible Authority.
18. All pipes must be concealed, with the exception of roofing downpipes and external pipes associated with water tanks, which (where exposed) must be finished in a colour complementing the wall surface to the satisfaction of the Responsible Authority.

Maintenance

19. All buildings, paved areas, drainage and landscaping must be maintained to the satisfaction of the Responsible Authority.

Permit Expiry

20. This permit will expire if one of the following circumstances applies:
 - (a) The development is not started within two (2) years of the date of this permit; or
 - (b) 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 and Environment Act 1987*.



Permit 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 City Infrastructure 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 \(June 2017\)](#).

Construction Management Plan

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

Landscape Plan Guidelines

The Manningham Landscape Plan guidelines are available [here](#).

Building Permit

A planning permit is not a Building Permit. It is your responsibility to seek advice from a Registered Building Surveyor to determine if a Building Permit is required. A Building Permit must be issued prior to commencing any works on the subject site pursuant to the requirements of the Building Act and Building Regulations. Building permits can be obtained through a Registered Building Surveyor. Further information on Building Permits can be obtained from the [Victorian Building Authority](#).

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 City Infrastructure Unit on 9846 0500.

Planting in easements

Drainage and sewer assets exist within the existing drainage and sewerage easement within the property. It is recommended to contact Council's Arborist and/or Yarra Valley Water to identify suitable plants and shrubs that can be planted over the easement to minimise damage to assets within the easement.

Melbourne Water

A Melbourne Water-owned Water Supply Main is located within the property adjacent to the south-western boundary. No services are to be installed across any Melbourne Water Asset or within any easements or owned land that are in favour of Melbourne Water unless approval in writing has been granted by Melbourne Water. A separate "Utility Installation" application will need to be submitted.

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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 \(March 2021\)](#) and to the following requirements:

- A minimum Site Storage Requirement (SSR): 5.91m³ (10% AEP).
- A Permissible Site Discharge (PSD): 6.69L/sec (20% AEP).

Any water tanks must be connected to the OSD system for any overflow to Council's satisfaction.

These calculations are based on the decision plans referenced by this permit. Any amendments to the plans may require the above figures to be recalculated.

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

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 mailboxes 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.

Access to a Council reserve

Consent must be obtained from Council's City Amenity Unit prior to the creation of access from the property to the adjacent Council reserve. Please contact them on 9846 0515 should you have any queries.

Access from a Council reserve

Before buildings and works approved under this planning permit commence, prior written approval must be obtained from Council's Assets Protection and Parks units if access to the site from the adjacent Council reserve is required. Please contact them on 9846 0517 should you have any queries.

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IMPORTANT INFORMATION ABOUT THIS NOTICE

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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