

NOTICE OF DECISION TO GRANT A PERMIT PLN21/0274

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

Address of the land: 1 Potter Court TEMPLESTOWE LOWER
Lot 179 LP 70106

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

What will the conditions of the permit be?

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 Sync Design, job number 2109, revision C, dated 21 September 2021), but modified to show:

Dwellings 1 and 2 street presentation

- 1.1 The ground floor walls associated with the garage and dwelling entries in face brick, including the walls framing the garage doors.
- 1.2 The pedestrian paths from the front entry of each dwelling to the footpath removed and replaced with a paths directly from the driveway.
- 1.3 Deletion of the retaining wall down the middle of the frontage of the lot, and the front setback regraded with a batter.
- 1.4 Deletion of the rain garden from the Structural Root Zone and Tree Protection Zone of Tree 3.
- 1.5 Services and meters located outside of the TPZ of Tree 3, and trenching for these services relocated outside of this area unless bored to a minimum depth of 1 metre.
- 1.6 Relocation of letterboxes to be adjacent to the driveway. Letterboxes and meters must be located out of the Tree Protection Zones of trees to be retained, and must be no more than 0.9 m high if located within the pedestrian visibility splays.
- 1.7 The driveway to Dwelling 2 to be constructed of a permeable material.

Dwelling 1

- 1.8 Bedroom 3 and Bedroom 4 and the WIR setback at least 2.4 metres from the eastern boundary at first floor level.
- 1.9 The Theatre Room setback at least 8.12 metres from the southern boundary at first floor level.

Dwelling 2

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- 1.10 The ensuite and WIR of the guest bedroom at ground floor level setback a further 1m (minimum) from the rear boundary; and the pool equipment relocated into this area.
- 1.11 The ensuite to the master bedroom setback at least 6.3 metres from the southern boundary at first floor level.
- 1.12 Relocation of the canopy tree away from the pool.
- 1.13 The open verandah shown above the patio shown on elevations.

Retaining walls

- 1.14 Notations indicating the height of retaining walls on the ground floor plan.
- 1.15 Finished surface levels at the top and bottom of retaining walls, and finished surface levels of side yards and the frontage of each dwelling.
- 1.16 The area within the easement above the retaining wall to the rear of the dwellings shown as a mulched garden bed for landscaping purpose.

Elevations

- 1.17 The location, height and construction of boundary fencing outlined on the elevation plans.
- 1.18 All obscure glazing and sill heights for highlight windows notated as being at least 1.7 metres above finished floor level.
- 1.19 A schedule of materials, colours and finish of all external walls, roofs, fascias, window frames, and paving (including driveway surfacing).

Stormwater Management

- 1.20 A notation to indicate that the development must be constructed in accordance with the Stormwater Management Report approved as part of this permit, in accordance with Condition 3 of this permit.

Garden Area Plan updated

- 1.21 An updated Garden Area percentage as a result of changes to the proposal required by the above conditions to demonstrate compliance with the Manningham Planning Scheme.

Endorsed Plans

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

Stormwater Management Report

- 3. Before the review of plans under Condition 1 of this permit, a Stormwater Management Report adjusted to respond to the requirements of Condition 1 of this permit, must be prepared and submitted to the Responsible Authority. The report must demonstrate that the proposal achieves a STORM rating of 100% or higher, and when approved will form part of the 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.

Arboricultural Report

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4. The development must be undertaken in accordance with the recommendations of the arboricultural report (prepared by Treespace Solutions, dated 11 July 2021), and subject to Conditions 5-9 to the satisfaction of the Responsible Authority.

Vegetation

5. 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

6. For the duration of the development, tree protection must be undertaken in accordance with the recommendations of the Arborist Report (prepared by TreeSpace, dated 11 July 2021) and to the satisfaction of the Responsible Authority.
7. A trench must be dug by hand or non-destructive means under the supervision of a suitable qualified Arborist along the edge of the proposed Dwelling 2 foundations, where they encroach within the TPZ of Tree 3, to a minimum of 600mm in depth. Any roots found must be documented and pruned at the edge of the trench closest to the tree.

Tree Protection Fencing

8. All Tree Protection Fencing must be maintained in good condition until the completion of the development to the satisfaction of the Responsible Authority.

Tree Impact Management

9. 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.

Completion

10. 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.
11. 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.
12. 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

13. 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:

- 13.1 Any changes to the development layout required under Condition 1 of this permit as relevant;

- 13.2 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;
- 13.3 Details of soil preparation and mulch depth for garden beds and surface preparation for grassed areas;
- 13.4 Fixed edge strips for separation between grassed and garden areas and/or to contain mulch on batters;
- 13.5 A sectional detail of the canopy tree planting method which includes support staking and the use of durable ties;
- 13.6 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. The tree to Dwelling 1 is to be planted in the frontage space located generally opposite the porch;
- 13.7 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, capable of growing to at least 6-8 metres high at maturity.
- 13.8 Screen planting along the eastern, western and southern boundaries within the landscape beds above the retaining walls to be a minimum height of 0.5 metres at the time of planting, capable of growing to at least 3 m high at maturity.
- 13.9 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

- 14. Before the review of development plans under Condition 1 of this permit, a \$3,680.00 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.

Stormwater – On-site detention (OSD)

- 15. 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.
- 16. 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

- 17. 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.

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18. 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

19. All services, including water, electricity, gas, sewerage and telephone, must be installed underground and located to the satisfaction of the Responsible Authority.
20. All external services including pipes must be concealed and screened respectively to the satisfaction of the Responsible Authority.
21. 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.
22. 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.

Vehicle Crossings and Accessways

23. 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.
24. Redundant vehicle crossovers must be removed and the footpath, nature strip and kerbing reinstated to the satisfaction of the Responsible Authority.

Brickwork

25. 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

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

Construction Management

27. 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.
28. 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

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

- 29.1 The development is not started within two (2) years of the date of this permit; and
- 29.2 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

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.

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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

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

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.