

## NOTICE OF DECISION TO GRANT A PERMIT PLN21/0441

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

**Address of the land:** 2 Wallace Avenue DONVALE

Lot 1 LP 123991 Vol 9330 Fol 880

**What will the permit allow?** Construction of two, 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 Victorian Drafting and Design, job number 12-20, revision 4, dated October 2021), but modified to show:
  - 1.1 A northern overlooking section plan of the first floor north facing habitable room windows of Dwelling 1, to demonstrate compliance with Standard B22 of Clause 55.04-6 (Overlooking) of the Scheme. The section must be to the same level of detail as Overlooking Sections 1, 2 and 3;
  - 1.2 The crossover aligned with the edges of the driveway, and crossover modifications clearly detailed;
  - 1.3 The Dwelling 2 mailbox removed from the visibility splay area, or notated as being a maximum of 900mm in height;
  - 1.4 The Dwelling 1 storage shed relocated to a position alongside the intern boundary to provide a consistent row of screen planting along the northern boundary;
  - 1.5 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. Reference to raingardens must be deleted;
  - 1.6 All plan notations required by the Stormwater Management Report 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.

### Stormwater Management Report

3. The development must be constructed in accordance with the Stormwater Management Report approved and forming part of this permit (Transaction ID 1249376, dated 13 October 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

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4. The development must be undertaken in accordance with the recommendations of the arboricultural report (prepared by Melbourne Arborist reports, dated 12 August 2021) to the satisfaction of the Responsible Authority.
5. All Tree Protection Fencing must be maintained in good condition until the completion of the development to the satisfaction of the Responsible Authority.
6. 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.

#### Completion

7. 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.
8. 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.

#### Landscape Plan

9. 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:
  - 9.1 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;
  - 9.2 Details of soil preparation and mulch depth for garden beds and surface preparation for grassed areas;
  - 9.3 Fixed edge strips for separation between grassed and garden areas and/or to contain mulch on batters;
  - 9.4 A sectional detail of the canopy tree planting method which includes support staking and the use of durable ties;
  - 9.5 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;
  - 9.6 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;
  - 9.7 A variety of screen planting along the north, west and east boundaries, where appropriate, to be a minimum height of 0.5 metres at the time of planting;
  - 9.8 Planting within 2 metres along the frontage from the edge of the driveway and 2.5 metres along the driveway 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

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10. 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)

11. 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.
12. 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

13. 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.
14. 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

15. All services, including water, electricity, gas, sewerage and telephone, must be installed underground and located to the satisfaction of the Responsible Authority.
16. All external services including pipes must be concealed and screened respectively to the satisfaction of the Responsible Authority.
17. 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

18. Before the occupation of the approved development, the new vehicular crossing must be constructed as depicted on the endorsed plans and any redundant existing vehicular crossing (or sections of redundant existing vehicular crossing) must be removed with the kerb, channel, footpath and nature strip (as relevant) reinstated to the satisfaction of the Responsible Authority.

#### Brickwork

19. 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.

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## Maintenance

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

## Construction Management

21. 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.
22. 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

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

- 23.1 The development is not started within two (2) years of the date of this permit; and  
23.2 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.

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**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.

**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.

**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

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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.

