

Determination Advice Notes:

1. This is a development approval issued under the City of Vincent Local Planning Scheme No. 2 and the Metropolitan Region Scheme only. It is not a building permit or an approval to commence or carry out development under any other law. It is the responsibility of the applicant/owner to obtain any other necessary approvals and to commence and carry out development in accordance with all other laws.
2. If the development the subject of this approval is not substantially commenced within a period of 2 years, or another period specified in the approval after the date of determination, the approval will lapse and be of no further effect.
3. In relation to advice note 2, a further two years is added to the date by which the development shall be substantially commenced, pursuant to Schedule 4, Clause 4.2 of the Clause 78H Notice of Exemption from Planning Requirements During State of Emergency signed by the Minister for Planning on 8 April 2020. For further information regarding the Ministerial direction, please contact the City on (08) 9273 6000.
4. Where an approval has so lapsed, no development must be carried out without the further approval of the local government having first been sought and obtained.
5. No verge trees shall be removed. The verge trees shall be retained and protected from any damage including unauthorised pruning.
6. With reference to Condition 2, the owners of the subject land shall obtain the consent of the owners of relevant adjoining properties before entering those properties in order to make good the boundary walls.
7. With reference to Condition 4, Clause 5.4.1 C1.2 Visual Privacy requirements of the R Codes states that screening devices such as obscure glazing, timber screens, external blinds, window hoods and shutters are to be at least 1.6 metres in height, at least 75 percent obscure, permanently fixed, made of durable material and restrict view in the direction of the overlooking into any adjoining property.
8. In reference to Condition 6, visually permeable is defined as “in reference to a wall, gate, door or fence that the vertical surface has continuous vertical or horizontal gaps of 50mm or greater width occupying not less than one third of the total surface area; continuous vertical or horizontal gaps less than 50 millimetres in width, occupying at least one half of the total surface area in aggregate; or a surface offering equal or lesser obstruction to view; as viewed directly from the street”.
9. With reference to Condition 7, the City encourages landscaping methods and species selection which do not rely on reticulation.
10. With reference to Condition 8, no further consideration shall be given to the disposal of stormwater ‘offsite’ without the submission of a geotechnical report from a qualified consultant. Should approval to dispose of stormwater ‘offsite’ be subsequently provided, detailed design drainage plans and associated calculations for the proposed stormwater disposal shall be lodged together with the building permit application working drawings.
11. An Infrastructure Protection Bond together with a non-refundable inspection fee shall be lodged with the City by the applicant, prior to commencement of all building/development works, and shall be held until all building/development works have been completed and any disturbance of, or damage to the City’s infrastructure, including verge trees, has been repaired/reinstated to the satisfaction of the City. An application for the refund of the bond must be made in writing. This bond is non-transferable.
12. The movement of all path users, with or without disabilities, within the road reserve, shall not be impeded in any way during the course of the building works. This area shall be maintained in a safe and trafficable condition and a continuous path of travel (minimum width 1.5 metres) shall be maintained for all users at all times during construction works. Permits are required for placement of any material within the road reserve.
13. If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be made within 28 days of the determination.