

## NOTICE OF DECISION TO REFUSE TO GRANT AN AMENDMENT TO A PERMIT PLA25/0122

**Address of the land:** 3 Yarra Street WARRANDYTE  
Lot 8 LP 16819 Vol 11869 Fol 413

**Permit for which the amendment is sought:** PLN23/0289

**What has been refused?** Amendment to Planning Permit PLN23/0289 by alterations including building height, materials, windows and open space  
  
(Planning Permit PLN23/0289 currently allows for buildings and works for the construction of a dwelling and swimming pool)

### Grounds of refusal:

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1. The development exceeds the maximum number of storeys permitted under Clause 32.09-11 (Neighbourhood Residential Zone).
2. The development is not responsive to the neighbourhood and landscape character and fails to respond appropriately to the site context in terms of character, form and scale, which does not comply with Clause 15 (Built Environment and Heritage) including Clauses 15.01-1S (Urban Design), 15.01-2S (Building Design) and 15.01-5S (Neighbourhood Character).
3. The development introduces excavation and built form below appropriate flood-related levels, reduces flood storage capacity, and fails to minimise flood risk and potential flood damage. This is contrary to Clauses 11.01-1S (Settlement), 12.03-1S (River and riparian corridors), 13.01-1S (Natural hazards and climate change), 13.03-1S (Floodplain management) and Clause 19.03-3S (Integrated water management).

### Melbourne Water refusal grounds:

4. The proposed development does not meet the purpose or decision guidelines of Clause 44.04 Land Subject to Inundation Overlay of the Manningham City Council Scheme; with reference to the compatibility with the flood hazard and minimising flood damage.
5. The proposed development does not meet the objectives of Part 9 (Flood damage) of the Guidelines for Development in Flood Affected Areas; as the finished floor level for the proposed subfloor/storage area is set below the Nominal Flood Protection Level (NFPL).
6. The proposed development is contrary to the decision guidelines of Clause 65.01 Approval of an application or plan of the Scheme with reference to the effect the environment may have on the development, the flood hazard associated with the location and the management of the land to minimise such hazard, and the orderly planning of the area.

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Date of notice: 1 April 2026



Signature for the Responsible Authority

# IMPORTANT INFORMATION ABOUT THIS NOTICE

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## WHAT HAS BEEN DECIDED?

- The Responsible Authority has decided to refuse to amend a permit.
  - This notice sets out the grounds on which the application has been refused.
  - The grounds on which the application has been refused are those of the responsible authority unless otherwise stated.
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## WHAT ABOUT REVIEWS?

### For the applicant –

- The person who applied for the permit may apply for a review of the refusal.
- The application for review must be lodged within 60 days of the giving of this notice.
- 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.

### For a recommending referral authority –

- If the applicant applies for a review of this decision, the applicant must give notice to any recommending referral authority that objected to the grant of the permit after an application for review is lodged.

### For an objector –

- If the applicant applies for a review of this decision, the applicant must give notice to objectors in accordance with the requirements of the **Planning and Environment Act 1987** and the **Victorian Civil and Administrative Tribunal Act 1998**.

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