VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL

planning and environment DIVISION

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| planning and environment LIST | vcat reference No. p1848/2019Permit Application no. TPA/50216 |

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| APPLICANT | Bo Kong Investments Pty Ltd |
| responsible authority | Monash City Council |
| SUBJECT LAND | 5 Coolarn StreetMOUNT WAVERLEY |
| WHERE HELD | Melbourne |
| BEFORE | Joel Templar, Member |
| HEARING TYPE | No hearing |
| DATE OF ORDER | 21 April 2020 |

# Order

### Permit granted

1. In application P1848/2019, the decision of the responsible authority is varied.
2. In planning permit application TPA/50216 a permit is granted and directed to be issued for the land at 5 Coolarn Street, Mount Waverley in accordance with the endorsed plans and the conditions set out in Appendix A. The permit allows:
* Construction of two (2) double storey dwellings and the removal of three (3) trees in a VPO.
1. The hearing scheduled at **10:00am** on **17 April 2020** is vacated. No attendance is required by the parties.

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| Joel Templar**Member** |  |  |

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# remarks

1. Pursuant to section 93(1) of the *Victorian Civil and Administrative Tribunal Act 1998*, this order is made at the request of the parties and with their consent.
2. The Tribunal regards the consent of the responsible authority to be a confirmation to the Tribunal that:
3. the responsible authority is of the opinion that the granting of a permit is appropriate having regard to the matters it is required to consider under section 60 of the Act, including the balanced application of the strategies and policies of the relevant planning scheme and is otherwise in conformity with the provisions of the planning scheme and the *Planning and Environment Act 1987*;
4. the proposed orders will not result in any change to the proposed use or development which would materially affect any person other than the parties to the proceeding.
5. Based on the information available to the Tribunal, I consider it is appropriate to make these orders.

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| Joel Templar**Member** |  |  |

# Appendix A – Permit Conditions

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| Permit Application No: | TPA/50216 |
| Land: | 5 Coolarn Street, Mount Waverley |

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| What the permit allows |
| * Construction of two (2) double storey dwellings and the removal of three (3) trees in a VPO.
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### Conditions:

1. Before the development starts, three copies of amended plans drawn to scale and dimensioned, must be submitted to and approved by the Responsible Authority. The submitted plans must clearly delineate and highlight any changes. When approved the plans will be endorsed and will then form part of the permit.

The plans must be generally in accordance with the plans submitted with the application, but modified to show:

* 1. A lattice extension with a height of 0.4 metres is to be added to the northern boundary fence, adjacent to the garage wall at the neighbouring property.
	2. The northern façade garage wall height of Dwelling 1 to be reduced by 350mm
	3. The Dwelling 2 garage is to include a 1.8 metre wide door at the rear of the garage.
	4. The shed at the rear of Dwelling 2 is to be located 2 metres away from the existing Council pit.
	5. Provision of screening to bedroom 4 of Dwelling 1 in accordance with standard B22, or, demonstration that overlooking has been mitigated within 9 m of the window from a height of 1.7 m from FFL
	6. The *Cedrus deodara* – Himalayan Cedar tree, identified as Tree 2 in the Arborist’s report and located within the front setback area of the site is to be retained.
	7. The location and design of any proposed electricity supply meter boxes. The electricity supply meter boxes must be located at a distance from the street which is at or behind the setback alignment of buildings on the site or in compliance with Council’s “Guide to Electricity Supply Meter Boxes in Monash”.
	8. The development must be provided with a corner splay or area at least 50% clear of visual obstruction (or with a height of less than 1.2m) extending at least 2.0 metres long x 2.5 metres deep (within the property) on both sides of each vehicle crossing to provide a clear view of pedestrians on the footpath of the frontage road.

All to the satisfaction of the Responsible Authority.

### No Alteration or Changes

1. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.

### Section 173 Agreement and Re-subdivision

1. Prior to the endorsement of the plans, the existing S173 agreement must be removed from the title and an application lodged for the land to be consolidated or re-subdivided to accommodate the proposed development.

### Common Boundary Fences

1. All common boundary fences are to be a minimum of 1.8 metres above the finished ground level to the satisfaction of the Responsible Authority. The fence heights must be measured above the highest point on the subject or adjoining site, within 3 metres of the fence line.

### Landscaping

1. Before the commencement of buildings and works, a landscape plan prepared by a Landscape Architect or a suitably qualified or experienced landscape designer, drawn to scale and dimensioned must be submitted to and approved by the Responsible Authority prior to the commencement of any works. The plan must show the proposed landscape treatment of the site including:-
	1. the location of all existing trees and other vegetation to be retained on site
	2. provision of canopy trees with spreading crowns located throughout the site
	3. planting to soften the appearance of hard surface areas such as driveways and other paved areas
	4. a schedule of all proposed trees, shrubs and ground cover, which will include the size of all plants (at planting and at maturity), their location, botanical names and the location of all areas to be covered by grass, lawn, mulch or other surface material
	5. the location and details of all fencing
	6. the extent of any cut, fill, embankments or retaining walls associated with the landscape treatment of the site
	7. details of all proposed hard surface materials including pathways, patio or decked areas



When approved the plan will be endorsed and will then form part of the permit.

### Tree Protection

1. Prior to the commencement of any works that are permitted by this permit, all trees that are to be retained, or are located within or adjacent to any works area, shall be marked and provided with a protective barricade and verified by an authorised officer of the Responsible Authority.
2. With regard to Tree 2 *Cedrus deodara* – Himalayan Cedar tree, located on the subject site and the following trees located at neighbouring properties No. 3 and No. 7 Coolarn Street;

Tree 24 *Chamaecuparis lawsoniana* – Lawson Cypress, Tree 26 *Callistemon salignus* – White Bottlebrush and Tree 31 *Ficus ribiginosa* – Port Jackson fig:

* No excavation inside 2.5metres from the tree trunk face, at the base of the tree. Hand excavation at this line, at least to a depth of 500mm. Any roots encountered in this initial excavation trench, greater than 40mm, must be cut cleanly with cutting instruments. Photographic evidence must be obtained to be available for Council to confirm these works. After this, normal excavation completion can occur.
1. No building material, demolition material or earthworks shall be stored or stockpiled under the canopy line of any tree to be retained during the construction period of the development hereby permitted

### Landscaping Prior to Occupation

1. Before the occupation of the buildings allowed by this permit, landscaping works as shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority and then maintained to the satisfaction of the Responsible Authority.

### Drainage

1. Before the development starts, a site layout plan drawn to scale and dimensioned must be approved by the Responsible Authority.

The plans must show a drainage scheme providing for the collection of stormwater within the site and for the conveying of the stormwater to the nominated point of discharge.

The nominated point of discharge is to be obtained from Council’s Engineering Division.

1. All stormwater collected on the site from all hard surface areas must not be allowed to flow uncontrolled into adjoining properties or the road reserve.
2. All stormwater collected on the site is to be detained on site to the predevelopment level of peak stormwater discharge. The design of any internal detention system is to be approved by Council’s Engineering Department prior to drainage works commencing. Further information regarding the design of the on-site detention system is provided in the notes section of this permit.
3. The nominated point of stormwater connection for the site is to the north-west corner of the property where the entire site's stormwater must be collected and free drained via a pipe to the Council pit in the rear easement to be constructed to Council Standards. (A new pit is to be constructed to Council Standards if a pit does not exist, is in poor condition or is not a Council standard pit). Note: If the point of connection cannot be located then notify Council's Engineering Department immediately.
4. A double door (minimum width 1.8 metres) is to be installed on the rear of the unit 2 garage to allow for drainage maintenance requests.

### Road Infrastructure

1. Any works within the road reserve must ensure the footpath and naturestrip are to be reinstated to Council standards.

### Traffic, Parking and Access

1. The existing vehicle crossing is in poor condition and is to be fully reconstructed to a width of at least 3 metres. The reconstruction may affect an existing electrical pole and will affect an existing water pit. Approval from the electrical authority and water authority is required as part of the vehicle application process.
2. Ramp grades as per Clause 52.06-9 of the Monash Planning Scheme to be designed as follows:
* Maximum grade of 1 in 4.
* Provision of minimum 2.0 metre grade transitions between different section of ramp or floor for changes in grade in excess of 12.5% (summit grade change) or 15% (sag grade change).
1. The development must be provided with a corner splay or area at least 50% clear of visual obstruction (or with a height of less than 1.2m) extending at least 2.0 metres long x 2.5 metres deep ( within the property) on both sides of each vehicle crossing to provide a clear view of pedestrian on the footpath of the frontage road.

### Permits

1. Engineering permits must be obtained for Council pits and these works are to be inspected by Council's Engineering Department. A refundable security deposit of $1,000 is to be paid prior to the drainage works commencing.

### Completion of Buildings and Works

1. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.

### Permit Expiry

1. This permit will expire in accordance with section 68 of the Planning and Environment Act 1987, if one of the following circumstances applies:
	1. The development has not started before two (2) years from the date of issue.
	2. The development is not completed before four (4) years from the date of issue.

In accordance with section 69 of the Planning and Environment Act 1987, the responsible authority may extend the periods referred to if a request is made in writing before the permit expires, or within six months of the permit expiry date, where the development allowed by the permit has not yet started; or within 12 months of the permit expiry date, where the development has lawfully started before the permit expires.

# - End of conditions -