VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL

planning and environment DIVISION

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| planning and environment LIST | vcat reference No. P1885/2019  Permit Application no. TPA/50298 |

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| APPLICANT | Ormond Road (Clayton) Pty Ltd |
| responsible authority | Monash City Council |
| SUBJECT LAND | 55 Prince Charles Street, Clayton |
| WHERE HELD | Melbourne |
| BEFORE | Michael Deidun, Member |
| HEARING TYPE | Hearing |
| DATE OF HEARING | 13 March 2020 |
| DATE OF ORDER | 13 March 2020 |

# Order

1. Pursuant to clause 64 of Schedule 1 of the *Victorian Civil & Administrative Tribunal Act 1998*, the permit application is amended by substituting for the permit application plans, the following plans filed with the Tribunal:

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| * Prepared by: | Bello Design Group |
| * Drawing numbers: | TP01 to TP13 (Revision C) |
| * Dated: | 24 January 2020 |

1. In application P1885/2019 the decision of the responsible authority is set aside.
2. In planning permit application TPA/50298 a permit is granted and directed to be issued for the land at 55 Prince Charles Street, Clayton in accordance with the endorsed plans and the conditions set out in Appendix A. The permit allows:

* The construction of four double storey dwellings on a lot

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| **Michael Deidun** |  |  |
| **Member** |  |  |



# Appearances

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| For applicant | Moulisa Sahai, Town Planner of Monash City Council |
| For responsible authority | Daniel Bowden and Morgan Livingstone, Town Planners of Song Bowden |

# Reasons

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:
   * + - 1. the responsible authority is of the opinion that the permit or amended 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*;
         2. 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.
3. Based on the information available to the Tribunal, I consider it is appropriate to make these orders.

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| **Michael Deidun** |  |  |
| **Member** |  |  |

# Appendix A – Permit Conditions

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| Permit Application No | TPA/50298 |
| Land | 55 Prince Charles Street, Clayton |

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| What the permit allowS |
| In accordance with the endorsed plans:   * The construction of four double storey dwellings on a lot |

## Conditions

1. Before the development starts, plans drawn to scale and dimensioned must be submitted to and approved by the Responsible Authority. 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 by Bello Design Group, Drawing Nos. TP01 to TP13, all marked Ref 1626 Revision C and dated 24 January 2020.but modified to show:
   1. The front upper storey eastern wall of Bedroom 2, Dwelling 1 setback an additional 600mm with no reduction to the northern and western upper storey setbacks.
   2. The front upper storey eastern robe wall of Bedroom 1, Dwelling 2 setback an additional 200mm.
   3. The upper storey southern wall of Bedroom 1, Dwelling 2 be setback an additional 950mm with no reduction to the southern and western upper storey setbacks.
   4. The laundry areas for Dwellings 1, 2 and 3 be relocated to under the stairway.
   5. The ground floor powder rooms for Dwelling 1 and 2 be reduced to a width of no greater than 1m with no provision for any shower facilities
   6. The ground floor powder room for Dwelling 3 be reduced to a width of 1m with no provisions for any shower facility.
   7. A pitched roof element be included along the ground floor elevation of Dwelling 1 to the satisfaction of the Responsible Authority.
   8. The external finish for Bedroom 2, Dwelling 2 be of a subdued colour and material.
   9. The front elevation to include different window sizes to the satisfaction of the Responsible Authority.
   10. Provision of 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 the proposed vehicle crossing to provide a clear view of pedestrians on the footpath of the frontage road, to Council’s satisfaction.
   11. 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”.
   12. Tree protection zones for any adjoining vegetation
   13. The window located on the northern elevation of the Dining and living room for Dwelling 3 to comply with standard B27 of Clause 55 of the Monash Planning Scheme

### Street tree

1. The existing street tree (Pyrus) will be removed and replaced by Council at the cost of the developer. Payment of $3657.27 is required prior to the commencement of the development. Note- This amount is valid for 6 months from the date of issue of the permit.

### No Alterations

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

### Stormwater

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. The private on-site drainage system must prevent stormwater discharge from the/each driveway over the footpath and into the road reserve. The internal drainage system may include either:
   1. a trench grate (minimum internal width of 150 mm) located within the property boundary and not the back of footpath; and/or
   2. shaping the internal driveway so that stormwater is collected in grated pits within the property; and or
   3. another Council approved equivalent.
3. 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.
4. The nominated point of stormwater connection for the site is to the east of the property where the entire site's stormwater must be collected and free drained via a pipe to the kerb and channel in the naturestrip via a Council approved kerb adaptor to be constructed to Council standards. Note: If the point of connection cannot be located then notify Council's Engineering Department immediately.
5. Engineering permits must be obtained for new or altered vehicle crossings and for new connections to Council drains and these works are to be inspected by Council (telephone 9518 3555)

### Vehicle Crossovers

1. Approval of each proposed crossing, and a permit for installation or modification of any vehicle crossing is required from Council’s Engineering Department.
2. The proposed crossing is to be constructed in accordance with the City of Monash standards.
3. The existing section of redundant crossing is to be removed and replaced with kerb and channel. The footpath and nature strip are to be reinstated to the satisfaction of Council.
4. The proposed crossing is to be no closer than 1m measured at the kerb to the edge of the proposed electricity pit. Approval from affected service authorities is required as part of the vehicle crossing application process.
5. Provide a corner splay or area at least 50% clear of visual obstructions (or with a height of less than 1.2 metres), which may include adjacent landscaping areas with a height of less than 0.9 metres, extending at least 2.0 metres long x 2.5 metres deep (within the property) both sides of each vehicle crossing to provide a clear view of pedestrians on the footpath of the frontage road.
6. The layout of the development shall follow the Design Standards for car parking set out in Clause 52.06-9 of the Monash Planning Scheme as detailed below:
   1. Driveway gradient to be provided on the plan and no steeper than 1 in 10 (10%) within 5 metres of the frontage to ensure safety for pedestrians and vehicles.
   2. Ramp grades (except within 5 metres of the frontage) to be provided on the plan and designed as follows:
      1. Maximum grade of 1 in 4.
      2. 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).
      3. Grade changes greater than 18% or less than 3 metres apart are to be assessed for clearances in accordance with Appendix C of the Australian Standard for *Off - Street Car Parking, AS/NZS 2890.1*.
      4. The maximum grade within a parking module measured parallel to the angle of parking is 1 in 20. Measured in any other direction is 1 in 16.
      5. Where parking space is in a tandem arrangement outside Garage 1, an additional 500mm in length must be provided between each space.

### Urban Design

1. The walls on the boundary of adjoining properties shall be cleaned and finished in a manner to the satisfaction of the Responsible Authority.

### Completion of Buildings and Works

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

### 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 including the major open space areas of the development
   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.

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.

### 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 –**