

VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL

ADMINISTRATIVE DIVISION

PLANNING AND ENVIRONMENT LIST

VCAT REFERENCE NO. P1204/2018 AND
P1483/2018
PERMIT APPLICATION NO. TPA/47480

CATCHWORDS

Sections 80 and 82 of the *Planning and Environment Act 1987*, Monash Planning Scheme, Residential Growth Zone; Multi dwellings, Neighbourhood character, Amenity; Internal Amenity.

APPLICANT

P1204/2018 Ling Jiang and Yutao Huang

P1483/2018 Kwang-Woo Hong

RESPONSIBLE AUTHORITY Monash City Council

RESPONDENT

P1204/2018 Kwang-Woo Hong

P1483/2018 Ling Jiang and Yutao Huang

SUBJECT LAND 740 High Street Road
GLEN WAVERLEY VIC 3150

WHERE HELD Melbourne

BEFORE Megan Carew, Member

HEARING TYPE Hearing

DATE OF HEARING 12 December 2018

DATE OF ORDER 8 January 2019

CITATION Huang v Monash CC [2019] VCAT 21

ORDER

- 1 In applications P1204/2018 and P1483/2018 the decision of the responsible authority are varied.
- 2 In planning permit application TPA/47480 a permit is granted for land at 740 High Street Road, Glen Waverley in accordance with the endorsed plans and on the conditions set out in Appendix A. The permit allows:
 - *Construction of a four (4) storey building comprising apartments with basement car parking*



Megan Carew
Member

APPEARANCES

For applicant P1204/2018 and respondent P1483/2018	Mr Sebastien Delamare, Town Planning Consultant, Urban Edge Consultants Pty Ltd.
For responsible authority	Ms Sally Moser, Town Planning Consultant, Moser Planning Services Pty Ltd.
For applicant P1483/2018 and respondent P1204/2018	Mr Peter English, Town Planning Consultant, Peter English and Associates. He called Mr Robert Thomson, Landscape Architect, Habitat to give evidence.

INFORMATION

Description of proposal	To construct a four (4) storey building comprising of 14 apartments with basement car parking.
Nature of proceedings	Application P1204/2018 Application under section 82 of the <i>Planning and Environment Act 1987</i> – to review the decision to grant a permit. Application P1483/2018 Application under section 80 of the <i>Planning and Environment Act 1987</i> – to review the conditions contained in the permit.
Zone and overlays	Residential Growth Zone- Schedule 4 (RGZ4).
Permit requirements	Clause 32.07-5 A permit is required to construct two or more dwellings on a lot.
Relevant scheme policies and provisions	Clauses 11, 15, 16, 18, 19, 21, 22.01, 22.04, 22.05, 22.13, 32.07, 52.06, 55, 65 and 71.02



Land description

The review site is located on the south west corner of the intersection of High Street Road and Blair Road, Glen Waverley. Blair Road is a no-through road at the intersection with High Street. The site is part of the Glen Waverley Activity Centre and about 65m from the Glen Shopping Centre.

The site is regular in shape with frontage to High Street Road and a total site area of 756m². There is a significant slope away from High Street Road to the south and a cross fall to Blair Road to the east. It is presently developed with a single storey dwelling and outbuildings.

To the west of the site is a dwelling at 738 High Street Road which has a double storey presentation to the street. Opposite the site is a three level apartment development at 2-4 Blair Road. To the south is a three unit development.

Tribunal inspection

I inspected the site and surrounds following the hearing including an inspection from the property at 738 High Street Road, Glen Waverley.

REASONS¹

WHAT IS THIS PROCEEDING ABOUT?

- 1 Ling Jiang and Yutao Huang seek a review of Council's decision to grant a permit for a four storey apartment building comprising 14 dwellings at 740 High Street Road, Glen Waverley. They say the proposal is too large, too close to the western boundary and does not provide sufficient landscaping to mitigate amenity impacts.
- 2 The permit applicant says that the proposal is an appropriate response to the character of the area and will provide acceptable amenity outcomes. The permit applicant also seeks a review of Condition 1a) of Council's decision which requires that the height of the development be lowered by 1m through the further excavation of the basement. The intent of the condition as submitted by Council is to address the interface of the development with Blair Road.
- 3 The key issues in this application are whether the proposal:
 - Has an acceptable built form response;
 - Addresses the interfaces with the adjoining properties;
 - Provides acceptable internal amenity; and
 - Acceptably resolves traffic and car parking and infrastructure matters.
- 4 The Tribunal must decide whether a permit should be granted and, if so, what conditions should be applied. Having considered all submissions presented, having regard to the applicable policies and provisions of the Monash Planning Scheme, I have decided to grant a planning permit subject to conditions. I have deleted the contested condition, but have required alternative new conditions to address the interface of the development with Blair Road. My reasons follow.

WHAT ARE MY FINDINGS?

- 5 The parties did not dispute that the subject land was suitable for medium density housing, with policies at both a State and local level encouraging housing diversity in and around activity centres. The land is part of the Glen Waverley Activity Centre, the highest order centre in Monash.
- 6 There is difficulty in balancing development aspirations in an area identified as an area for significant change with the existing site context that exhibits a more modest level of residential development, particularly to the west. This is not assisted by a scheme that retains elements of older policy in relation to neighbourhood character as well as references to the Monash

¹ The submissions and evidence of the parties, any supporting exhibits given at the hearing and the statements of grounds filed have all been considered in the determination of the proceeding. In accordance with the practice of the Tribunal, not all of this material will be cited or referred to in these reasons.



Housing Strategy 2014 and a proposed new character policy within Amendment C125 Part 2.

- 7 The lack of clarity within the Monash Planning Scheme is discussed in the recent decision of *Makhmalbaf v Monash CC* (Red Dot) [2018] VCAT 1641. In that decision, the Tribunal considered the inconsistencies between parts of the Monash Planning Scheme which placed the site within the boundaries of the Glen Waverley Activity Centre against the provisions of the existing and proposed policies at 22.01, which seek to treat neighbourhood in the same manner as other residential neighbourhoods far removed from an activity centre.
- 8 The review site before me is similarly identified in the *Glen Waverley Activity Centre Structure Plan June 2016* as part of the activity centre. It is located in Area K along High Street Road which includes the following relevant built form guidance:
 - Opportunity for 3-4 storeys.
 - Front setbacks of at least 5m and side and rear setbacks in accordance with ResCode.
- 9 The *Monash Housing Strategy 2014* identifies the review site as part of the activity centre. In such areas the housing strategy envisages:

Development within these areas will support housing growth and diversification; be of high quality, contemporary design; support pedestrian comfort, accessibility and safety; and incorporate environmentally sustainable and water sensitive design features.

Detailed design standards may be found within Structure Plans or location-specific development controls.
- 10 The suitability of this area for more diverse housing has been recognised by the inclusion of the land within the Residential Growth Zone this year. The purpose of the zone includes:
 - To implement the Municipal Planning Strategy and the Planning Policy Framework.
 - To provide housing at increased densities in buildings up to and including four storey buildings.
 - To encourage a diversity of housing types in locations offering good access to services and transport including activity centres and town centres.
 - To encourage a scale of development that provides a transition between areas of more intensive use and development and other residential areas.
 - To ensure residential development achieves design objectives specified in a schedule to this zone.
 - To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.



- 11 Schedule 4 applies to land in the Glen Waverley Major Activity Centre. It has the specific design objective to provide for diverse housing development with appropriate setbacks to allow for landscaping and canopy trees. This objective must be understood in relation to the variations within the schedule to the zone to Clause 55 standards for street setback, landscaping and front fence heights. Specifically, front setbacks are reduced and landscaping is sought as *retention or provision of at least three canopy trees (two located within the front setback) with a minimum mature height equal to the height of the roof of the proposed building or 10 metres, whichever is greater.*
- 12 An associated change to Clause 22.01 has been delayed through inclusion in Part 2 of Amendment C125 which has been adopted by Council and with the Minister for some time. The outcome of this is currently uncertain. The current Clause 22.01 does not reflect the above emphasis on this site as part of the activity centre. Like the Tribunal in *Makhmalbaf*, I place more weight on the zone provisions and the directions set out in the Housing Strategy. These reflect more contemporary thinking than the existing policy at Clause 22.01.
- 13 When a site is in an area that will see change, a new character will emerge of more intensive development. A proposal must respond to this guidance in the planning scheme as well as the immediate site context. Significantly the Residential Growth Zone does not place a significant emphasis on neighbourhood character, although the schedule's requirements and decision guidelines reflect some desired landscape outcomes aligning with broader policy within Monash as a "garden city". An application within the RGZ4 is required to provide a landscape plan. In determining an application, the decision guidelines include:

Whether development contributes to the 'buildings-in-landscape' character of the existing residential areas surrounding the Glen Waverley Major Activity Centre commercial area.
- 14 The dispute between the parties largely centred on the appropriateness of the scale and form of the proposed development and opportunity for landscaping in its context.

IS THE BUILT FORM AND LANDSCAPING RESPONSE ACCEPTABLE?

Streetscape Response to High Street

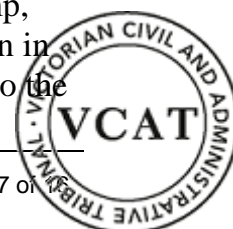
- 15 Mr Delamare submits that the proposal at four storeys would be out of place in views along High Street Road and in relation to the dwelling at 738 High Street Road.
- 16 Council was satisfied with the proposed building form other than for the interface of the proposal at ground/ basement level with Blair Road. The Council submitted that the ground level finished floor level should be reduced in height by 1m to allow an improved presentation to Blair Road.



- 17 I am satisfied that the proposal responds to the policy context and the zone as well as to the immediate site context. In respect to the public realm, the proposal is an apartment style development of up to four storeys which is consistent with the purposes of the zone. In views to the west along High Street Road the building will sit in context with the shopping centre and the existing apartment development on the south side of Blair Road.
- 18 While the building will be visually prominent in this view (being upslope), the setbacks to both streets comply with the schedule to the zone. The evidence of Mr Thomson is that there is an opportunity to provide large canopy trees within the front setback as sought by the schedule to the zone that will assist in providing a sense of “buildings in landscape”.
- 19 When viewed from the west looking south, the proposal will present very differently to the more modest development to the west. However, in this policy context and considering these properties are also in the RGZ4, I find that the scale will not be unacceptable. In addition, the landscaping as outlined above, combined with the existing street trees will soften the impact of the change.

Blair Road interface and Condition 1a)

- 20 The development is set back from Blair Road in a manner acceptable to Council subject to conditions to increase the areas of landscaping and reduce the extent of the access ramp. These conditions were not disputed.
- 21 I find that the built form is generally well articulated and will sit comfortably within the context of the apartment development opposite. Views to this elevation will be assisted and softened by the landscaped “dead end” to Blair Road.
- 22 The built form setback does not comply with Standard B17 to the south. I find that the standard should be achieved at the uppermost level to create a greater sense of transition to the south when viewed from Blair Road consistent with the decision guidelines that seek a *scaling down of building form to the adjoining properties in the General Residential Zone*.
- 23 This is important, given that Condition 1a) as proposed by Council sought a lowering of building form in this location to provide a lesser extent of basement protrusion at the southern end of the Blair Road interface. The plans show that the basement protrudes about 2.5m reducing to about 1m near the main entrance door. The condition required the lowered height to be achieved through further basement excavation. The permit applicant submitted that the condition results in an unworkable ramp access and that significant redesign of the building form above would be required.
- 24 Written advice from Traffix Group dated 28 November 2018 was tabled which sets out the potential impacts. The advice notes that a large portion of Apartment 1 would be required to be removed to accommodate the ramp, together with an amended basement layout including potential reduction in car spaces. An alternative was explored which relocated the crossover to the



south. This alternative results in a lesser proportion of Apartment 1 being removed.

- 25 I am not persuaded that the benefits to the presentation to Blair Road of reducing the extent of exposed basement outweighs the impacts of the change to this street, including the creation of a “void” area above the amended or relocated basement ramp.
- 26 Ms Moser questioned Mr Thomson as to landscaping which could soften the exposed basement walls, stairs and entry ramp from Blair Road. I find this is a better alternative. Similar outcomes are seen on the apartment development opposite. When the landscaping treatment is combined with the landscaped public realm treatment (dead end of Blair Road), I find that the presentation at street level is acceptable. I will delete condition 1a) but require landscaping treatments as an alternative condition.

Interface to the West

- 27 To the west, the proposal does not comply with Standard B17 at the front part of the development. The area of non-compliance is generally opposite the built form on the adjoining property and the car parking areas. While there will be loss of outlook to the east facing windows of this property, given the setback to these windows and lower topography, I find that the impact is acceptable.
- 28 Where the building form extends into the backyard realm, it is more important that Standard B17 is met. I find that the standard should be met for this part of the western setback.
- 29 The schedule to the zone does seek some consideration of neighbouring private open spaces, particularly for properties within the General Residential Zone. The proposal provides for a large canopy tree in the south west corner which will assist this interface. Landscaping is then limited to planters over the basement along the common boundary (Conditions in the Notice of Decision seek a consistent treatment).
- 30 It was the evidence of Mr Thomson that the planters could provide a mix of vegetation capable of softening at least the lower half of the development. I accept that planters can provide a screening solution. However, the size of these planters is limited. Subject to a larger planter internal width of 1.2m (which would require a greater setback to Bedroom 1 of Apartment 3), I am satisfied that landscaping capable of softening the building form can be accommodated.
- 31 Condition 1a) would have reduced visual bulk to the south and west, however, Council submitted that the sole reason for the condition was presentation to Blair Road. As set out above the requirement of the rear section of the building to comply with B17 will achieve a similar result.



WILL THE PROPOSAL PROTECT THE AMENITY OF THE ADJOINING PROPERTIES?

- 32 I have discussed visual bulk to adjoining properties above.
- 33 I am satisfied on the material before me that the proposal will comply with the objectives and standards of Clause 55 for daylight to habitable room windows and overshadowing to private open spaces.
- 34 Mr Delaware raised several concerns regarding overlooking to the west. The permit applicant indicated that the intention is to comply with Standard B22. I have addressed this in the permit conditions.

IS INTERNAL AMENITY ADDRESSED?

- 35 The dwellings are convenient to the activity centre and public transport. Each dwelling provides good sized bedrooms and acceptable areas of living space with access to reasonably sized balconies. Changes to the ground level to accommodate the planter along the western boundary will need to consider the internal amenity of these apartments.

TRAFFIC AND PARKING

- 36 The proposal exceeds the car parking requirements at Clause 52.06 for future residents and visitors. Accordingly, the question of the amount of car parking is not before me. Council's traffic engineers did not raise any concerns about the site layout in respect to car parking and I am satisfied that the proposed basement layout is functional.
- 37 There was also no material before me to suggest that the existing road network could not accommodate the additional traffic generated by this development.

WHAT CONDITIONS ARE APPROPRIATE?

- 38 In determining the conditions of permit, I have had regard to the draft conditions provided by the Council and discussed at the hearing, the submissions and evidence of the parties and my findings above.

CONCLUSION

- 39 For the reasons given above, the decision of the responsible authority is varied in both applications. A permit is granted subject to conditions.

Megan Carew
Member



APPENDIX A – PERMIT CONDITIONS

PERMIT APPLICATION NO	TPA/47480
LAND	740 High Street Road GLEN WAVERLEY

WHAT THE PERMIT ALLOWS

In accordance with the endorsed plans:

- Construction of a four (4) storey building comprising apartments with basement car parking.

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. 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:

- a) Correct reference to finished floor levels on the ground floor plan.
- b) Compliance with Standard B17 of Clause 55 of the Monash Planning Scheme to the southern boundary.
- c) Compliance with Standard B17 of Clause 55 to the western boundary for bedroom 1 en-suite, bedroom 2 and bathroom of Apartment 14.
- d) A roof plan.
- e) Blair Road pedestrian entrance canopy encroaching by no more than 1.0m into the Blair Road street setback.
- f) The extent of stair and ramp encroachment and site coverage on the Blair Road frontage, reduced by a minimum of 50% and replaced with additional landscaping.
- g) Fencing and retaining walls along the High Street Road frontage set back a minimum of 3.0m from the northern boundary.
- h) Bedroom 1 of Apartment 3 and Bedroom 2 of Apartment 2 and the planter of the balcony of Apartment 7 all set back a minimum of 1.4m from the western boundary to accommodate a planter with internal width of 1.2m.
- i) The balcony/courtyard adjacent to Bedroom 1 of Apartment 4 deleted.



- j) The ground level planter box along the western boundary extended adjacent to Bedroom 1 of Apartment 3 and 4. The planter box is to be a minimum internal width of 1.2m and designed to provide for planting of vegetation with a height of not less than 6.0m, irrigation and any required supporting measures.
- k) Floor plans to clearly notate all screening and obscure glazing as nominated on the elevations and all windows and balconies must comply with Standard B22 of Clause 55 of the Monash Planning Scheme.
- l) The location of any required heating and cooling units. Where the heating and cooling units are proposed on balconies, an additional balcony area of not less than 1.5m² is to be provided.
- m) Provision of double glazing or acoustic glazing to all habitable room windows along the northern and eastern elevations.
- n) A detailed schedule of all materials and finishes including samples, coloured elevations and perspectives.
- o) The location and design of any required fire services, electricity supply, gas and water meter boxes discreetly located and/or screened to compliment the development;

all to the satisfaction of the Responsible Authority.

- 2. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
- 3. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
- 4. No bin or receptacle or any form of rubbish or refuse shall be allowed to remain in view of the public and no odour shall be emitted from any receptacle so as to cause offence to persons outside the land.
- 5. Adequate provision shall be made for the storage and collection of garbage and other solid wastes and these facilities are to be located on the site to the satisfaction of the Responsible Authority.
- 6. Prior to the commencement of works on the site, the owner shall prepare a Waste Management Plan for the collection and disposal of garbage and recyclables for all uses on the site. The Waste Management Plan shall provide for:
 - a) The method of collection of garbage and recyclables for uses;
 - b) Designation of methods of collection including the need to provide for private services or utilisation of council services;



- c) Appropriate areas of bin storage on site and areas for bin storage on collection days;
- d) Measures to minimise the impact upon local amenity and on the operation, management and maintenance of car parking areas; and
- e) Litter management.

A copy of this plan must be submitted to Responsible Authority for approval. Once approved the Waste Management Plan will be endorsed to form part of this permit.

7. Before the development starts, a construction management plan must be prepared and submitted to the Responsible Authority for approval. The plan must be to the satisfaction of the Responsible Authority. Once approved, the plan must be implemented to the satisfaction of the Responsible Authority. The plan must address the following issues:
 - a) measures to control noise, dust and water runoff;
 - b) prevention of silt or other pollutants from entering into the Council's underground drainage system or road network;
 - c) the location of where building materials are to be kept during construction;
 - d) site security;
 - e) maintenance of safe movements of vehicles to and from the site during the construction phase;
 - f) on-site parking of vehicles associated with construction of the development;
 - g) wash down areas for trucks and vehicles associated with construction activities;
 - h) cleaning and maintaining surrounding road surfaces;
 - i) a requirement that construction works must only be carried out during the following hours:
 - Monday to Friday (inclusive) – 7.00am to 6.00pm;
 - Saturday – 9.00am to 1.00pm;
 - Saturday – 1.00pm to 5.00pm (only activities associated with the erection of buildings. This does not include excavation or the use of heavy machinery.)

Once approved the plan will be endorsed to form part of this permit.

8. No equipment, services, architectural features or structures of any kind, including telecommunication facilities, other than those shown on the endorsed plans shall be permitted above the roof level of the building unless otherwise agreed to in writing by the Responsible Authority.



9. Disabled access to the building must be provided to the satisfaction of the Responsible Authority. All work carried out to provide disabled access must be constructed in accordance with Australian Standards Design for Access and Mobility AS 1428.1

10. 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 be generally in accordance with the plan prepared by Habitat dated November 2018. The plan must show the proposed landscape treatment of the site including:-
 - a) all changes in accordance with Condition 1;
 - b) the location of all existing trees and other vegetation to be retained on site;
 - c) provision of at least four canopy trees (two located within each street frontage) with a minimum mature height equal to the height of the roof of the proposed building;
 - d) planter box adjacent to the western boundary a minimum internal width of 1.2m and designed to provide for planting of vegetation with a mature height of not less than 6.0m;
 - e) a maintenance plan for the planter boxes including irrigation and any other required supporting measures;
 - f) detail of any planter boxes including growing medium and drainage including a sectional drawing;
 - g) provision of canopy trees with spreading crowns located throughout the site including the major open space areas of the development;
 - h) planting to soften the appearance of hard surface areas such as driveways and other paved areas;
 - i) 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;
 - j) the location and details of all fencing;
 - k) the extent of any cut, fill, embankments or retaining walls associated with the landscape treatment of the site;
 - l) details of all proposed hard surface materials including pathways, patio or decked areas;
 - m) landscaping to soften the exposed basement walls to Blair Road; and
 - n) tree protection measures for street trees to be retained.

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



11. 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.
12. Concurrent with the endorsement of any plans, a Sustainable Management Plan (SMP) must be submitted to and be approved by the Responsible Authority. Upon approval the SMP will be endorsed as part of the planning permit and the development must incorporate the sustainable design initiatives outlined in the SMP to the satisfaction of the Responsible Authority. The report must include, but is not limited to, the following:
 - a) Demonstration of how 'best practice' sustainability measures have been addressed, having regard to the relevant aspects of Clause 21.13 of the Planning Scheme.
 - b) Identify relevant statutory obligations, strategic or other documented sustainability targets or performance standards.
 - c) Document the means by which the appropriate target or performance is to be achieved.
 - d) Identify responsibilities and a schedule for implementation, and ongoing management, maintenance and monitoring.
 - e) Demonstrate that the design elements, technologies and operational practices that comprise the SMP can be maintained over time.
 - f) Any relevant requirements of the Condition 1 sub-clauses hereof.

All works must be undertaken in accordance with the endorsed Sustainability Management Plan to the satisfaction of the Responsible Authority. No alterations to the endorsed Sustainable Management Plan may occur without written consent of the Responsible Authority and (to the extent material and necessary) any relevant flow-on changes to the design response must be also incorporated into the endorsed architectural plans.

13. Prior to the occupation any of the dwellings approved under this permit, a report from the author of the endorsed Sustainable Management Plan (or similarly qualified person or company) must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm that (in relation to those relevant completed dwellings ready for occupation) all measures specified in the Sustainable Management Plan have been implemented in accordance with the approved plan.
14. Before the development permitted is completed, areas set aside for parked vehicles and access lanes as shown on the endorsed plans must be:
 - a) constructed to the satisfaction of the Responsible Authority;
 - b) properly formed to such levels that they can be used in accordance with the plans;



- c) surfaced with an all-weather sealcoat to the satisfaction of the Responsible Authority;
- d) drained, maintained and not used for any other purpose to the satisfaction of the Responsible Authority;
- e) line-marked to indicate each car space and all access lanes to the satisfaction of the Responsible Authority.

Parking areas and access lanes must be kept available for these purposes at all times.

- 15. 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 metre long x 2.5 metres deep (within the property) on both sides of the vehicle crossing to provide a clear view of pedestrians on the footpath of the frontage road.
- 16. On-site visitor parking spaces are required to be clearly marked.
- 17. All new crossings are to be no closer than 1.0 metre measured at the kerb to the edge of any power pole, drainage or service pit, or other services. The proposed crossing is within 1m of a Telstra Pit and approval from Telstra is required.
- 18. Bicycle parking facilities shall generally follow the design and signage requirements set out in Clause 52.34 of the Monash Planning Scheme.
- 19. The car park layout of the development shall generally follow the Design Standards for car parking set out in Clause 52.06-8 of the Monash Planning Scheme to the satisfaction of the Responsible Authority.
- 20. At least 25% of the mechanical car parking spaces are to accommodate a vehicle clearance height of at least 1.8 metres.
- 21. The mechanical parking system is required to cater for the following:
 - a) Independent operation for each parking space.
 - b) A clear / usable platform width of at least 230cm.
 - c) Loading weight per platform of at least 2000 kg.
 - d) A vehicle at least 520cm in length.
- 22. Specification of the mechanical parking system detail design and associated features is required to the satisfaction of the Responsible Authority.
- 23. 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.



24. 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:
- a trench grate (minimum internal width of 150 mm) located within the property boundary and not the back of footpath; and/or
 - shaping the internal driveway so that stormwater is collected in grated pits within the property; and/or
 - another Council approved equivalent.
25. 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.
26. The nominated point of stormwater connection for the site is to the south-east 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 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.

27. The existing redundant crossings are to be removed and replaced with matched in kerb and channel to the satisfaction of the Responsible Authority.
28. Any works within the road reserve must ensure the footpath and naturestrip are reinstated to Council standards.
29. Expiry of permit:
In accordance with section 68 of the *Planning and Environment Act 1987*, this permit will expire if one of the following circumstances applies:
- The development is not started before 2 years from the date of issue.
 - The development is not completed before 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 three months afterwards.

– End of conditions –

