

VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL
ADMINISTRATIVE DIVISION
PLANNING AND ENVIRONMENT LIST

VCAT REFERENCE NO. P1797/2018
PERMIT APPLICATION NO. TPA/49007

CATCHWORDS

Application under Section 77 of the *Planning and Environment Act 1987* (the Act) to review a decision to refuse a permit.

APPLICANT	Hamid Najeem
RESPONSIBLE AUTHORITY	Monash City Council
RESPONDENTS	Antigoni Tsetsonis & Ors, Paula Papanicolaou, Lia Orchard
SUBJECT LAND	3 Darbyshire Road MOUNT WAVERLEY VIC 3149
WHERE HELD	Melbourne
BEFORE	Laurie Hewet, Senior Member
HEARING TYPE	Hearing
DATE OF HEARING	20 March 2019
DATE OF ORDER	6 June 2019
CITATION	Najeem v Monash CC [2019] VCAT 813

ORDER

- 1 Pursuant to section 127 and 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:

Prepared by:	Najeem Design
Drawing numbers:	3 Darbyshire Road Mt Waverley – Site Plan (dated March 2018), Basement, Lower Plans, Upper Plans, Elevations all Ref. A2

- 2 In application P1797/2018 the decision of the responsible authority is set aside.

3 In planning permit application TPA/49007 a permit is granted and directed to be issued for the land at 3 Darbyshire Road, Mt Waverley in accordance with the endorsed plans and the conditions set out in Appendix A. The permit allows:

- Construction of three double storey dwellings.

Laurie Hewet
Senior Member

APPEARANCES

For Applicant

Mr K Bellfield, town planner

For Responsible Authority

Ms S Moser, town planner

For Respondent

Antigoni Testsonis, Paula Papanicolau and Lia Orchard appeared on their own behalf.

INFORMATION

Land Description

The site is located on the north side of Darbyshire Road, to the east of the intersection with Huntingdale Road. The site has a regular configuration with a frontage dimension of 17.07m, a depth 45.72m, and an area of 780.44m². A single storey dwelling currently occupies the site.

The surrounding area comprises a mix of single and double storey dwellings with recent infill developments comprising double storey town houses becoming increasingly prominent in the locality.

Abutting the review site to the west is a child care centre. To the east the site has a common side boundary with a property fronting Darbyshire Road (no.5) which also comprises a single storey dwelling. To the north, the review site's rear boundary abuts the side boundary of the property fronting Gloucester Street (no.17).

Description of Proposal

Construction of three double storey dwellings above a basement car park.

Nature of Proceeding

Application under Section 77 of the *Planning and Environment Act 1987* (the Act) to review a decision to refuse a permit.

Zone and Overlays

Clause 32.08: General Residential Zone (GRZ2)

Clause 42.02: Vegetation Protection Overlay (VPO1)

Permit Requirements

Clause 32.08-6: A permit is required to construct two or more dwellings on a lot. A development must meet the requirements of Clause 55.

REASONS

WHAT IS THIS APPLICATION ABOUT?

- 1 This is an application to review the decision of the Responsible Authority to refuse permission for the construction of three dwellings at 3 Darbyshire Road, Mt Waverley.
- 2 The Responsible Authority issued a Notice of Refusal to Grant a Permit on six grounds that raise neighbourhood character, policy, vegetation removal and amenity considerations. One of the grounds of refusal also raises a concern about the car parking layout.
- 3 Before the hearing, the applicant circulated amended plans and I substituted these plans for the application plans. In broad terms the amended plans make detailed design and layout changes at each of the basement, ground and first floor levels. The Council advised that it continued to oppose the grant of a permit although it is acknowledged that the amended plans successfully address the ground of refusal relating to the car parking layout.
- 4 There are objectors to the application who have filed statements of grounds with the Tribunal and are parties to this review application. The objectors generally support the Council's grounds of refusal but also raise specific concerns about the proposal's amenity impacts.
- 5 Having considered the submissions and having inspected the review site, neighbouring properties and the neighbourhood in general, I have concluded that the issues in dispute in this case can be categorised as follows:
 - Is the proposal acceptable in its physical and strategic context?
 - Does the proposal respect the preferred character of the neighbourhood?
 - Does the proposal contribute to unacceptable amenity impacts?
- 6 I am satisfied that the proposal is acceptable with respect to each of these matters. The planning scheme encourages medium density housing on sites that display the physical and locational attributes displayed by this review site. The proposal's scale, form and design detail are acceptably respectful of this neighbourhood's character, a character that is increasingly influenced by contemporary infill developments. The proposal demonstrates compliance with and in many respects exceedance of Clause 55 amenity standards. The relevant objectives are also met.
- 7 My reasons are set out below.

IS THE PROPOSAL ACCEPTABLE IN ITS PHYSICAL AND STRATEGIC CONTEXT?

The physical and strategic context

- 8 The review site is zoned GRZ2. The purpose of the zone is, in addition to implementing policy, to encourage development that respects the neighbourhood character of the area, and to encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.
- 9 A Vegetation Protection Overlay (VPO1) applies to the land but a permit is not required under the overlay for the removal of vegetation.
- 10 State and local planning policy seeks to:
 - Encourage residential consolidation of established urban areas;
 - Facilitate residential and commercial development in existing activity centres and where good access to public transport exists;
 - Encourage the design of energy efficient buildings;
 - Ensure that development respects existing or preferred neighbourhood character;
 - Ensure that development improves housing choice, makes better use of existing infrastructure and improves energy efficiency of housing;
 - Achieve high quality urban design and architecture that reflects the particular characteristics, aspirations and cultural identity of the community;
 - Encourage the provision of housing to accommodate future housing needs and preferences of the local community;
 - Protect existing trees and ensure the creation of an appropriate landscape setting for development including opportunities for the planting canopy trees;
- 11 The Council acknowledges that the development of the review site for medium density housing is an outcome supported by those provisions of the planning scheme summarised above. The Council also acknowledges that the zoning of the land (GRZ2) is favourable to the site's development.
- 12 The Council and objectors submit however that the Council has adopted local policies that seek to ensure that the encouragement for increased residential densities in established residential areas is managed so that the valued character of the municipality's neighbourhoods is protected. The Council submits that the protection of the Garden Character of the municipality is a consistent theme of local policy. In this context local policy has been developed to direct higher density developments to specified locations in activity centres, accessible areas, the Monash

National Employment and Innovation Cluster and some boulevard locations.

- 13 Because the review site is not part of a location that has been designated for change in built form character, the Council and objectors submit that this proposal lacks strategic or policy support. It is also submitted that the site exhibits limited locational attributes in terms of its proximity to activity centres and public transport.

Amendment C125

- 14 The Council referred me to planning scheme amendment C125 which among other things, proposes to include the review site in schedule 3 to the General Residential Zone. The proposed schedule incorporates a series of variations to Clause 55 and includes new decision guidelines. The amendment is intended to give effect to the Council's adopted Housing Strategy and to reinforce those policies that seek to protect the character of established neighbourhoods by directing medium density housing to targeted locations within the municipality.
- 15 I was advised that the proposal complies with the varied standards of Clause 55 pursuant to the proposed schedule of the GRZ3, except that a 5.0m setback is not provided across the whole of the rear of the site. The proposal's rear setback varies from 5.0m to 3.0m at the ground level.
- 16 Amendment C125 has been exhibited and submissions to it considered by a Panel. The amendment has been split into two parts and Part 2 of the amendment was not approved by the Minister. Part 2 has now been adopted by the Council but not approved by the Minister for Planning. I was advised by the parties that the Minister has advised the Council that those aspects of C125 that have not been approved require more strategic work and the amendment will need to be subject to further exhibition. Those provisions of C125 part 2 that apply to the review site and the surrounding area remain unresolved and there is therefore uncertainty as to the likely result of the planning scheme amendment process. In these circumstances I am unable to accord any significant weight to those provisions of C125 that have not been approved by the Minister.

Findings about the site's physical and strategic context

- 17 While the review site is not located immediately proximate to an activity centre or the principal public transport network, it is nonetheless an area that is well served by a community infrastructure such as public open space, schools, medical centres and the like. The nearest activity centres of any significant size are about 2klms away while the nearest railway station is about 1.5klms away. Bus services operate along nearby main roads and these provide effective linkages to activity centres and railway stations.
- 18 Having regard to the above, the review site can be comfortably considered to be "well located" in policy terms and is therefore a site on which a

development of three dwelling which makes a modest contribution to settlement, housing diversity and affordability policies is supported by the planning scheme.

- 19 My findings about the review site's acceptability for medium density housing from a policy perspective is in line with the findings of the Tribunal's decision involving a proposal for three dwellings on a nearby site at 19 Darbyshire Road, Mt Waverley, to which I was referred by the parties¹.
- 20 I agree with the Council and objector submissions that a development of the review site is required to demonstrate that it respects the existing or preferred character of the neighbourhood. This is not a location in which a new character is encouraged to emerge. Importantly however, the need for new developments to respect the existing or preferred character of a neighbourhood does not equate to an outcome in which new built forms cannot be accommodated on sites such as the review site. In arriving at a conclusion about the acceptability of this proposal, a balance must be struck between those planning scheme provisions encouraging increased densities, and those provisions that emphasise the protection of existing neighbourhood character.
- 21 A finding about this proposal's acceptability therefore necessitates a consideration of the proposal's design and how well it responds to the planning scheme's detailed provisions and the preferred character of the neighbourhood more generally.

DOES THE PROPOSAL RESPECT THE PREFERRED CHARACTER OF THE NEIGHBOURHOOD?

The character of the neighbourhood

- 22 The review site is located in a neighbourhood that has been included in Residential Character Type C under Council's local policy at Clause 22.01. The Character type recorded on Map 1 to the policy states that it derives from post war to 1985 development, has undulating topography with a dominant N-S/E – W grid with some diagonal distortion.
- 23 The policy includes a current character statement that emphasises a dominant architectural framework comprising double fronted, single storey brick veneer and weatherboard 1950's/1960's dwellings. Front gardens are identified as being diverse, well planted and maintained which often obscure the built form.
- 24 It is significant that the Character Types included in the policy extend over very broad areas of the municipality and this is certainly the case for Character Area C. Within each area type there is inevitably wide deviation in built form at a localised level from the very broad characterisation contained in the current character statement.

¹ *Aussiehome (South Yarra) Pty Ltd v Monash CC* [2018] VCAT 430.

- 25 With respect to the review site, based on my inspection, the current character statement is broadly accurate in that single storey detached dwellings set in well maintained established gardens, remains the predominant built form. This reflects the post war period in which this part of the municipality primarily developed.
- 26 There is however evidence in the area immediately surrounding the review site of the original housing stock being progressively replaced by larger, double storey dwellings. There is also some medium density housing typically in the form of double storey townhouses emerging as part of the character of this neighbourhood.
- 27 The desired character statement for Area C contemplates a continuation of the emerging trend for replacement buildings. It emphasises the desirability of new buildings being secondary in visual significance to the landscape of the Character type from the street. There is also emphasis placed on the quality of landscaping especially in front setbacks, the introduction of canopy trees in front setbacks, protection of street trees and the retention where possible of trees on sites to be redeveloped. There is therefore a strong emphasis in the desired character statement on new developments fitting into streetscapes through the retention or establishment of vegetation.
- 28 The Council and the objectors submit this proposal does not respect the desired character of the neighbourhood because of the proposal's scale, height, bulk and building footprint. In particular the following criticisms are made of the proposal:
- The western side boundary setback occupied by the basement ramp is greater than that experienced in the streetscape and this combined with a lack of recessing at the upper level of the front dwelling creates a discordant element in the streetscape.
 - The proposal exhibits an 'expansive' built form extending over 35m from the front to the rear with minimal spacing between the dwellings.
 - There is a lack of articulation in the built form which exacerbates the double storey height and scale and fails to achieve a transition in height to the single storey neighbouring dwellings.
 - Inadequate landscaping opportunities are provided. The proposal represents a poor response to the Council's policies encouraging new developments to contribute to the principles of the "garden city".

Findings about the proposal's respect for preferred character

- 29 Having regard to my findings about the planning scheme's support for medium density development of the review site, some change in built form character is to be reasonably anticipated in this locality. In this context I am satisfied that the design of this proposal achieves an acceptably respectful response to the desired character of this neighbourhood which, as I have discussed above, contemplates ongoing infill development. I have reached

my conclusion about the acceptability of the proposal's neighbourhood character response because:

- This is a neighbourhood in which the original housing stock is being progressively replaced as discussed above, and consequently this proposal's double storey, modern built form will not be unprecedented or anomalous in this neighbourhood.
- The proposal presents as a single, double storey dwelling in the streetscape. The dwelling adopts a contemporary town house typology incorporating a pitched roof, regularly spaced and configured openings, finishes and materials commonly found in the neighbourhood.
- The front dwelling is setback from the street to align with that of the neighbouring buildings (including the child care centre) and in accordance with standard B6 of Clause 55.
- The provision of a basement has the benefit of eliminating garages and car ports in the streetscape and limits the number of vehicle crossovers to the street.
- The front setback provides ample opportunity for the provision of effective landscaping including canopy trees. The front dwelling will sit comfortably in the streetscape. This is significant because as I have discussed above the desired future character statement places considerable emphasis on developments integrating into streetscapes.
- The provision of generous setbacks throughout the site also provides the opportunity for effective landscaping to side and rear boundaries and in areas of private open space.
- At the upper levels there are generous separations that successfully mitigate the continuous built form as the development extends down the lot.
- The proposal does not necessitate the removal of any vegetation for which a permit is required under the VPO. An arboricultural assessment provided by the applicant contains a series of recommendations aimed at providing a level of protection for vegetation on neighbouring properties. These recommendations can be implemented by way of permit conditions.
- The opportunity presented by this proposal to implement the landscape concept plan is likely to make a positive contribution to the character of the neighbourhood.

DOES THE PROPOSAL CONTRIBUTE TO UNACCEPTABLE AMENITY IMPACTS?

30 The objectors to this application raise concerns about the adverse impacts the proposal will have on the amenity of neighbouring properties. The

concerns primarily relate to visual bulk, overlooking, overshadowing, and loss of daylight.

- 31 In relation to overlooking, overshadowing and loss of daylight, the proposal exhibits generous compliance with the relevant standards and therefore the objectives of the planning scheme's Clause 55.
- 32 The shadow diagrams presented with the application show that early morning shadows will affect the side setback, carport and the outdoor area the child care centre located to the west. The outdoor areas is in part covered by a shade cloth. The eastern neighbour will experience afternoon shadows, but these fall primarily over the side driveway and garage. Standard B21 which requires at least 75% or 40 square metres of secluded private open space to receive at least 5 hours of sunlight between 9 am and 3 pm at 22 September, is met. The objective of Clause 55.04-5² is therefore also met.
- 33 The overlooking objective of Clause 55 is also met³. The standard requires habitable room windows, balcony, terrace, deck or patio to be located and designed to avoid direct views into the secluded private open space and habitable room window of an existing dwelling within a horizontal distance of 9 m of the habitable room windows, balcony, terrace, deck or patio. Compliance with the standard has been achieved by a combination of window location, fencing and screening.
- 34 Standard B19 of Clause 55 requires buildings opposite an existing habitable room window to provide a light court to the existing window that has a minimum area of 3 square metres and minimum dimension of 1 m clear to the sky. The proposal exceeds this standard and the objective of Clause 55.04-3 (Daylight to existing windows) is therefore met⁴.
- 35 I am also satisfied that the proposal's visual bulk impacts are acceptable. The proposal provides generous side and rear setbacks that exceed standards B17 (side and rear setbacks) and B18 (walls on boundaries) of Clause 55, noting that the schedule to the zone does not include variations to those standards.
- 36 Along the eastern interface the ground level setbacks range from 0 (wall on boundary adjacent to the neighbouring brick garage) to 5.0m. At the upper level the setbacks range from 2.3m at the front of the site where the front dwelling aligns with the footprint of the neighbouring dwelling, to 5.0m toward the rear of the site. At the upper level each of the three dwellings are separated by a distance of 3.0m.
- 37 To the rear the proposal's rear setback ranges from 5.0m to 3.0m at the ground level and 4.0m at the upper level. The upper level has a 5.0m

² The objective is "To ensure buildings do not significantly overshadow existing secluded private open space".

³ The objective is "To limit views into existing secluded private open space and habitable room windows"

⁴ The objective is "To allow adequate daylight into existing habitable room windows".

setback from the eastern side boundary, and consequently presents as a relatively narrow built form to the site's rear neighbour.

- 38 These setbacks combined with the landscaping opportunities and the reasonable levels of articulation in each of the dwelling's built form leads me to conclude that the relevant objectives of Clause 55 are met⁵.
- 39 In relation to the review site's western interface, the child care centre is a non-residential use and the proposal's impact on that facility must be assessed accordingly. The direct interface with the child care centre comprises a narrow side setback toward the front of the site, and a covered outdoor area mid-block and toward the rear. There is an open outdoor area beyond the covered area.
- 40 The proposal's response to that interface to the child care is acceptable and comprises generous ground and first floor setbacks and screened first floor habitable room windows.
- 41 There is a related concern raised by objectors about the adequacy and accuracy of the application plans.
- 42 There is some merit in the submissions on this point because the application plans are in some respects rudimentary. There is however sufficient information available to me to assess the application and to reach conclusions about the proposal's impacts. It is important that the heights and setbacks I have assessed are achieved in construction and to this end I have imposed permit conditions requiring a licensed surveyor to verify the heights of the building at various stages of the building process (frame stage and final inspection).

OTHER MATTERS

Traffic and car parking

- 43 The objectors submit that the proposal will contribute to increased traffic movements on the road network and increased on-street car parking. These impacts are identified as being undesirable from a vehicle and pedestrian safety perspective.
- 44 The proposal makes provision for car parking in accordance with Clause 52.06 of the planning scheme. No waiver or reduction of parking is sought in this application and the supply of car parking is not therefore a matter before me.
- 45 The Council traffic engineers have assessed the application in terms of the proposal's compliance with traffic engineering standards and have not

⁵ The objective of Clause 55.04-1 is "To ensure that the height and setback of a building from a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings". The objective of Clause 55.04-2 is "To ensure that the location, length and height of a wall on a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings".

raised any concerns about this aspect of the proposal. I have not been presented with any evidence that persuades me that the (small) increase in traffic associated with this proposal cannot be accommodated safely or efficiently within the existing street network.

Construction activity

- 46 Concerns have also been expressed about the disturbance caused by construction activity, including concerns about the proposed excavation's impact on the structural stability of neighbouring properties.
- 47 These concerns are primarily addressed through the building permit rather than the planning permit process. I have however imposed a permit condition requiring a construction management plan to be prepared by the applicant and approved by the Council. I have imposed this condition at least in part because of the abutting child care centre and the associated need to manage the construction process in relation to that use.

19 Darbyshire Street, Mt Waverley

- 48 I was referred to a decision of the Tribunal about a proposal for three double storey dwellings at 19 Darbyshire Street in which the Tribunal affirmed the Council's decision to refuse the application⁶. The review site in that case was subject to the same planning scheme provisions that apply to the site in the current case.
- 49 I directed the Council to provide the application plans considered by the Tribunal in that case to me and the parties with. I provided the opportunity for parties to make written submissions to me about the implications of the Tribunal's decision in that case.
- 50 I have also inspected that site.
- 51 The Tribunal's principal concerns (per paragraph 50) in that matter related to the visual bulk impacts of the proposal arising from the limited spacing between the first-floor envelopes. There are a number of other detailed design issues recorded by the Tribunal which contributed to the decision to refuse the application.
- 52 Each application that comes before the Tribunal must be assessed on its individual merits. The merits assessment will always be influenced by consideration of a site's physical context including the nature of its sensitive residential interfaces and the manner in which the proposal responds to those interfaces. The Tribunal in the 19 Darbyshire Road case was not persuaded that the proposal was acceptable with respect to those matters.
- 53 For the reasons I have articulated in these reasons, I am satisfied that the proposal before me does achieve acceptable outcomes in relation to relevant

⁶ [2018] VCAT 430

matters. I note in particular my findings about this proposal's separations of the upper level footprint which I have found to be acceptable.

CONCLUSION

- 54 It follows from the above reasons that it is my conclusion that the decision of the responsible authority should be set aside and a permit issued.
- 55 In deciding the conditions to be included on the permit I have had regard to the "without prejudice" conditions provided to the Tribunal by the responsible authority and the submissions and evidence of the parties in addition to the matters which arise from my reasons.

Laurie Hewet
Senior Member

APPENDIX A – PERMIT CONDITIONS

PERMIT APPLICATION NO:	TPA/49007
LAND:	3 Darbyshire Road MOUNT WAVERLEY VIC 3149

WHAT THE PERMIT ALLOWS

In accordance with the endorsed plans:

- Construction of three double storey dwellings

In accordance with the endorsed plans

CONDITIONS:**Amended Plans**

- 1 Before the development starts, three copies of 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) 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 site or in compliance with Council's 'Guide to Electricity Supply Meter Boxes in Monash'.
 - (b) Reference to any tree protection measures of the project arborist required by the Conditions of this permit.
 - (c) The proposed crossing widened to 3.0 metres.
 - (d) The ramp is to be widened to a minimum of 3.6 metres measured internally.

No Alteration or Changes

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

Confirmation of building heights

- 3 Written confirmation by a Licensed Land Surveyor must be provided to the Responsible Authority verifying that the development complies with the wall and building heights above natural ground level shown on the endorsed plans. This must be provided at frame stage inspection and at final inspection.

Construction management plan

- 4 Before the development starts a construction management plan must be submitted to and approved by the responsible authority. The development of the site must be carried out in accordance with the approved construction management plan to the satisfaction of the responsible authority.

Landscaping

- 5 Before the development starts, 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 Bennett Landscape Design dated 16 January 2019 and must show the proposed landscape treatment of the site including:-

- (a) provision of canopy trees with spreading crowns located throughout the site including the major open space areas of the development (front setback and private secluded open space areas)
- (b) planting to soften the appearance of hard surface areas such as driveways and other paved areas
- (c) treatment of the basement carpark ramp walls with planting
- (d) 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
- (e) the location and details of all fencing
- (f) the extent of any cut, fill, embankments or retaining walls associated with the landscape treatment of the site
- (g) 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

- 6 Prior to works commencing an arboricultural report is to be prepared and provided to the satisfaction of the Responsible Authority detailing all tree protection measures required to ensure no damage to any trees on abutting land within 5 metres of the property boundary. The report must be generally in accordance with the report prepared by Bennett Tree Consulting (Ref: 19.0312 – 3 Darbyshire Road, Mt Waverley, dated 12 March 2019) and must incorporate the specific recommendations contained in that report.

- 7 The protection measures required by the arboricultural report must be implemented to the satisfaction of the responsible authority. Written confirmation is to be provided to Council by the project arborist that all tree protection measures were undertaken in accordance with his/her direction.
- 8 No building material, demolition material or earthworks shall be stored or stockpiled under the canopy line of any tree retained on-site, the nature strip or abutting properties, during the construction period of the development hereby permitted.

Landscaping Prior to Occupation

- 9 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 be maintained to the satisfaction of the Responsible Authority.

Common Boundary Fences

- 10 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.

Drainage

- 11 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.
- 12 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.
- 13 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.
- 14 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 150 mm Council drain in the rear easement via a 900 mm x 600 mm junction pit to be constructed to Council Standards. Note: If the point of connection cannot be located then notify Council's Engineering Department immediately.

Traffic

- 15 The crossing is to be widened to 3.0 metres in width and constructed in accordance with Council standards.
- 16 Any works within the road reserve must ensure the footpath and naturestrip are to be reinstated to Council standards.

Engineering

- 17 Engineering permits must be obtained for new or altered vehicle crossings and for new connections to Council drains/pits and these works are to be inspected by Council's Engineering Department.

Completion of Buildings and Works

- 18 Once the development has started it must be continued, completed and maintained to the satisfaction of the Responsible Authority.

Permit Expiry

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