

VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL

PLANNING AND ENVIRONMENT LIST

VCAT REFERENCE NO. P904/2023
PERMIT APPLICATION NO. TPA/54558

APPLICANT Zhenping Lu & Liya Yu
RESPONSIBLE AUTHORITY Monash City Council
SUBJECT LAND 2 Golf Avenue
MOUNT WAVERLEY VIC 3149
DATE OF ORDER 18 October 2023

ORDER

- 1 In application P904/2023, the decision of the responsible authority is set aside.
- 2 In planning permit application TPA/54558 a permit is to be granted for the land at 2 Golf Avenue, Mount Waverley subject to the conditions set out in Appendix A. The permit allows:
 - Construction of two (2) double storey dwellings and tree removal in a Vegetation Protection Overlay
- 3 The compulsory conference scheduled for 23 October 2023 and the hearing scheduled for 15 December 2023 are **vacated** and no attendance is required.
- 4 No orders as to costs.

Judith Perlstein
Member



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:
 - a 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 *Planning and Environment Act 1987* ('Act'), including the balanced application of the strategies and policies of the Monash planning scheme and is otherwise in conformity with the provisions of the planning scheme and the Act;
 - b 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.

Judith Perlstein
Member



APPENDIX A – PERMIT CONDITIONS

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|------------------------------|--|
| PERMIT APPLICATION NO | TPA/54558 |
| LAND | 2 Golf Avenue MOUNT WAVERLEY VIC 3149 |

WHAT THE PERMIT ALLOWS

- Construction of two (2) double storey dwellings and tree removal in a Vegetation Protection Overlay, in accordance with the endorsed plans.

CONDITIONS

Amended Plans Required

- 1 Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The plans must be drawn to scale and dimensioned. When the plans are endorsed, they will then form part of the Permit. The must be generally in accordance with plans prepared by Origin Square, dated 10 October 2023, but modified to show:
 - (a) A notation requiring works within the Tree Protection Zone of Tree 8 to incorporate root sensitive footings. As per the Arboriculture report, prepared by Bluegum, dated 9 March 2023, root sensitive footings could include:
 - The proposed decking must be constructed with partially suspended, discontinuous footings such as post and bearer type. The decking must be open and permeable.
 - Footings for the proposed decking must be partially hand excavation (top 500mm) where it intrudes into the TPZ of these trees.
 - The relevant site plans must clearly show the specific tree protection measures for the tree.
 - Any additional construction/planting requirements in the ‘Selected Garden Topping’ area.
 - (b) A notation requiring Trees 11, 12, on the subject land, as well as Trees 15,16,17,18,19 and 20 on neighbouring land, to be protected through application of the Tree Protection Measures detailed in the Arboriculture report, prepared by Bluegum, dated 9 March 2023;
 - (c) Provision of a pitch roof to the upper floor of the entire development;
 - (d) Recessing of the garage of Dwelling 2 at least 500mm behind the front façade of the dwelling;



- (e) Incorporation of clear glass panels as part of the main door for Dwelling 2;
- (f) Reorientation of the front door of Dwelling 1 to the east with additional clear window area presenting to the street;
- (g) Introduction of face brick work on the ground floor as it presents to the street;
- (h) The external render referred to as RN01 changed to a muted tone to blend in with the natural environment.
- (i) A minimum landscaping buffer/width of 500mm along the eastern boundary, adjacent to the eastern side of the driveway of Dwelling 1.
- (j) Specification of the distance of the proposed crossover from the existing telecommunication pit and any works required to accord with the requirements of the relevant authority in accordance with Condition 17.
- (k) Access to the front porches to be taken off the driveway and the removal of the stepping stones.
- (l) Relocation of the clotheslines to the service yard area along the sides of the dwellings. The clotheslines must be free-standing.
- (m) Dimensions of the external storage sheds for both dwellings. The height of the sheds is to be no higher than the nearest boundary fence.
- (n) Minimum fence height of 1.8 metres to all side and rear boundaries.
- (o) Two native and indigenous canopy trees with a minimum height of 10 metres within the front setback and shrubs along the site boundaries and along the driveway.
- (p) A Landscape Plan in accordance with Condition 1 of the permit.

Layout not to be Altered

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

Landscape

- 3 Concurrent with the endorsement of any plans requested pursuant to Condition 1, 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. The Landscape Plan must show:
 - (a) A survey and location of all existing trees, using botanical names to be retained and of those to be removed. The intended status of the trees shown on the landscape plan must be consistent with that depicted on the development layout plan;



- (b) A planting schedule of all proposed trees, shrubs and ground cover, which will include the size of all plants (at planting and at maturity), pot / planting size, location, botanical names and quantities;
- (c) A minimum of four (4) native and indigenous canopy trees (minimum 1.5 metres tall when planted and include existing trees retained of the require height). The canopy trees must have a minimum height at least equal to the maximum height of the new development and must have a spreading crown with a minimum width of 4 metres at maturity, or as otherwise agreed by the Responsible Authority;
- (d) A notation requiring works within the Tree Protection Zone of Tree 8 to incorporating root sensitive footings. As per the Arboriculture report, prepared by Bluegum, dated 9 March 2023, root sensitive footings could include:
- The proposed decking must be constructed with partially suspended, discontinuous footings such as post and bearer type. The decking must be open and permeable.
 - Footings for the proposed decking must be partially hand excavation (top 500mm) where it intrudes into the TPZ of these trees.
 - The relevant site plans must clearly show the specific tree protection measures for the tree.
 - Any additional construction/planting requirements in the ‘Selected Garden Topping’ area.
- (e) A notation requiring Trees 11, 12, on the subject land as well as Trees 15,16,17,18,19 and 20 on neighbouring land, to be protected through the application of the Tree Protection Measures detailed in the Arboriculture report, prepared by Bluegum, dated 9 March 2023;
- (f) The location of any boundary and internal fencing to the site;
- (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) Canopy Trees / Significant Planting on adjoining properties within 3 metres of the site;
- (j) The location of any retaining walls associated with the landscape treatment of the site;
- (k) Details of all proposed surface finishes including pathways, accessways, patio or decked areas;



- (l) An in-ground, automatic watering system linked to rainwater tanks on the land must be installed and maintained to the common garden areas to the satisfaction of the Responsible Authority;
- (m) Landscaping and planting within all open areas of the site.

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

Tree Protection

- 4 Before any development (including demolition) starts on the land, a tree protection fence must be erected around all trees that are to be retained on-site or are located within or adjacent to any works area (including trees on adjacent land). The tree protection fence must remain in place until all construction is completed on the land, except with the prior written consent of the Responsible Authority.
- 5 No building material, demolition material, excavation or earthworks shall be stored or stockpiled within the Tree Protection Zone (TPZ) of any tree to be retained during the demolition, excavation and construction period of the development hereby permitted without the prior written consent of the Responsible Authority.

Landscaping Prior to Occupation

- 6 Before the occupation of any 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 thereafter maintained to the satisfaction of the Responsible Authority.

Drainage

- 7 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.
- 8 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.
- 9 The site must be drained to the satisfaction of the Responsible Authority.
- 10 No polluted and/or sediment laden runoff is to be discharged directly or indirectly into Council's drains or watercourses during and after development, to the satisfaction of the Responsible Authority.
- 11 The full cost of reinstatement of any Council assets damaged as a result of demolition, building or construction works, must be met by the permit applicant or any other person responsible for such damage, to the satisfaction of the Responsible Authority.
- 12 Tree planting should be kept clear of any drainage easement.



Vehicle Crossovers

- 13 Any works within the road reserve must ensure the footpath and naturestrip are to be reinstated to Council standards.
- 14 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 or from the edge of the exit lane of each vehicle crossing to provide a clear view of pedestrians on the footpath of the frontage road.

Telecommunication Pit

- 15 Written advice is to be provided from the relevant service authority as to any changes specifically required (not general) in terms of the Dwelling 1 crossover and Telstra infrastructure. Such changes may include reinforcement of the pit cover/relocation or other alteration to the infrastructure as required by the relevant authority, to the satisfaction of the Responsible Authority.

Urban Design

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

Satisfactory Continuation and Completion

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

Permit Expiry

- 18 This permit will expire in accordance with section 68 of the *Planning and Environment Act 1987*, if one of the following circumstances applies:
 - The development has 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 request is made in writing before the permit expires, or

- i. within six (6) months afterwards if the development has not commenced; or
- ii. within twelve (12) months afterwards if the development has not been completed.

Council and the Victorian Civil Administrative Tribunal are unable to approve requests outside of the relevant time frame.

– **End of conditions** –

