VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL

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| planning and environment LIST | vcat reference No. P557/2021  Permit Application no. TPA/49500/A |

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| **Applicant** | Mei Liu |

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| **Responsible Authority** | Monash City Council |

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| SUBJECT LAND | 1/32 Glenbrook Avenue  CLAYTON VIC 3168 |

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| HEARING TYPE | |  | | --- | | No Hearing | |

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| DATE OF ORDER | 5 October 2021 |

# Order by consent

1. The hearing scheduled at **10:00am on 7 October 2021** is vacated. No attendance is required.
2. In application P557/2021, the decision of the responsible authority is **varied.**
3. The Tribunal directs that planning permit TPA/49500/A must contain the conditions set out in planning permit TPA/49500/A as issued by the Responsible Authority on 7 October 2019 and as amended in the amended Planning Permit issued 23 September 2021 at the direction of the Tribunal with the following additional modifications:
   1. Condition 1 f) is deleted
   2. Condition 1 g) is amended to read:

The garage for Dwelling 2 set back a minimum of 5.7 metres from Glenbrook Avenue.

* 1. Condition 1 h) is amended to read

The Living Area of Dwelling 1 to have minimum internal dimensions of 4.5 metres x 3.6 metres.

* 1. Condition 1(j) is deleted (no content).
  2. Conditions in the planning permit are renumbered accordingly.

1. The Responsible Authority is directed to issue a modified planning permit    
   in the form of Appendix A in accordance with this order.

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| Dalia Cook  **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:
3. the responsible authority is of the opinion that the 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*; and
4. the proposed order will not result in any change to the proposed use or development which would materially affect any person other than the parties to the proceeding.
5. Based on the information available to the Tribunal, I consider it is appropriate to make this order.

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| Dalia Cook  **Member** |  |  |



# Appendix A – consolidated Permit Conditions

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| Permit Application No | TPA/49500/A |
| Land | 1/32 Glenbrook Avenue  CLAYTON VIC 3168 |

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| What the permit allowS |
| In accordance with the endorsed plans:   * Construction and use of a rooming house provided in two (2) double storey dwellings |

## Conditions

### Amended Plans

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

The plans must be generally in accordance with the plans submitted with the application prepared by  Aldo DiNicolantonio dated September 2020, drawings 4A, 5A, 6 and 7A, but modified to show:

* 1. Provision of private and secluded private open space to Dwelling 2 in accordance with Standard B28 of clause 55.05-4.
  2. The set back of Dwelling 2 first floor bedroom 4 wall to the southern boundary to be increased by 0.4 metres.
  3. The set back of Dwelling 2 first floor ensuite walls to the southern boundary to be increased by 0.8 metres.
  4. 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”. The location of gas and water meters.
  5. The development must be provided with a corner splay or area at least 50% clear of visual obstruction (or with a height of less than 1.2m) extending at least 2.0 metres long x 2.5 metres deep (within the property) on both sides of each vehicle crossing to provide a clear view of pedestrians on the footpath of the frontage road.
  6. The garage for Dwelling 2 set back a minimum of 5.7 metres from Glenbrook Avenue.
  7. The Living Area of Dwelling 1 to have minimum internal dimensions of 4.5 metres x 3.6 metres.
  8. The location of the three (3) street trees adjacent to the site are to be noted on the plans, including the setback of each crossover to the adjacent street tree.
  9. The height of the Dwelling 2 garage wall along the southern boundary to be a maximum height of 3.4m above Natural Ground Level.
  10. The windows to bedrooms 4 and 5 of Dwelling 2 to be obscure glazing and fixed to a minimum height of 1700mm above finished floor level.
  11. A new 1800mm timber paling fence above Natural Ground Level along the southern boundary at the cost of the permit holder.

### No Alteration or Changes

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

### Common Boundary Fences

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

### Landscaping

1. Before the commencement of buildings and works, a landscape plan prepared by a Landscape Architect or a suitably qualified or experienced landscape designer, drawn to scale and dimensioned must be submitted to and approved by the responsible authority prior to the commencement of any works.  The plan must show the proposed landscape treatment of the site including:
   1. the location of all existing trees and other vegetation to be retained on site
   2. provision of canopy trees with spreading crowns located throughout the site 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.

### Tree Protection

1. Prior to the commencement of any works that are permitted by this permit, all trees that are to be retained, or are located within or adjacent to any works area, shall be marked and provided with a protective barricade and verified by an authorised officer of the responsible authority.
2. No building material, demolition material or earthworks shall be stored or stockpiled under the canopy line of any tree to be retained during the construction period of the development hereby permitted.

### Landscaping Prior to Occupation

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

### Drainage

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

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

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

1. All on-site stormwater is to be collected from hard surface areas and must not be allowed to flow uncontrolled into adjoining properties.  The on-site drainage system must prevent discharge from driveways onto the footpath.  Such a system may include either:
   1. trench grates (150mm minimum internal width) located within the property; and/or
   2. shaping the driveway so that water is collected in a grated pit on the property: and/or
   3. another Council approved equivalent
2. Stormwater discharge is to be detained on site to the predevelopment level of peak stormwater discharge.  Approval of any detention system is required by and to the satisfaction of the responsible authority, prior to works commencing.

### Vehicle Crossovers

1. The existing vehicle crossing is in poor condition and is to be fully reconstructed to a width of at least 3 metres. The reconstruction may affect an existing electrical pole and will affect an existing water pit. Approval from the electrical authority and water authority is required as part of the vehicle application process.
2. 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 2.0m long x 2.5m deep (within the property) on both sides of each vehicle crossing to provide a clear view of pedestrians on the footpath of the frontage road.

### 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.

### 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.

1. The nominated point of stormwater connection for the site is to the north-west corner of the property where the entire site's stormwater must be collected and free drained via a pipe to the Council pit in the naturestrip to be constructed to Council Standards.  (A new pit is to be constructed to Council Standards if a pit does not exist, is in poor condition or is not a Council standard pit).
2. Any private drainage system from Unit 2 found during construction must reconnect the system to the satisfaction of the responsible authority.
3. All new vehicle crossings must be a minimum of 3.0 metres in width and constructed in accordance with Council standards.
4. All vehicle crossings within 1.50 metres of an adjoining crossing shall be converted to a double crossing in accordance with Council standards.
5. Any works within the road reserve must ensure the footpath and nature strip are to be reinstated to Council standards.

### Rooming House Management Plan

1. Prior to the commencement of any buildings or works, a Rooming House Management Plan must be submitted to and approved by the Responsible Authority. This Rooming House Management Plan must include (but not limited to) the following requirements:
   1. A Code of Conduct for resident behaviour discouraging anti-social behaviour such as excessive noise emissions, littering, property damage and compliance with designated smoking areas. All residents are to agree to abiding by the Code of Conduct.
   2. A process for management to respond to complaints or queries from residents and/or neighbours;
   3. Require the Responsible Contact Person’s current details for each rooming house to be displayed discretely on the site frontage to the satisfaction of the Responsible Authority, so that surrounding residents can register complaints directly.  This information is to be updated immediately following any change to the nominated responsible contact person.
   4. The owner/managers of each rooming house must provide a copy of the Rooming House Management Plan permanently displayed in common area accessible to all residents of each rooming house.
   5. A requirement that the Responsible Authority be notified when changes are made to any elements of the Rooming House Management Plan including changes in ownership or management of the use.
   6. Facilities maintenance;
   7. Building, grounds and landscaping maintenance;
   8. The rooming house buildings and associated garden and open space areas must be maintained in a tidy condition.
   9. A Waste Management Plan which details the method of refuse and recycled materials collection, including times and frequency and identifying sufficient bin storage areas.
   10. All waste, recycling and hard garbage must be stored in the designated storage areas as per the Waste Management Plan submitted to the satisfaction of the Responsible Authority.
   11. Laundry must not be dried in a location where it is visible from Glenbrook Avenue and Woodside Avenue
   12. The requirements of the endorsed Rooming House Management Plan must be implemented by the rooming house owners, managers and occupiers of the site for the duration of the two rooming houses’ operation in accordance with this permit, to the satisfaction of the Responsible Authority. No alterations to the Rooming House Management Plan may occur without the written consent of the Responsible Authority.
2. At any one time, no more than six (6) persons may be accommodated in Dwelling 1 rooming house and no more than seven (7) persons may be accommodated in Dwelling 2 rooming house, to the satisfaction of the Responsible Authority.
3. For so long as these premises operate as rooming houses, they must be owned and managed by an experienced rooming house operator, to the satisfaction of the Responsible Authority.
4. Prior to the occupation of the rooming houses, a site manager must be appointed.
5. Before the use starts, an automatic external lighting system capable of illuminating the entry to each unit, access to each garage and car parking space and all pedestrian walkways must be provided on the land to the satisfaction of the Responsible Authority.

**– End of conditions –**