

VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL

PLANNING AND ENVIRONMENT LIST

VCAT REFERENCE NO. P11688/2021
PERMIT APPLICATION NO.TPA/52472

CATCHWORDS

Section 77 of the *Planning and Environment Act 1987*, Monash Planning Scheme, General Residential Zone Schedule 6, Three storey building, Incremental Change Area, Visual bulk

APPLICANT	Sheng Chen
RESPONSIBLE AUTHORITY	Monash City Council
REFERRAL AUTHORITY	Head, Transport for Victoria
SUBJECT LAND	1921 Dandenong Road CLAYTON VIC 3168
HEARING TYPE	Hearing
DATE OF HEARING	7 April 2022
DATE OF ORDER	21 April 2022
CITATION	Chen v Monash CC [2022] VCAT 415

ORDER

- 1 In application P11688/2021 the decision of the responsible authority is set aside.
- 2 In planning permit application TPA/52472 a permit is granted and directed to be issued for the land at 1921 Dandenong Road Clayton VIC 3168 in accordance with the endorsed plans and the conditions set out in Appendix A. The permit allows:
 - Construction of four dwellings.

Tracey Bilston-McGillen
Member



APPEARANCES

For applicant	Mr Andrew Clarke, town planning consultant, Clarke Town Planning.
For responsible authority	Ms Adrienne Kellock, town planning consultant, Kellock Town Planning Pty Ltd.
For referral authority	No appearance.

INFORMATION

Description of proposal	The proposal involves the construction of four (4) three storey dwellings. Vehicle and pedestrian access to all four dwellings is provided from Glenbrook Avenue.
Nature of proceeding	Application under section 77 of the <i>Planning and Environment Act 1987</i> – to review the refusal to grant a permit.
Planning scheme	Monash Planning Scheme
Zone and overlays	General Residential Zone Schedule 6 Monash National Employment and Innovation Cluster and Clayton Activity Centre (GRZ6).
Permit requirements	Clause 32.08-6, a permit is required to construct two or more dwellings on a lot.
Key scheme policies and provisions	Clauses 11, 15, 16, 21.01, 21.04, 21.08, 21.11, 22.01, 22.04, 22.05, 22.13, 32.08, 55, 65 and 71.02.
Tribunal inspection	I inspected the site and surrounds.



Land description

The review site is rectangular in shape, with the exception of a corner splay. It has frontages of 12.19 and 42.67 metres (dimensions excluding splay) to Dandenong Road and Glenbrook Avenue respectively. It has an area of approximately 692m². It has a fall of approximately 2.2 metres from north to south. It has a 1.83 metre wide easement that runs along the northern boundary.

The site contains a single storey dwelling that faces Dandenong Road. Vehicle access to the land is provided from Glenbrook Avenue via a double width crossover.

The subject site is located on the north-east corner of the intersection of Dandenong Road (Princes Highway) and Glenbrook Avenue in Clayton.

The subject site abuts the Dandenong Road service road rather than the main Dandenong Road carriageway (which comprises 3 traffic lanes in either direction). The Dandenong Road service road alongside the site is a one-way road that runs in a south-east direction.

Glenbrook Avenue is a local street that runs north off Dandenong Road.

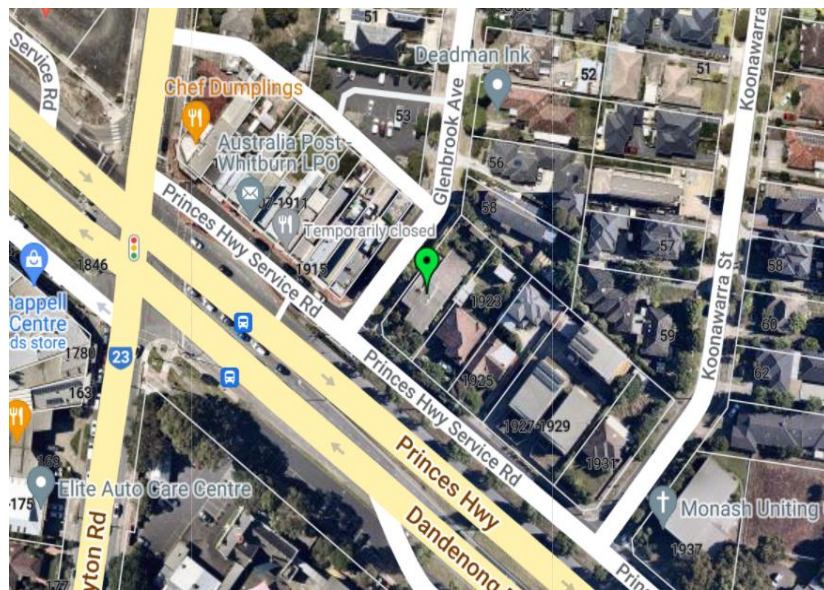


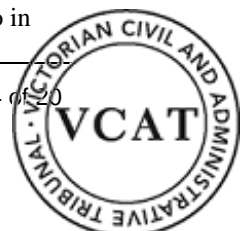
Figure 1: Review site. Source nearmap.

REASONS¹

BACKGROUND

- 1 This is an application for review lodged against the decision of the Monash City Council (**Council**) to refuse to grant a planning permit for the development of 1921 Dandenong Road Clayton for four, three storey dwellings. Council refused the proposed development on a number of grounds including; the proposal is inconsistent with policy at clauses 21.04 Residential Development Policy, 22.01 Residential Development and Character policy, 22.05 Tree Conservation Policy, the Neighbourhood Character Objectives of the General Residential Zone Schedule 6 and provisions of clause 55 ResCode.
- 2 The applicant for review (**applicant**) submitted that the proposed development is acceptable having regard to balancing competing policies seeking more diverse housing with policies seeking to ensure that development respects neighbourhood character.
- 3 It is proposed to develop the site for four, three storey dwellings. The proposal was described in more detail by Council as:
 - The dwellings are to be constructed in a row style formation and are attached at ground and first floor level. A central 2.96 metre wide gap is provided between dwellings 2 and 3 at the second floor level.
 - The floor layout of dwellings 1/2 and 3/4 are mirror images. The ground floor finished floor level (**FFL**) of the two ‘pairs’ of dwellings has been stepped in response to the fall of the land (the FFL of dwellings 3/4 is 1.2 metres higher than the FFL of dwellings 1/2).
 - Each dwelling is provided with a single covered car space within a garage and a tandem car space in front. Vehicle access to all four dwellings is provided from Glenbrook Avenue via two separate double width crossovers.
 - The ground floor of each dwelling contains a single garage (with laundry space at the rear), a sitting room, a bedroom, bathroom and storage room. The first floor of each dwelling contains an open plan kitchen/living/dining area, a balcony facing Glenbrook Avenue, a bedroom, a retreat and a bathroom. The second floor of each dwelling contains two (2) bedrooms, each of which has an ensuite.
 - Each dwelling is provided with secluded private open space in the form of a first floor balcony that faces Glenbrook Avenue. Balconies are accessible from the main living area via sliding doors and they

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.



each have a width of 2.45 metres and an area of 13.3m². Each dwelling is also provided with an area of ground level private open space at ground level.

- The building is contemporary in style and has a flat roof. Walls are to be constructed of a combination of face brickwork, rendered cladding, timber look cladding, metal cladding and charcoal battens.
 - Fencing to both street frontages has a height of 1.5 metres and it comprises brick piers with steel picket infill.
- 4 The applicant put that this is primarily a neighbourhood character case. I agree but further make the observation that this is a case about balancing the objectives of the GRZ6 and policy which seeks to provide for more diverse housing whilst also respecting neighbourhood character.
- 5 Having regard to the provisions of the planning scheme, the submissions and my site inspection, I have decided to set aside the decision of the permit and grant a permit subject to conditions. In particular I have required the deletion of the second storey/upper floor of dwelling 4. My reasons for this decision follow.

REASONS FOR DECISION

Planning controls

- 6 The site is zoned GRZ6 Monash National Employment and Innovation Cluster and Clayton Activity Centre. The purpose of the GRZ reads:

To encourage development that respects the neighbourhood character of the area.

To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.

- 7 More specifically, the neighbourhood character objectives of the GRZ6 include:

To facilitate housing diversity in the form of units, townhouses and apartment developments of high quality design and finish.

To provide an interface between the Clayton Activity Centre, the Monash Employment and Innovation Cluster, the housing growth area and the lower scale surrounding garden city suburban areas.

To encourage development that respects sensitive residential interfaces and minimises building mass and visual bulk in the streetscape through landscaping in the front setback and breaks and recesses in the built form.

To promote the preferred garden city character by minimising hard paving throughout the site by limiting the length and width of accessways and limiting paving within open space areas.



To ensure developments are constructed within an open garden setting through the retention and planting of vegetation, including canopy trees.

- 8 GRZ6 includes variations to a number of clause 55 ResCode provisions including; minimum street setback, landscaping, side and rear setbacks, private open space and front fencing. The decision guidelines to be considered include
- Whether the development provides an appropriate transition to built form on adjoining sites.
 - The robustness of proposed materials and finishes.
 - The impact of the shape and dimensions of the lot on the ability of the development to meet any requirements of this schedule.
 - The location and number of vehicle crossovers.
 - The impact of the development on nature strips and street trees.
 - The location, quantity and species of vegetation provided.
- 9 There are a number of planning policies that apply to the site and I have summarised these below.
- 10 Clause 21.01 identifies that there is a rising population resulting in an increase in demand for housing, the garden city character is a key influence in planning decisions, the erosion of the garden city character is a key concern and to accommodate growth it is important to direct more intensive, higher scale development to neighbourhood and activity centres in well serviced locations. The Strategic Framework Plan directs residential growth to neighbourhood and activity centres, the Monash National Employment and Innovation Cluster and the boulevards (Springvale Road and Princes Highway).
- 11 Clause 21.04 Residential Development includes the site within Category 3 – Residential Land in the Monash National Employment Cluster and Category 4 – Boulevards. Both of these categories are identified as ‘Areas with future development potential’.
- 12 Clause 22.01 identifies the site to be located within the ‘Monash National Employment Cluster and Clayton Activity Centre – Housing Diversity Area’. The preferred future character statement reads:

The Clayton Activity Centre and the cluster more broadly are expected to experience major redevelopment, as one of the key areas for employment growth within Melbourne. As such, the core of the activity centre and the cluster are anticipated to accommodate growth and more diverse housing needs. This area also forms an interface to the surrounding garden city suburbs. New development should provide a transition between these areas.

New housing will generally comprise multi dwelling developments such as units and, where appropriate, low rise apartments. Front and



rear setbacks will be less than those preferred in the garden city areas, however, will still provide the opportunity for landscaping. Landscaping and open space within developments will remain an important feature for this character area. Canopy trees within developments and separation between buildings will provide visual and environmental amenity for occupants and the residents of existing dwellings. New developments will be designed and constructed to a high standard, ensuring they provide a positive architectural impact.

- 13 Clause 22.05 Tree Conservation Policy seeks to maintain, enhance and extend the garden city Character throughout the municipality.
- 14 Council submitted that given the zoning and the provisions of clauses 21.04 and 22.01, the built form and landscape character is expected to change quite significantly over time. Council also put that a three storey built form could be contemplated on the site. However, Council submitted that the form proposed is unacceptable having regard to clauses 21.04, 22.01 and the neighbourhood character objectives of GRZ6.
- 15 In summary, I find that planning policy anticipates change to the area over time and supports the redevelopment of the site. It is zoned GRZ, not a Neighbourhood Residential Zone and policy clearly identifies the site as a locality where more than one dwelling can be accommodated. I further note that the site is located between a commercial zoning and a Residential Growth Zone and on a main road, not in the residential hinterland. The review site has the attributes of where more intense development can be anticipated and accommodated subject to an appropriate built form.

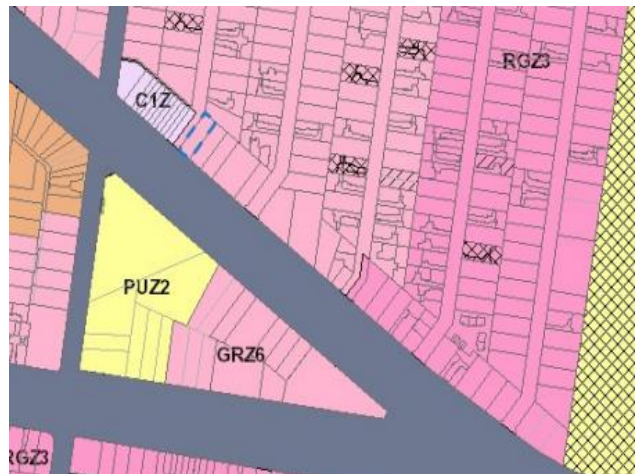


Figure 2: Zoning map. Site identified in blue.

Neighbourhood character

- 16 It was identified by the parties that neighbourhood character is a key consideration, and I agree. Council submitted that the proposal is of concern because:
- The overall bulk/scale/mass is considered excessive.
 - The building will present as overly prominent when viewed from both the streetscape and neighbouring properties.
 - The three storey bulk and mass of the development fails to provide a suitable graduation or transition to lower rise residential development to the north and east. Whilst Council acknowledges that three storey development in this location is contemplated by the scheme, the execution of the proposal is considered to be poor.
 - The building will present as prominent in both streetscapes due to a combination of factors including the relatively minimal front setbacks, sheer two storey wall presentation and limited space for canopy planting.
 - The building presents a relatively sheer two storey wall (recognising that feature frames provide some articulation) at a 4.41 metre setback to Dandenong Road, with the upper level setback only 5.48 metres, which is substantially forward of the 7.6 metre setback of the neighbouring dwelling.
 - In addition to the diminutive front setback, the side street setbacks are also minimal in light of the preferred residential outcomes sought by policy.
 - The building is setback only 3.1 metres from the street at first floor level and the 4.6 metre setback at the second level will be visually dominating.
 - The setbacks provide limited space for canopy planting, with a large part of the front setback area to be paved in order to provide vehicle access/car parking.
 - There is insufficient room for meaningful landscaping to visually soften the built form and be an important feature of the area.
- 17 The applicant submitted that the built form character of the surrounding area is highly varied when you look beyond the review site. It was put that there are different character traits along Dandenong Rd to the west, Dandenong Rd to the east, Dandenong Rd opposite and then once around the bend and up the hill and 'within' Glenbrook Ave. As to landscape character, the applicant put that the private realm contribution to landscaping is fairly demure in any direction, with the street trees being the most notable element along Dandenong Rd, but much more sporadic along

Glenbrook Ave and other private land. The applicant noted that the Council carpark probably contains the highest ‘density’ of trees nearby the site.

- 18 I agree with the submission of the applicant that there is a tension between policy seeking development to respect the character of the area and policy facilitating housing diversity in the form of units, townhouse and apartment development of high quality design and finish. I am persuaded that the proposed development is acceptable subject to a change to dwelling 4. I will require that one level of dwelling 4 is deleted, resulting in dwelling 4 being two storeys high. I make these findings for the following reasons:

Built form

- 19 The proposed development is provided with a separation at the upper level to Glenbrook Avenue. The separation occurs between dwellings 2 and 3, in the centre of the site. As a result of the separation, the development will present as two large blocks. I find this separation breaks up the massing of a long building extending the majority of the length of the site. I further find that whilst the separation only occurs at the second storey, it provides a sense of visual relief to Glenbrook Avenue and to a lesser degree the site to the east at 1293 Dandenong Road.
- 20 Council submitted that the building would present as prominent in both streetscapes due to a combination of factors including the relatively minimal front setbacks, sheer two storey wall presentation and limited space for canopy planting.
- 21 Given the zoning of the land, the corner location opposite a commercial strip centre and an at grade car park, the site can accommodate a more robust form of development. I find the building to be a well designed form using a variety of materials, setbacks and landscaping. The framing elements on the façade provide some visual interest and assists, with the separation, to present a modulated form. There is no question that the proposed development is bigger than immediately adjoining residential properties to the north and east but given that policy and the zoning direct and anticipate change, I find the proposal acceptable. Having said that though, I share the concerns of Council regarding the impact of dwelling 4 and in particular the second storey to the adjoining residential property and I discuss this below.

Front setback

- 22 The proposed building is three storeys and is set back 4 metres from Dandenong Road. The 4 metre setback, whilst sitting forward of the adjoining property to the east, is consistent with the variation within GRZ6. The setback is consistent with the vision of the area where it is anticipated that setbacks will be less than those in other areas. It is also an efficient use of the land.



- 23 As to the setback from Glenbrook Avenue, the proposed development is setback 3 metres. Given the site is a corner site, this is permissible and it is in my view acceptable. The Glenbrook Avenue frontage sits opposite a commercial zone accommodating shops and businesses and an at-grade car park at the rear of the centre. The proposed dwellings have their main frontage to Glenbrook Avenue, their car parking and entrances. The development also proposes small landscaped front gardens including a canopy tree and landscaping in each. I find the setback an efficient use of the site and acceptable having regard to the corner location and the context of the commercial properties.

Dwelling entrance

- 24 Council raised concern that the entrance to dwelling 1 is from Glenbrook Avenue and not Dandenong Road. I do not share this concern given the entrance is located close to the corner and that a sitting and bedroom window face Dandenong Road. It will be an active frontage.

Three storey height

- 25 Council raised concern that the three storey bulk and mass fails to provide a suitable graduation or transition to the lower rise residential development to the north and east. The planning scheme and zoning allows buildings up to three storeys. It is well accepted that just because there is provision to develop to a nominated height, it does not mean that it is an automatic right. The building is setback 4 metres from the street, a minimum of 2.6 metres to the east and a minimum of 4 metres to the north. The third level is setback 5.48 metres to the north and south boundaries, 4.4 metres to the east and 4.6 metres to the west. In principle, given the vision for the area, a three storey built form is acceptable. I also note Council put that a three storey form, in principle, can be anticipated in the zoning.
- 26 As I commented during the hearing, following my site inspection, I observed an area where there has been quite a bit of development, but it is largely in the form of two storey townhouse development. I also observed some form of two storey student accommodation with car parking in the front setback. But this described character occurs in the area behind the review site, in the residential hinterland area. There is a distinction with the review site that it is located fronting Dandenong Road and is between a commercial zone and a Residential Growth Zone where a higher level of development is anticipated. It is at the entrance to the residential hinterland. It is also on a corner that, in my view, can accommodate a more robust form of development. Nevertheless, I have a concern with the impact of the second storey for dwelling 4 on the adjoining property to the east and this is discussed below.

Landscaping

27 The ability of the site to provide adequate landscaping was identified as a concern. There is no question that there is a strong theme of policies calling for the continuing ‘greening’ and enhancement of the garden character of the municipality. Policy further seeks ‘To ensure developments are constructed within an open garden setting through the retention and planting of vegetation, including canopy trees’. GRZ6 varies Standard B13 Landscaping by requiring:

New development should provide or retain:

- At least one canopy tree, plus at least one canopy tree per 5 metres of site width;
- A mixture of vegetation including indigenous species;
- Vegetation in the front, side and rear setbacks; and
- Vegetation on both sides of accessways.

A canopy tree should reach a mature height at least equal to the maximum building height of the new development.

28 The Tree Conservation policy at clause 22.05 calls to maintain, enhance and extend the garden city Character throughout the municipality. It further seeks to, amongst other things retain existing semi-mature and mature canopy trees wherever possible. An arborist report prepared by *Bluegum*² was lodged with the planning application. This report identified that trees 7-10 have a moderate to high retention value and should be retained. The trees noted included trees of heights ranging from 6 metres to 11.8 metres. Council put and it was not contested, that these trees were removed from the site within the 12 months prior to the lodgement of the application.

29 Council considers that the proposal is inappropriate having regard to the objectives and decision guidelines of the policy as:

- All of the trees identified in the Arborist Report as having either moderate or high retention value have been removed which has provided a development advantage. Consideration should have been given to keeping the trees and incorporating them into the development.
- Whilst the landscape plan introduces a greater number of canopy trees than the 4 trees removed, their mature height is well below the 9.9 metre maximum building height. In summary, the plan proposes trees that range in height from 7 to 8 metres (which is not as high as the proposed building).
- Council also questioned whether the layout provides sufficient space for some of the trees to reach a reasonable mature height due to the

² Arborist report prepared by *Bluegum*, Ver 04/20.



minimal setbacks proposed, noting that the Eucalypts are described as having a canopy spread of 6 metres.

- 30 A landscape plan was submitted providing for four canopy trees to Glenbrook Avenue, two to Dandenong Road and a further four small trees along the eastern boundary. The plan also includes ground covers and shrubs.
- 31 I will first comment on the issue of the removal of the seven trees that the arborist identified for retention. The planning scheme at clause 55 Standard B13, reads 'Development should provide for the replacement of any significant trees that have been removed in the 12 months prior to the application being made'. A decision guideline further reads to consider 'Whether a tree was removed to gain a development advantage'.
- 32 The applicant submits there was no development advantage gained as the arborist report identifies and discusses the trees, that is, they openly identified the trees.
- 33 I agree with Council that due process in an application such as this, is that an assessment is made in relation to the trees at the time of the planning application. Whilst the site is not located within a Vegetation Protection Overlay or an overlay requiring a permit to remove the trees, it was poor judgment and timing of their removal. I make the observation however that Council did not call for any action to be taken regarding this matter other than to note the timing and actions taken.
- 34 I am persuaded by the applicant that the landscape character in the surrounding area is varied. The trees planted in the naturestrip largely contribute to the canopy trees character whilst individual sites vary noting that the student accommodation buildings provided at grade car parking in the front setback and little vegetation.
- 35 I agree with Council that the tree selection should be modified to ensure that the species of tree, height and canopy is appropriate to the height and size of the built form. I am persuaded however, by the applicant that the site can be adequately landscaped and will contribute in a positive manner to the landscape character of the area. In particular, where areas are devoid of landscaping, it is important to ensure that the proposed landscaping will produce a positive result.



Amenity

Bulk/mass/scale



EAST VIEW

Figure 3: Proposed image/view of development from the east. Source Development plans prepared by Jesse Ant Architects.

- 36 The bulk/mass and scale of the proposed building was raised as a concern. As identified, the site has the benefit of being located on a corner with two street frontages, a driveway that adjoins the site to the north and the front half of the site to the east. There is only one sensitive interface being the property to the east 1923 Dandenong Road.
- 37 Assessing visual bulk and impact includes a range of considerations including building setback, building materials, height, articulation and modulation as well as amenity impacts such as overshadowing.
- 38 During the hearing I raised a concern with the second floor and the impact on the secluded private open space to the east. The form of dwellings 3 and 4 align with the secluded private open space of this adjoining dwelling at 1293 Dandenong Road. I made the observation that the most sensitive area is the rear yard of the adjoining property to the east and because of this, I further discussed the option of deleting the second floor (the upper level) of dwellings 3 and 4 or just dwelling 4 to respond to my concerns.
- 39 An objective of GRZ6 reads:
- To encourage development that respects sensitive residential interfaces and minimises building mass and visual bulk in the streetscape through landscaping in the front setback and breaks and recesses in the built form.
- 40 There is only one sensitive interface to the proposed built form. To the north the interface is managed due to the proposed setback and location of the driveway that runs along the shared boundary providing a separation for

the dwelling. To the east, as identified, there is a rear yard providing secluded private open space for the dwelling.

- 41 The ground level of dwellings 3 and 4 are setback 2.5 metres with the ground level setback accommodating a clothesline and rain water tank. The first floor is setback marginally more at 2.6 metres whilst the second floor is setback 4.4 metres.
- 42 The applicant submitted that in considering visual bulk, the proposed development is appropriate for the following reasons.
- The proposal has a ‘side on’ interface to the lot to the east.
 - The primary aspect (of this adjoining building) is to its rear, not to the review site.
 - Whilst no trees were proposed to be planted in the eastern setback, trees could be added as the larger area of open space for dwelling 4 is located to the north. The setback area could accommodate trees as they are proposed in the setback area of dwelling 2 in a similar space.
 - The setback area for dwelling 4 will act as a service area.
- 43 I have decided to include a condition requiring the deletion of the second floor of dwelling 4 for the following reasons. Whilst I find the building a well-articulated design using a variety of materials and modulations, the proposed setbacks at each level are insufficient to result in a building that will be read as a recessive one to this adjoining residential property. I find that the upper level/second storey contributes to an overwhelming sense of visual bulk to the secluded private open space of 1923 Dandenong Road. I find that the second storey will be visually imposing to the most sensitive area. I acknowledge that trees can be planted along this boundary and suggest they should be planted in the setback area of dwelling 4 particularly given the primary, more useable area of ground level open space is located to the north and has access from a sitting room sliding door. The deletion of the second floor for dwelling 4 will also improve the level of overshadowing to 1923 Dandenong Road.

Private open space

- 44 Council raised a concern regarding the provision of private open space for each of the dwellings submitting that whilst the first floor balconies for each dwelling satisfied the varied provisions in the GRZ6, it however considered that the balconies were poorly located on the western side of the development, are more appropriate for apartments and not the proposed townhouse style development and the ground level spaces would not provide a high level of amenity.
- 45 I am satisfied that the combination of the balconies and the ground floor space complies with the varied GRZ6 provision. I further note the balconies are provided with access directly from a living area and due to the



corner site, are not required to be screened. The balconies will further serve a second purpose of providing surveillance to the street.

CONCLUSION

- 46 For the reasons given above, the decision of the responsible authority is set aside. A permit is granted subject to conditions.

Tracey Bilston-McGillen
Member



APPENDIX A – PERMIT CONDITIONS

PERMIT APPLICATION NO	TPA/52472
LAND	1921 Dandenong Road CLAYTON VIC 3168

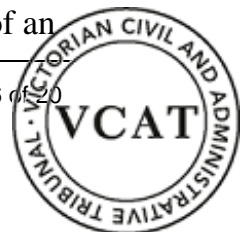
WHAT THE PERMIT ALLOWS

In accordance with the endorsed plans:

- Construction of four dwellings.

CONDITIONS

- 1 Before the development starts, amended plans drawn to scale and correctly dimensioned must be submitted to the satisfaction of and approved by the Responsible Authority. When approved, the plans will be endorsed and then form part of the permit. The plans must be generally in accordance with the plans submitted to Council prepared by Jesse Ant Architects, Project Number 20-037, TP05 to TP09, dated 23 June 2021, but modified to show/include:
 - (a) Deletion of the second floor (upper level) of dwelling 4. The amended two storey dwelling may:
 - i Be either a two or three bedroom dwelling;
 - ii The treatment of the north facing wall of dwelling 3 is to be sufficiently treated and may include windows (that comply with clause 55, Standard B22 Overlooking);to the satisfaction of the responsible authority.
 - (b) Demonstration of compliance with Australian Standard for Off - Street Car Parking AS/NZS 2890.1 in respect the level difference between driveways and the footpath in Glenbrook Avenue.
 - (c) A notation that the existing 1/2P & No Stopping sign are to be relocated to the north of dwelling 1 and dwelling 2 's driveway at the cost of the developer.
 - (d) The location of gas and water meters in unobtrusive locations.
 - (e) The location and design of any proposed electricity supply meter boxes. The electricity supply meter boxes must be located 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".
 - (f) A corner splay or area at least 50 per cent clear of visual obstructions extending at least 2 metres along the frontage road from the edge of an



exit lane and 2.5 metres along the exit lane from the frontage, to provide a clear view of pedestrians on the footpath of the frontage road. The area clear of visual obstructions may include an adjacent entry or exit lane where more than one lane is provided, or adjacent landscaped areas, provided the landscaping in those areas is less than 900mm in height.

- (g) A materials schedule of all external materials including colour swatches. The schedule must include specific detail of any cladding types.
- (h) The Landscape Plan in accordance with condition 3 of this permit.
- (i) The Waste Management Plan in accordance with condition 8 of this permit.
- (j) The Sustainable Design Assessment in accordance with condition 10 of this permit.
- (k) Incorporation of the initiatives detailed in the Sustainable Design Assessment.

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 Plan

- 3 Concurrent with the endorsement of any plans requested pursuant to Condition 1, amended landscape plans drawn to scale and correctly dimensioned must be submitted to the satisfaction of and approved by the Responsible Authority. The plans must be generally in accordance with the plans submitted to Council prepared by *Species Landscape Architecture*, Project Number 21023, L1 and dated 9 June 2021, but modified to show:
 - (a) Any changes required by Condition 1 of this Planning permit;
 - (b) At least four (4) canopy trees with spreading crowns and a minimum mature height of 10 metres.
 - (c) At least one canopy tree located within the eastern setback of dwelling 4.

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

Tree Protection

- 4 There must be no extension of the existing crossover footprint closer to Street Tree Number 2 as shown in the endorsed plans. Careful removal of the existing concrete is to be undertaken and excavation for new crossover will only excavate or remove debris as is absolutely necessary.



- 5 Before any development (including demolition) starts on the land, a tree protection fence as detailed in Australian Standard AS 4970-2009 must be erected around Trees Number 1 and 2 in the endorsed plans. 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.
- 6 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

- 7 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.

Waste Management Plan

- 8 Concurrent with the endorsement of plans required pursuant to Condition 1, a Waste Management Plan must be submitted and approved by the Responsible Authority. The plan must be generally in accordance with the Waste Management Plan prepared by TTM dated 24 August 2020, except that the plan must be modified to show:
 - (a) Any changes required by Condition 1 of this Planning Permit;
 - (b) Description to cross reference with the floor plans including:
 - i existing land use
 - ii number of levels
 - iii number of bedrooms in each dwelling
 - (c) Demonstration of basis for waste generation estimates. e.g., number of bedrooms and the corresponding waste generation rate. A higher waste generation rate should be applied, as per page 6 of the City of Monash MUD and Commercial Developments WMP Guide for Applicants.
 - (d) Allowance for the storage and service delivery of an 80L Separated Glass Bin.
 - (e) Scale plans marked up to indicate:
 - i Accessibility and transfer route
 - ii All waste streams
 - iii Placement of each bin for collection



- (f) Reference City of Monash Local Law No.3 and restriction requiring bins to be brought in from the street following collection on the same day of collection and placed out no more than 24 hours prior to collection.
 - (g) State the property is ineligible for the Annual Hard Rubbish Collection due to the associated problems of multi-unit developments with holding residents to account for unacceptable materials and quantities presented for collection. Council user pays at-call hard waste service may be accessed subject to conditions.
 - (h) Council will only supply bins to households that are occupied. Newly vacated properties must advise Council and arrange removal of bins if potential for vacancy is beyond 1 month.
 - (i) Communication Strategy to have a separate heading rather than a combined heading with Bins/Equipment Labelling.
 - (j) The location of signage as outlined in section 4.4 of the WMP.
 - (k) The minimum frequency of distributing house rules to occupants to be provided to allow for changes in occupancy.
- 9 The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Sustainable Design Assessment

- 10 Concurrent with the endorsement of plans requested pursuant to Condition 1, a Sustainable Management Plan must be submitted to and approved by the Responsible Authority. The plan must be generally in accordance with the Sustainable Design Assessment prepared by *Greenviro Consulting*, dated 25 May 2021, except that the plans must be modified to show any changes required by Condition 1 of this planning permit.

Drainage

- 11 The site must be drained to the satisfaction of the Responsible Authority.
- 12 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.
- 13 The private on-site drainage system must prevent stormwater discharge from the/each driveway over the footpath and into the road reserve.
- 14 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.



Vehicle Crossovers

- 15 All new vehicle 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. Approval from affected service authorities is required as part of the vehicle crossing application process.
- 16 The vehicle crossing is to be reconstructed to align with the proposed driveway.
- 17 Any works within the road reserve must ensure the footpath and naturestrip are to be reinstated to Council standards.
- 18 The existing 1/2P & No Stopping sign are required to be relocated to the north of dwelling 1 and dwelling 2 's driveway at the cost of the developer. Approval is to be sought prior to the relocation through Council's Asset Protection Department.

Satisfactory Continuation and Completion

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

Permit Expiry

- 20 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 2 years from the date of issue.
 - (b) 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

- 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 and Administrative Tribunal are unable to approve requests outside of the relevant time frame.

– End of conditions –