VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL

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| planning and environment LIST | vcat reference No. P155/2021Permit Application no. TPA/51782 |

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| **Applicant** | Nicholas Antonopoulos |

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

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| SUBJECT LAND | 49 Columbia Drive WHEELERS HILL VIC 3150 |
| HEARING TYPE | Hearing |
| DATE OF HEARING | 8 September 2021, 27 October 2021 |
| DATE OF ORDER | 28 October 2021 |

# Order

### Permit granted

1. In application P155/2021 the decision of the responsible authority is set aside.
2. In planning permit application TPA/51782 a permit is granted and directed to be issued for the land at 49 Columbia Drive, Wheelers Hill in accordance with the endorsed plans and the conditions set out in Appendix A. The permit allows:
* The construction of two or more dwellings on a lot.

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| Karina Shpigel**Member** |  |  |

# Appearances

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| For Mr Antonopoulos | Paul O’Shea, Town Planner, CS Town Planning Services.  |
| For Monash City Council | Gareth Gale, Town Planner, Gareth Gale Consulting Pty Ltd.  |

# Information

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| Description of proposal | Construction of a second double storey dwelling and retention of the existing dwelling.  |
| Nature of proceeding | Application under section 77 of the *Planning and Environment Act 1987* – to review the refusal to grant a permit.  |
| Planning scheme | Monash Planning Scheme |
| Zone and overlays | Neighbourhood Residential Zone, Schedule 4.Vegetation Protection Overlay, Schedule 1.  |
| Permit requirements | Clause 32.09 to construct two or more dwellings on a lot.  |
| Land description | The site is located on the western side of Columbia Drive, at its intersection with Vanessa Crescent, Wheelers Hill. The site is irregular in shape and has an area of 756 square metres. The site is developed with a single storey brick dwelling with vehicular access from Vanessa Crescent. The nature strip contains an 8 metre tall Box Elder street tree. The site is located in an established residential area characterised by single storey detached dwellings on conventional sized lots.  |

# remarks

1. An oral decision was provided to the parties at the conclusion of the hearing. The reasons provided orally are the reasons for the decision.

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| Karina Shpigel**Member** |  |  |

# Appendix A – Permit Conditions

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| Permit Application No: | TPA/51782 |
| Land: | 49 Columbia Drive WHEELERS HILL VIC 3150 |

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| What the permit allows |
| In accordance with the endorsed plans:* The construction of two or more dwellings on a lot .
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## 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 Sheet 4 of 10, Sheet 5 of 10, sheet 6 of 10 (revision B dated July 2020) and Sheet 7 of 10 revision C dated August 2021; all prepared by Alan A Armstrong Associates, but modified to show:
	1. 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”.
	2. A Landscape Plan in accordance with Condition 3 of this Permit.

### Layout not to be Altered

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

### Landscape Plan

1. Concurrent with the endorsement of any plans requested pursuant to Condition 1, a landscape plan generally in accordance with that prepared by John Patrick Landscape Architects dated 9 August 2021 must be submitted to and approved by the Responsible Authority.

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

### Landscaping Prior to Occupation

1. 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 be maintained to the satisfaction of the Responsible Authority.

### Arborist Report

1. Concurrent with the endorsement of the plans referred to in Condition 1 of this permit or the commencement of any works (including demolition or levelling of the site), a report from a qualified arborist to the satisfaction of the responsible authority must be submitted to and approved by the Responsible Authority. When the arborist report is endorsed it will then form part of the permit.

The report must be generally in accordance with the report dated 19 March 2020 by Robert Murray, Arborist

The recommendations contained in the endorsed report must be implemented to the satisfaction of the Responsible Authority.

### Tree Protection

1. Before any development (including demolition) starts on the land, a tree protection fence must be erected around all trees that are to be retained, or are located within or adjacent to any works area (including trees on adjacent land and the nature strip). 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.
2. 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.
3. No vehicles are to be or items stored under the canopy of any tree in the nature strip to the satisfaction of the Responsible Authority.

### Stormwater

1. 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.
2. 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
3. The nominated point of stormwater connection for the site is to the north-east corner of the property where the entire site's stormwater must be collected and free drained via a 100 mm 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.

### Road Infrastructure

1. All new vehicle crossings must be a minimum of 3.0 metres in width and constructed in accordance with Council standards.
2. All vehicle crossings within 1.50 metres of an adjoining crossing shall be converted to a double crossing in accordance with Council standards.
3. Any works within the road reserve must ensure the footpath and naturestrip are to be reinstated to Council standards.

### Traffic, Parking & Access

1. 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.

### Permits

1. Engineering permits must be obtained for new or altered vehicle crossings and new connections to Council drains and these works are to be inspected by Council's Engineering Department. A refundable security deposit of $3,000 is to be paid prior to the drainage works commencing.

### 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.

### Satisfactory Continuation and Completion

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

### Street Tree Removal & Replacement

1. The existing street tree (Box Elder) will be removed and replaced by Council at the cost of the developer prior to the commencement of the development.

### 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 2 years from the date of issue.
	2. 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

1. within six (6) months afterwards if the development has not commenced; or
2. 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 -**