

VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL

PLANNING AND ENVIRONMENT LIST

VCAT REFERENCE NO. P11985/2021
PERMIT APPLICATION NO. TPA/52736

APPLICANT Yejun Wang
RESPONSIBLE AUTHORITY Monash City Council
RESPONDENT Michael DeNavi
REFERRAL AUTHORITY Head, Transport for Victoria
SUBJECT LAND 500 Waverley Road,
MOUNT WAVERLEY VIC 3149
DATE OF ORDER 21 July 2022

ORDER

Vacate hearing

- 1 The hearing scheduled at 10.00 am on **7 September 2022** is vacated. No attendance is required.

Permit granted

- 2 In application P11985/2021 the decision of the responsible authority is varied.
- 3 In planning permit application TPA/52736 a permit is granted and directed to be issued for the land at 500 Waverley Road, Mount Waverley Vic 3149 in accordance with the amended conditions agreed upon at the Compulsory Conference and set out in Appendix A. The permit allows:
Construction of two (2) dwellings, construction of a front fence exceeding 1.2 metres high and alteration of access to a road in a Road Zone 1

Elizabeth Bensch
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 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*;
 - 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.

Elizabeth Bensch
Member



APPENDIX A – PERMIT CONDITIONS

PERMIT APPLICATION NO	TPA/52736
LAND	500 Waverley Road, MOUNT WAVERLEY VIC 3149

WHAT THE PERMIT ALLOWS

In accordance with the endorsed plans:

Construction of two (2) dwellings, construction of a front fence exceeding 1.2 metres high and alteration of access to a road in a Road Zone 1

CONDITIONS

Amended plans

- 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 dated September 2021, prepared by DeNavi building design, but modified to show:
 - a) The following first floor windows are to be screened using either fixed, obscure glazing or permanently fixed obscure screens in any part of the window below 1.7 metres above floor level:
 - Unit 1 – east facing, dressing room
 - Unit 2 – south facing, master bed
 - b) Notation on the elevation plan that all obscure glazed windows are to be fixed (not film) to 1700mm above the finished floor level.
 - c) A reduction in the height of the first floor of Dwelling 2, by 150 mm (from 2740 to 2590 mm).
 - d) The provision of fixed obscure glazing to the Dwelling 2 staircase window to a height of 1700 mm above the first floor finished floor level.
 - 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) Location of water and gas meters, air-conditioning units, water tanks, solar hot water units to the satisfaction of the Responsible Authority.



- g) Tree planting to be kept out of the easement.
- h) 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.
- (i) The front fence amended accordingly to comply with corner splay requirements.
- (j) A Landscape Plan in accordance with condition 3 of this 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 Plan

- 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) The location of Dwelling 1 garage.
 - b) The landscape plan must be consistent with the development plan.
 - c) 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;
 - d) 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;
 - e) A minimum of one canopy tree (minimum 1.5 metres tall when planted) in the SPOS area of both dwellings and one canopy tree in the front garden of Dwelling 1. The canopy trees must have a minimum height of 7 metres and must have a spreading crown with a minimum width of 4 metres at maturity, or as otherwise agreed by the Responsible Authority;
 - f) The provision of shrubs/plants inside the rear (southern boundary) that will have a maximum growth height no greater than that of boundary fence between the site and 4 Yangoora Court Mount Waverley.



- g) The 8 metre high tree south-west of Dwelling 2 altered to a deciduous tree species
- h) the location of any fencing internal to the site;
- i) provision of canopy trees with spreading crowns located throughout the site including the major open space areas of the development;
- j) planting to soften the appearance of hard surface areas such as driveways and other paved areas;
- k) Canopy Trees / Significant Planting on adjoining properties within 3 metres of the site;
- l) the location of any retaining walls associated with the landscape treatment of the site;
- m) details of all proposed surface finishes including pathways, accessways, patio or decked areas;
- n) The location of Tree Protection Zones and Tree Protection Fencing as outlined within the Arborist Report prepared by DB Horticulture;
- o) The location of external lighting (if any);
- p) 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, 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 The site must be drained to the satisfaction of the Responsible Authority.



- 8 A plan detailing the drainage works must be submitted to the Engineering Division prior to the commencement of works for approval. The plans are to show sufficient information to determine that the drainage works will meet all drainage requirements of this permit.
- 9 Stormwater discharge is to be detained on site to the predevelopment level of peak stormwater discharge. Approval of any detention system is required by the City of Monash prior to works commencing; or any alternate system.
- 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.

Vehicle Crossovers

- 12 All disused or redundant vehicle crossovers must be removed and the area reinstated with footpath, naturestrip, kerb and channel to the satisfaction of the Responsible Authority.
- 13 Any new vehicle crossover or modification to an existing vehicle crossover must be constructed to the satisfaction of the Responsible Authority.
- 14 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 pedestrian on the footpath of the frontage road.

Department of Transport

- 15 Prior to occupation of the development, the crossover and driveway must be resealed to the satisfaction of the Responsible Authority and at no cost to the Head, Transport for Victoria.
- 16 Vehicles must always enter and exit the site in a forward direction.

Urban Design

- 17 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

- 18 Once the development has started it must be continued and completed 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:
- 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 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 –

