VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL

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| planning and environment LIST | vcat reference No. P1212/2020  Permit Application no. TPA/51071 |
| CATCHWORDS | |
| Section 87A of the *Planning and Environment Act* 1987; Consent Order. | |

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| APPLICANT | The Trust Company (Australia) Limited |
| responsible authority | Monash City Council |
| RESPONDENT | Greg Capuana |
| SUBJECT LAND | 15 Anzed Court  MULGRAVE VIC 3170 |
| DATE OF ORDER | 30 April 2021 |
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# order

1. The hearing listed to commence on **7 May 2021** is cancelled and the date **vacated**.
2. The parties to this application for review have advised the Member that they have reached agreement in relation to the matters in dispute and that they consent to the Tribunal making an order implementing their agreement.
3. The order of this Tribunal is that the decision of the responsible authority is varied.
4. The Notice of Decision to Grant a Planning Permit in Planning Permit No. TPA/51071, issued by the Monash City Council on 6 July 2020, is amended and it is directed that an amended permit be issued for land at 15 Anzed Court, Mulgrave Vic. 3170.
5. The amended permit allows the development of a warehouse and associated building and works and construction of a front fence.
6. The permit is subject to conditions contained in the Notice of Decision to Grant a Permit dated 6 July 2020, subject to the following modification:

New condition 1. d) requiring the following:

The development must be generally in accordance with the following documents (as agreed by all parties):

Engineering Drawings, prepared by Shackelford Consulting Engineers, Revision P4, dated 30 March 2021.

Geotech Report No. 1190935-2 Issue 3, prepared by Civil Test Pty Ltd, dated 1 March 2021.

Civil Drawings Revision P6, prepared by Axiom Architects, dated 18 February 2021.

New condition to be added to the Permit, requiring the following:

Construction Management Plan

Prior to the commencement of works on the site (including demolition and excavation), a Construction Management Plan (CMP) must be submitted and approved by the Responsible Authority. No works are permitted to occur until the CMP has been endorsed by the Responsible Authority. Once endorsed, the CMP will form part of the permit and must be implemented to the satisfaction of the Responsible Authority. The CMP must address the following issues:

a) Hours for construction activity in accordance with any other condition of this permit.

b) Measures to control noise, dust and water and sediment laden runoff.

c) Prevention of silt or other pollutants from entering into the Council’s underground drainage system or road network.

d) A plan showing the location and design of a vehicle wash-down bay for construction vehicles on the site.

e) Cleaning and maintaining surrounding road surfaces.

f) Public safety and site security.

g) A plan showing the location of parking areas for construction and subcontractors' vehicles on and surrounding the site, to ensure that vehicles associated with construction activity cause minimum disruption to surrounding premises. Any basement car park on the land must be made available for use by sub-constructors/tradespersons upon completion of such areas, without delay.

h) A Traffic Management Plan showing truck routes to and from the site.

i) Measures to ensure that sub-contractors/tradespersons operating on the site are aware of the contents of the CMP.

j) Contact details of key construction site staff.

1. The responsible authority if directed to issue a modified planning permit in accordance with this order.
2. No order as to costs

Frank Dawson

**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:
   * + - 1. 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*;
         2. 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.

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| Frank Dawson  **Member** |  |  |