 VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL

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| planning and environment LIST | vcat reference No. P1094/2020  Permit Application no.TPA/49716 |

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| **Applicant** | Ben Paterson |

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

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| SUBJECT LAND | 1995 Dandenong Road  CLAYTON VIC 3168 |

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| HEARING TYPE | Hearing |

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| DATE OF HEARING | 23 April 2021 |

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| DATE OF ORDER | 28 June 2021 |

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| CITATION | Paterson v Monash CC [2021] VCAT 688 |

# Order

**Amend permit application**

1. Pursuant to clause 64 of Schedule 1 of the *Victorian Civil and Administrative Tribunal Act 1998*, the permit application is amended by substituting for the permit application plans, the following plans filed with the Tribunal:

* Prepared by: Transcend Building Design & Services Pty Ltd
* Drawing numbers: Sheets 1-7 (incl), All Revision D
* Dated: 2 March 2021

### Permit granted

1. In application P1094/2020 the decision of the responsible authority is set aside.
2. In planning permit application TPA/49716 a permit is granted and directed to be issued for the land at 1995 Dandenong Road CLAYTON VIC 3168 in accordance with the endorsed plans and the conditions set out in Appendix A. The permit allows:

* Construction of a three-storey building for the purposes of 12 apartments with basement parking and associated buildings and works in a Residential Growth Zone, Schedule 3.
* Access alterations to a Road Zone Category 1 under Clause 52.29.

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| Peter Gaschk  **Member** |  |  |



# Appearances

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| For applicant | Mr Simon Skinner, Town Planner with Planning Sense.  He called the following witness:   * Mr Robert Thomson, Landscape Consultant, from Habitat Landscape Environmental Design |
| For responsible authority | Mr James Turner, Town Planner |

# Information

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| Description of proposal | Construction of a three-storey building for the purpose of twelve apartments with basement carpark and access alterations to a Road Zone Category 1 (RDZ1) at 1995 Dandenong Road, Clayton (the review site). |
| 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 (the Scheme) |
| Zone and overlays | Residential Growth Zone, Schedule 3 (RGZ3)  No overlays apply |
| Permit requirements | Clause 32.07-5: Construct or extend a Residential Building.  Clause 52.29-2: Create or alter access to a road in a Road Zone Category 1 (RDZ1). |
| Relevant scheme policies and provisions | Clauses 11, 15, 15.01-1S, 15.01-4S, 16, 16.01, 18, 21.04, 22.01, 22.05, 32.07, 52.06, 52.29, 55, 55.07, 65 and 72.01. |
| Land description | The review site is located on the northern side of Dandenong Road abutting the internal service road in Clayton, approximately 15.0m west of the Cobain Street and Dandenong Road intersection. The land is rectangular in shape with a frontage of 15.2m to Dandenong Road and a depth of 45.7m and an overall area of approximately 697sqm. The site is currently occupied by a single storey brick veneer dwelling which is set back 7.1m from the frontage with associated outbuildings to the rear. A vehicle crossing exists at the western edge of the frontage with no front fencing.  The land has a fall of approximately 1.5m from the rear (northern) boundary towards Dandenong Road, with a 1.8m wide easement located along the rear. Vegetation on the site is predominantly exotic vegetation up to 7.0m in height. Two street trees are in the nature strip identified as a 4.6m high purple plum tree and a 7.0m high pear tree.  To the east of the review site is a double storey, hipped roof, brick dwelling used for student accommodation with ten self-contained rooms. The rear of this site contains a large hardstand car park area. To the north is a single storey weatherboard dwelling with hipped roof. To the west is a single storey brick veneer dwelling at 124 Kanooka Grove and two single storey dwellings in tandem formation at 126 Kanooka Grove.  Surrounding development within the immediate surrounds is a mixture of post war, single storey houses and houses built in the early 2000’s including double storey rendered houses with flat and pitched roofs. The area is undergoing change with a mixture of multiple dwellings and single storey development. There is emerging apartment style development within the area. Recent examples can be found nearby the review site at 2029 Dandenong Road, Clayton and within Arnott Street and Irwin Street. The Mannix College complex is a dominant feature in the area, with multiple brick or brick rendered buildings and low-pitched roofs, double storey form and large building footprints. |
| Tribunal inspection | Undertaken unaccompanied on 27 April 2021. |

# Reasons[[1]](#footnote-1)

## What is this proceeding about?

1. This is a review application by Ben Paterson **(the applicant)** under section 77 of the *Planning and Environment Act 1987*, against the Monash City Council’s **(council)** refusal to grant a permit (Application TPA/49716) for the construction of a three storey apartment building with basement car park and alterations to a Road Zone Category 1 **(the proposal)** at 1995 Dandenong Road, Clayton **(the review site)**.
2. Council refused Application No P374/2019 on the following grounds:

1. The proposal is considered to be inconsistent with the provisions of RGZ3 and Clause 22.01 of the Monash Planning Scheme.

2. The proposed development will have an adverse impact on the amenity of adjoining residential lots as a result of the mass and scale proposed adjacent to the east and west.

3. The proposal fails to provide for sufficient landscaping opportunities.

4. The proposal does not meet objectives of Clause 55 of the Monash Planning Scheme.

5. The proposal does not meet the objectives of Clause 52.06 Car Parking of the Monash Planning Scheme in relation to ramp grades and mechanical design.

6. The proposal leads to a poor internal amenity outcome for the occupants.

7. The proposal is considered to be an overdevelopment and represents a poor design outcome for the site.

1. The applicant submits the proposed development is an appropriately scaled, low rise apartment building that represents an *acceptable planning outcome* on the review site. He says the proposal respects local neighbourhood character having regard to relevant decision guidelines contained in Clause 65.01 of the Scheme.
2. He also relies upon the landscape evidence of Mr Thomson, Landscape Consultant, from Habitat Landscape Environmental Design. Mr Thomson summarised the proposed landscape treatment as:

Proposed landscaping for this development layout includes the provision of twelve (12) canopy trees capable of at least 7m height, including two (2) trees capable of attaining 10m or higher, twenty (20) smaller trees up to 6m in height and over two hundred shrubs and tussocks which will contribute to the garden character and environmental values of the area.

## the proposal

1. Council provided the following summary of the proposed development:

The application is for the development of a three-storey residential apartment building containing twelve (12) dwellings (11 x 2 bedroom and 1 x 1 bedroom) and a basement carpark for twelve (12) car spaces in the form of an three storey building located centrally on the site.

Features of the proposal include:

* + Three storey building including a basement having a maximum building height of 10.58m.
  + Building set back a minimum of 5.0m from Dandenong Road at ground floor level.
  + Rear setback of 3.0m at basement and ground floor level increasing to 4.72m at first floor and 7.73m at second floor level.
  + Site coverage 62.66%.
  + Permeability 30.71%.

## Procedural issues

1. Amended plans prepared by Transcend Building Design & Services Pty Ltd, Sheets 1- 7, Revision D, all dated 2 March 2021 were submitted for substitution by the applicant. Council did not oppose the substitution and had prepared its submission on these plans. I consented to the substitution and the hearing proceeded on this basis.
2. Council advised the substituted plans appropriately addressed its refusal grounds relating to solar access to open space, energy efficiency, noise impacts, Clause 55.07-7 (Accessibility), private open space above ground floor, storage, waste and recycling and functional layout. It was no longer contesting these matters as part of this review.

## What are the key issues?

1. Having considered the submissions and supporting material, including photos, reports and plans from the parties and landscape evidence provided on behalf of the applicant, I consider the key issues I need to determine are:

* Is the proposal appropriate having regard to the planning policy framework, locational attributes, and neighbourhood character?
* Will the proposal result in unacceptable amenity and design impacts?
* Will the proposal result in adverse traffic and parking impacts?

1. I address each of these issues below in context of the relevant Scheme provisions and the written and verbal submissions provided by the parties.
2. I find the proposed development provides an acceptable outcome on the review site subject to permit conditions outlined in Appendix A to this decision. I have placed weight on the purposes of the RGZ3 that applies to the site, as well as the landscape evidence presented by Mr Thomson. I discuss my reasons below.

## Is the proposal appropriate having regard to the planning policy framework, locational attributes and neighbourhood character?

### Zoning

1. The review site is in the RGZ3. Under Clause 32.07-5 a permit is required to construct two or more dwellings on a lot. Significantly I note the key purposes of the RGZ3 seek:

* To provide housing at increased densities in buildings up to and including four storey buildings.
* To encourage a diversity of housing types in locations offering good access to services and transport including activity centres and town centres.
* To encourage a scale of development that provides a transition between areas of more intensive use and development and other residential areas.
* To ensure residential development achieves design objectives specified in a schedule to this zone.

(Tribunal emphasis added)

1. Schedule 3 relates to the Clayton Major Activity Centre and Monash National Employment and Innovation Cluster and includes variations to the standards of Clauses 55. I note these include minimum street setback, landscaping, side and rear setbacks, private open space, and front fence height.
2. Key design objectives included in the schedule to the RGZ3 include:

* To facilitate housing growth in the form of apartment developments of a high quality design and finish.
* To ensure developments are constructed within an open garden setting through the retention and planting of vegetation, including canopy trees.
* To ensure that the height, scale and form of development respects any sensitive residential interfaces and minimises the appearance of visual bulk.

1. Decision Guidelines in the zone schedule emphasise the need to address *garden city character*. This is supported by other local policy in the Scheme. Well located open space should enable large, canopy tree planting and a mixture of indigenous and exotic vegetation in front, side, and rear setbacks. Hard stand areas within the front setback are to be minimised and encouraged for landscape treatment. Significant breaks and recesses are to be provided in building design to avoid *box like structures.* Suitable setbacks are to be provided by new development to minimise impacts and provide transition to neighbouring properties.

### Policy Framework

1. Local policy at Clause 22.01 (Residential Development & Character Policy) is relevant to this matter. Under this Clause the review site is identified within the *Housing Growth Area – Clayton Activity Centre and Monash National Employment Cluster.* Amongst other matters, key design objectives under this policy seek to ensure new development achieves the following outcomes:

The scale of new residential development will generally comprise larger footprint apartment development of a high-quality design and finish. Some infill town house and unit development will also occur. Where possible on larger sites, developments will be multi-level, and set in open gardens. Although setbacks from all boundaries will be less than is common in other parts of Monash, the developments will ensure the incorporation of well-maintained landscaping to address the garden city character, albeit in a more urban form.

(Tribunal emphasis added)

1. I also note that relevant objectives and strategies sought under the *Garden City Suburbs* character type, amongst other matters, include:

* To locate residential growth within neighbourhood and activity centres, the Monash National Employment Cluster, and the boulevards (Springvale Road and Princes Highway) to increase proximity to employment, public transport, shops, and services. This will assist to preserve and enhance garden city character and special character in the balance of the municipality.
* Support substantial residential growth within the Monash National Employment Cluster to provide housing closer to where people work and study.

1. I am satisfied the proposed development has appropriately addressed these policy objectives, zone purposes and character settings, particularly noting:

* The proposed development includes a multi-level, multi-occupancy building form and density that exhibits an appropriate architectural and functional design.
* Future occupants have appropriate access to communal spaces and dwelling layouts, while open spaces provide a suitable level of amenity and opportunity for landscaping.
* The landscape design provides a range of landscaping opportunities on site that enhance the review site and appropriately integrates the proposed building into its immediate and surrounding context.

1. While the proposed three storey building height is under the four storey height permitted under the zone, stepped building articulation has been provided at first and second floor levels, thereby ensuring the built form provides an appropriate physical and visual transition towards abutting RGZ3 properties.
2. Surrounding development is emerging with larger built form in the area. This setting is consistent with the built form, scale and density proposed on the review site. For example, I noted from my inspection, two storey student housing at 3 Cobain Street, twelve studio apartments with a visually prominent, double storey form at 2015 Dandenong Road and a further apartment building approved by the council at 2029 Dandenong Road.
3. I accept the 1 and 2 bedroom dwellings proposed in this design response are not targeted to provide housing solely for tertiary students. Nevertheless, the proximity of the review site to Monash University, in my view, will result in wider choice for students and other future occupants seeking a larger, more independent, and self-contained form of accommodation in this area.
4. I accept use of an apartment style typology on the review site will result in the proposed building being visible within the streetscape. However, I accept evidence from Mr Thomson that the robust landscape treatment proposed to the front and sides of the building will assist in appropriately filtering views of the building from the public realm. I accept his evidence that the 5.0m street setback provides an opportunity to provide additional deep earth and space for the planting of canopy trees to grow to a mature height and form. It is also significant in my findings that the building design response does not propose any boundary wall construction at ground level, thereby ensuring that side and rear boundaries are able to accommodate landscape treatment along common boundaries with abutting properties.

### Locational Attributes

1. I find the location of the review site, being centrally situated within the Housing Growth Area – Clayton Activity Centre and Monash National Employment Cluster, is appropriate for the density and scale of residential development as proposed. I also note that council does not contest the review site is suitable for increased residential development in this location.
2. I agree this policy support is subject to an appropriate design response, with well designed open space and appropriately landscaped setbacks. However, as I have outlined above, I am satisfied the proposed design response has achieved these objectives around garden city landscape character.

### Neighbourhood Character

1. Council is particularly concerned the proposed development has not achieved an appropriate response to garden city character elements. Council says the development *under delivers* by not providing sufficient space on site to achieve landscaping outcomes that are consistent with the garden city character sought under local policy.
2. Council highlights the proposed development exceeds the maximum 60% site coverage (62% is proposed). It is also concerned the proposed development fails to meet some setback requirements sought along part of the eastern and western side boundaries and seeks variations to open space requirements sought under Standard B28.
3. I accept the important role new landscape planting plays in framing this proposal, particularly to *complement and filter views of the development* from the street and adjoining properties. In saying this, I also accept the proposition that screening built form takes on different perspectives and meaning across the residential zones identified under the Scheme.
4. I accept Mr Thomson’s evidence that confirms there is appropriate space within the front, side and rear setbacks for twelve (12) canopy trees (7m or taller), with two (2) specimens achieving 9m height and two (2) specimens in the street setback attaining 10m height. It is Mr Thomson’s expert opinion that there is also sufficient deep soil available in the areas set aside for landscaping, together with vertical space for proposed landscape treatment to mature and make a positive contribution to the site and local neighbourhood.
5. Mr Thomson states that:

The proposed redevelopment of the site can overcome many of the issues often raised by redevelopment of suburban areas including potential loss of tree cover and vegetation generally and the maintenance of local landscape character. The proposed development does include sufficient space for landscaped areas suitable for the growth of the selected species. Plants will provide canopy and other vegetation creating effective landscape buffers to side and rear boundaries and a garden setting for the proposed buildings.

1. I accept Mr Thomson’s evidence and recommendations in respect to the proposed landscape treatment proposed for the new development, as set out in his evidence statement.

## Will the proposal result in unacceptable amenity and design impacts?

1. Council submits the proposed development does not provide an appropriate design response to several Standards under Clause 55. Council says this results in a poor design response and adversely impacts the amenity of adjoining properties and future occupants that will live within the development. Council cites concerns with Standard B6 (Site coverage), Standard B17 (Side and rear setbacks) and Standard B28 (Private open space) under Clause 55 of the Scheme.

### Standard B6 (Site coverage)

1. Standard B6 seeks new development to achieve a site coverage of 60%. The proposed development achieves 62% site coverage. I accept the applicant’s submission that a larger building footprint is preferred under the RGZ3 provisions. In some situations, as is the case here, this can sometimes lead to new development within this zoning exceeding the site coverage percentage.
2. However, I do not find the additional 2% site coverage is detrimental to the design outcome here. Noting the overall design response provides a well thought out building typology with an appropriate level of landscaping treatment achieved across the site. I consider the increase in site coverage has not led to a reduced landscape or character outcome on the review site.

### Standard B17 (Side and rear setbacks)

1. I note from the substituted plans that proposed heights of the apartment building vary at different parts of the side boundary interfaces to the east and west facades/elevations. In part, this results directly from the east-west cross fall and north-south sloping topography of the review site.
2. As set out in the applicant’s submission, I agree the range of variances sought along these parts of the building elevations to the respective side boundaries is acceptable. Particularly noting these variances are relatively minor and at irregular intervals on these elevations. I consider there is capacity to provide some landscape treatment along these boundaries to filter views of these built form variations.
3. The applicant submitted that the floor to ceiling heights of dwellings within the apartment building could be reduced from 2740mm to 2540mm. This would result in the overall building height reduced by some 400mm, thereby resolving most of the setback variations sought. I do not consider this is necessary and consider the higher ceilings assists the overall internal amenity of the dwellings.

### Standard B28 (Private open space)

1. Standard B28 has been varied under the RGZ3 schedule:

An area of 40sqm, with one part of the private open space at the side or rear of the dwelling or residential building with a minimum area of 35sqm, a minimum width of 3.0m and convenient access from a living area.

1. Importantly, the associated objective is to provide adequate private open space for the *reasonable recreation and service needs of residents*.
2. Secluded private open space (SPOS) for dwellings at upper levels of the building is provided by way of balconies (10sqm and 2.0m wide). This complies with Standard B28.
3. Substituted plans show the following SPOS provided for Dwellings 1-6 at ground level:

* Dwellings 1 and 4 provided with 24sqm and 30sqm of SPOS respectively, including an 8.94sqm balcony terrace for Dwelling 1 and an 8.68sqm balcony terrace for Dwelling 4.
* SPOS provided for the remaining ground floor dwellings is:
  + Dwelling 2 – 32.47sqm (17.4sqm primary courtyard).
  + Dwelling 3 – 41.58sqm (22.86sqm primary courtyard).
  + Dwelling 5 – 33.69sqm (17.4sqm primary courtyard).
  + Dwelling 6 – 42.04sqm (22.86sqm primary courtyard).

1. The applicant says the SPOS provided to the respective dwellings seeks to meet and match the anticipated needs of future occupants living in an apartment style building.
2. I am satisfied the varied SPOS provided to the respective ground floor dwellings in this design is appropriate and provides an *adequate amount of open space for the reasonable recreation and service needs* of the anticipated residents.
3. Council was also concerned the proposed three storey development would result in unacceptable visual amenity impacts to adjoining properties.
4. The student accommodation residential building to the east at 3 Cobain Street is designed with a communal open space on its western boundary. I noted from my inspection, the interface abutting the review site also comprises a vehicle driveway, garage wall, residential wall, and communal resident car park. In this physical setting I consider this interface is benign and can accept some robust building form as proposed on the review site. At 1993 Dandenong Road, the proposed development on the review site will be viewed from the secluded private space yard which is located next to the proposed Dwellings 3 and 8 on the review site. To the rear the built form is oriented towards street frontages and screened by outbuildings in rear yards.
5. I am satisfied the visual setting of the proposed development on the review site will not result in adverse visual or amenity impacts on adjoining/abutting properties.

## Will the proposal result in adverse traffic and parking impacts?

1. The proposed basement car park contains a total of 12 car parking spaces, comprising five spaces in a double car stacker format and two single car spaces. A combined bin collection area, lift, staircase, and individual storage areas of approximately 9sqm are also proposed in this area of the building.
2. I note that the basement parking proposed with the development was reviewed by a Traffic Engineering Consultant (David Beaton – Quantum Traffic) as part of the original planning application. This was not presented as evidence at the hearing but was not contested by council. The report concluded the proposed basement parking would provide convenient and accessible resident parking, while also ensuring that vehicles could safely access/egress the review site in a forward direction.
3. Access concerns expressed by council’s engineers in respect to car stacker pits and access ramp were addressed as part of the substituted plans following consideration of the Quantum report recommendations. Several specific car parking conditions are also to be retained on the permit to issue.
4. I am satisfied the parking arrangements proposed for this development, including a basement parking area with two separate car stackers, meets the relevant provisions and requirements sought under Clause 52.06. I find the proposed development will not result in any unreasonable or adverse traffic or parking impacts.

## What conditions are appropriate?

1. Draft conditions circulated by council were discussed with the parties at the conclusion of the hearing. I have considered the submissions from the parties and amended/modified the draft conditions as follows:

* Modified the preamble in Condition 1 to reflect the substituted plans.
* Added a new Condition 4(a) to address ongoing landscape maintenance and management. This wording was provided by the applicant and his expert witness. I consider this wording is appropriate to address my concerns around ongoing maintenance and management of landscaping associated with this development.
* Condition 6 amended to clarify wording.
* Deleted Condition 14 as it is duplicated in Condition 1.
* Amended Condition 16 (Time Limit) to provide for three years commencement and 5 years completion (at the request of the applicant). Council did not oppose this change.

1. I have also undertaken some minor editing, formatting, and renumbering that does not change the substance of the remainder of the conditions.

## Conclusion

1. For the reasons given above, the decision of the responsible authority is set aside. A permit is granted subject to conditions as shown in Appendix A to this decision.

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| Peter Gaschk  **Member** |  |  |



# Appendix A – Permit Conditions

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| Permit Application No | TPA/49716 |
| Land | 1995 Dandenong Road  CLAYTON VIC 3168 |

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| What the permit allowS |
| In accordance with the endorsed plans:   * Construction of a three-storey building for the purposes of 12 apartments with basement parking and associated buildings and works in a Residential Growth Zone, Schedule 3. * Access alterations to a Road Zone Category 1 under Clause 52.29. |

## Conditions

1. Before the development starts, plans generally in accordance with the plans prepared by Transcend Building Design & Services Pty Ltd, Sheets 1-7, Revision D, dated 2 March 2021 and submitted to the Tribunal, must be submitted to and approved by the responsible authority. 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 but modified to show:
   1. Model stacker parking system and depth of pit for each stacker parking system.
   2. 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 each vehicle crossing to provide a clear view of pedestrians on the footpath of the frontage road.
   3. A Construction Management Plan must be submitted to, and approved in writing by, the responsible authority. The plan must be to the satisfaction of the responsible authority. Once approved, the plan must be implemented to the satisfaction of the responsible authority. The Construction Management Plan must address the following issues:
      1. measures to control noise, dust, and water runoff.
      2. prevention of silt or other pollutants from entering the Council’s underground drainage system or road network.
      3. the location of where building materials are to be kept during construction.
      4. site security.
      5. maintenance of safe movements of vehicles to and from the site during the construction phase.
      6. on-site parking of vehicles associated with construction of the development.
      7. washdown areas for trucks and vehicles associated with construction activities, and
      8. cleaning and maintaining surrounding road surfaces.
   4. The layout of the development to show details below:
      1. Maximum grade of 1 in 4.
      2. Provision of minimum 2.0 metre grade transitions between different section of ramp or floor for changes in grade in excess of 12.5% (summit grade change) or 15% (sag grade change).
      3. Grade changes greater than 18% or less than 3 metres apart are to be assessed for clearances in accordance with Appendix C of the Australian Standard for *Off - Street Car Parking, AS/NZS 2890.1*. Any works within the road reserve must ensure the footpath and naturestrip are to be reinstated to Council standards.
   5. Landscape plan in accordance with condition 4 of this permit.
   6. Vehicle crossover to align with driveway.
   7. A Waste Management Plan for the collection and disposal of garbage and recyclables must be submitted to, and approved in writing by, the responsible authority. The Waste Management Plan must be to the satisfaction of the responsible authority and must provide for:
      1. the method of collection of garbage and recyclables.
      2. designation of methods of collection including the need to provide for private services or utilisation of council services.
      3. appropriate areas of bin storage on site and areas for bin storage on collection days.
      4. measures to minimise the impact upon local amenity and on the operation, management, and maintenance of car parking areas.
      5. litter management.
      6. appropriate ventilation; and
      7. bin washing facility.

The approved Waste Management Plan must be implemented to the satisfaction of the responsible authority.

1. The development as shown on the endorsed plans must not be altered without the written consent of the responsible authority.
2. All common boundary fences must be a minimum of 1.8 metres above the finished ground level to the satisfaction of the responsible authority.
3. Before the development starts, a landscape plan generally in accordance with the plan prepared by Habitat Landscape and Environmental Design Consultants, sheet 1 of 1 dated April 2021, drawn to scale and dimensioned must be submitted to, and approved by, the responsible authority. The plan must show the proposed landscape treatment of the site including:
   1. A notation on plan stating: All planted areas within the development are to be irrigated with a dripper system controlled from a centrally (common area) located master controller with run times programmed by a qualified horticultural/irrigation specialist. Moisture sensors are to be installed in both the ground level and upper level planter boxes shown on plan and connected to the centrally located master controller and irrigation system.
   2. The location of all existing trees and other vegetation to be retained on site.
   3. Provision of canopy trees with spreading crowns located throughout the site including the major open space areas of the development.
   4. Planting to soften the appearance of hard surface areas such as driveways and other paved areas.
   5. 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.
   6. The location and details of all fencing.
   7. The extent of any cut, fill, embankments or retaining walls associated with the landscape treatment of the site.
   8. 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.

1. Before the development is occupied, 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.
2. All external facades/walls of the proposed development must be cleaned and finished in a manner to the satisfaction of the responsible authority.
3. All on-site stormwater must be collected from hard surface areas and must not be allowed to flow uncontrolled into adjoining properties or the road reserve.
4. The private on-site drainage system must prevent stormwater discharge from driveways onto the footpath and into the road reserve. The internal drainage system may include either:
   1. Trench grates (150mm minimum internal width) located within the property and not the back of footpath; and/or
   2. Shaping the internal driveway so that stormwater is collected in grated pits on the property: and/or
   3. Another Council approved equivalent.
5. 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.
6. The nominated point of stormwater connection for the site is to the south-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 Councils standards.
7. Approval of each proposed crossing, and a permit for installation or modification of any vehicle crossing is required from Council’s Engineering Department.
8. The crossing is to be constructed in accordance with the City of Monash standards.
9. All new 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.
10. Once the development has started it must be continued and completed to the satisfaction of the responsible authority.
11. This permit will expire if one of the following circumstances applies:
    1. The development is not started within three years of the issue date of this permit.
    2. The development is not completed within five years of the issue date of this permit.

In accordance with section 69 of the *Planning and Environment Act 1987*, an application may be submitted to the responsible authority for an extension of the periods referred to in this condition.

**– End of conditions –**

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. [↑](#footnote-ref-1)