VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL

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| planning and environment LIST | vcat reference No. P367/2021  Permit Application no. TPA/52033 |
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| **Applicant** | Luo Family Holdings Pty Ltd |

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

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| SUBJECT LAND | 32 Cambro Road, Clayton |
| DATE OF ORDER | 4 August 2021 |

# Order

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

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| * Prepared by: | Bello Design Group |
| * Drawing numbers: | TP01-TP06 inclusive, all Revision A |
| * Dated: | 23 June 2021 |

1. In Application P367/2021, the decision of the responsible authority is set aside.
2. In Planning Permit Application TPA/52033, a permit is granted and directed to be issued for land at 32 Cambro Road, Clayton in accordance with the endorsed plans and conditions set out in Appendix A. The permit allows:

* Construction of three double storey dwellings

1. The hearing listed for 6 August 2021 at 2 .15pm is **vacated**. No attendance is required.
2. No order as to costs.

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| K Birtwistle  **Member** |  |  |

**REMARKS**

1. 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:

* The responsible authority is of the opinion that the permit is appropriate having regard to the matters it is required to consider under section 60 of the *Planning and Environment Act 1987* (Act), including the balanced application of the strategies and policies of the Monash Planning Scheme (Planning Scheme) and is otherwise in conformity with the provisions of the Planning Scheme and the Act;
* The proposed orders will not result in any change to the proposed development which would materially affect any person other than the parties to the proceeding.

1. Based on the information available to the Tribunal, I consider it is appropriate to give effect to the settlement reached by the parties pursuant to section 93(1) of the *Victorian Civil and Administrative Tribunal Act 1998.*

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| K Birtwistle  **Member** |  |  |

# Appendix A – Permit Conditions

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| Permit Application No: | TPA/52033 |
| Land: | 32 Cambro Road  CLAYTON VIC 3168 |

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| What the permit allows |
| In accordance with the endorsed plans:   * Construction of three, double storey dwellings. |

## 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 prepared by Bello Design Group, dated 23 June 2021, but modified to show:
   1. All internal dimensions and external dimensions to title boundaries to be clearly shown.
   2. The pathway to the entrance of Dwelling 1 to run parallel to the dwelling from the driveway of Dwelling 1, with a minimum 500mm landscape strip between the front facade of the dwelling and any proposed pathway.
   3. Letter box to Dwelling 1 relocated adjacent to the driveway of Dwelling 1.
   4. Front porch of Dwelling 1 modified to remove vertical decorative element and replaced with a more conventional design.
   5. Relocation of bin storage of Dwelling 1 to the rear of the garage of Dwelling 1.
   6. The street setback of Dwelling 1 bedroom 4 to be increased by a minimum of 500mm.
   7. Alternative wall cladding (not render) to the upper storey building materials particularly to the western and southern bedroom 4 wall.
   8. Indicative landscape areas to be provided to the rear of Dwelling 1 between bedroom 1 of Dwelling 1 and Garage 2.
   9. Pedestrian access to be provided to porch area of Dwelling 2 and 3 with the minimal loss of planting areas.
   10. The finished floor level of the deck areas under the pergola of all dwellings.
   11. The pergola to Dwelling 1, Dwelling 2 and 3 the same size or reduced in size with a clear notation provided showing an uncovered roof structure.
   12. The deletion of the ensuite and WIR to bedroom 4 on the first floor of Dwelling 2 to achieve a rear setback of 8.148 metres.
   13. Provision of a window facing the common driveway from Dwelling 3, bedroom 2 to improve passive surveillance.
   14. The deletion of the ensuite of bedroom 3 of Dwelling 3 and the reconfiguration of this area while retaining the setback distances of bedroom 4 of Dwelling 3 to all boundaries.
   15. A full schedule of materials including colour swatches for all external materials proposed.
   16. A notation on plans showing the existing Telstra pit in the proposed vehicle crossing is to be relocated to the satisfaction of the responsible authorities.
   17. All vehicle crossings within 1.50 metres of an adjoining crossing shall be converted to a double crossing in accordance with Council standards.
   18. Dimensions are to be provided from the edge of the existing and proposed crossover to the base of the street tree.
   19. A notation on plans showing all subject trees to be retained on adjacent neighbouring properties including Council street tree, clearly indicated on the plans.
   20. Any internal reconfiguration is required to achieve the above conditions.
   21. 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 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:
   1. 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;
   2. 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;
   3. a minimum of four (4) canopy trees (minimum 1.5 metres tall when planted) within the major open spaces of the development. The canopy trees must have a minimum height of 8 metres and must have a spreading crown with a minimum width of 4 metres at maturity, or as otherwise agreed by the Responsible Authority;
   4. the location of any fencing internal to the site;
   5. planting to soften the appearance of hard surface areas such as driveways and other paved areas;
   6. canopy trees/ significant planting on adjoining properties within 3 metres of the site;
   7. the location of any retaining walls associated with the landscape treatment of the site;
   8. details of all proposed surface finishes including pathways, accessways, patio or decked areas;
   9. the location of Tree Protection Zones and Tree Protection Fencing.

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

**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). 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.

**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 maintained to the satisfaction of the Responsible Authority.

**Drainage**

1. The site must be drained to the satisfaction of the Responsible Authority.
2. 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.
3. 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.
4. 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.
5. 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**

1. All disused or redundant vehicle crossovers must be removed and the area reinstated with footpath, nature strip, kerb and channel to the satisfaction of the Responsible Authority.
2. Any new vehicle crossover or modification to an existing vehicle crossover must be constructed to the satisfaction of the Responsible Authority.
3. 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.

**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.

**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:

• 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

* 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 -**